

# Here to help

Which? lawyers and experts help solve your problems

## Help wanted

### Help us to help you

#### ■ Pensions

Are you unsure about how much money you should be contributing towards your pension? PAUL DAVIES

#### ■ Financial complaints

Have you tried to get money back under the Financial Services Compensation Scheme or Section 75 (credit cards), or complained to the Ombudsman? DAN MOORE

#### ■ Buying tickets

Have you bought event tickets online that turned out to be fake? Did you get your money back, or miss the event? What would you advise others to look out for? SARAH DENNIS

#### ■ No-frills flights

Have you flown with a no-frills airline in the past 12 months? Did it meet your expectations? JANE EDWARDS

#### ■ Boilers

Tell us your stories about boiler repairs or services. Did the repairs take several attempts? Was the service thorough? ALICE JUDD



Email [helpwanted@which.co.uk](mailto:helpwanted@which.co.uk) with your contact details and membership number, including the title and researcher's name in the subject box. Or write to Help Wanted, Which?, Gascoyne Way, Hertford SG14 1LH. Go to [www.which.co.uk/helpwanted](http://www.which.co.uk/helpwanted) to view our full list.

## MONEY RESEARCH TEAM HELPS ONE OF OUR MEMBERS

Our team helped Dave Freer and his mother secure a £5,700 payment that was taking longer than expected to arrive



**Y**ou might have thought that a Financial Service Ombudsman (FOS) ruling on a bank to refund a customer for mis-sold insurance would be met swiftly.

But it took almost two years for the Bank of Scotland (now HBOS) to compensate a widow whose husband was mis-sold payment protection insurance (PPI) on a £6,000 loan – and that was after Which? became involved.

Even reporting on the case (see *Which?*, November 2008, p17) brought in only part of the money, until we stepped in again.

It all started in late spring 2007, when Dave Freer's mother was unable to claim on the PPI policy for which her late husband had paid more than £2,000 in premiums plus interest – as it only covered accidental death beyond age 70. Alan Freer died of natural causes aged 76.

### Unsuitable policy

In July 2007, the Bank of Scotland admitted to Dave that the policy sold in 2005 'was not entirely suitable' and it offered to refund the premium costs.

Dave felt the insurance had been mis-sold to his father and complained to the FOS, asking for the loan to be written off. The FOS ruled in the family's favour and also rejected a later appeal by the bank.

In September 2008, the FOS's final ruling demanded that the debt be written off, costs be refunded and £100 be paid in compensation – but even then the issue wasn't resolved.

We reported on the case in November, and HBOS then assured us it would 'adhere to the ombudsman's decision.'

However, when Dave's mother received a cheque from HBOS it

was for £1,333 – not the £5,700 she was expecting.

We contacted the FOS, which chased HBOS for the full payment – and the cheque arrived within a few weeks.

Dave said: 'I am very grateful to Which? for all its help in resolving this matter. The actual process of contacting the FOS and running through the claim was painless, so I would encourage anyone in a similar position to contact them.'

### TAKE ACTION!

As many as two million people may have been sold payment protection insurance they'll never be able to use. If you're one of them, you may be able to get your money back. Visit [www.which.co.uk/ppicclaim](http://www.which.co.uk/ppicclaim) for more details about PPI mis-selling and to access our online PPI complaints tool.

## Brief case Man's story

Having work done on your home this summer? As this cautionary tale about a building dispute shows, you must make sure key details are included in a written contract

Last year, the Leung family decided to have the cladding on their house replaced. They met with a salesman in June and, having been shown a sample, agreed on a 15mm-thick cladding, which would take three or four days and scaffolding to put up. They signed a contract and paid a £600 deposit; the total cost was £3,661.

A few weeks later, a surveyor came to assess the property. No discussion about the new cladding materials took place.

Soon after the work started in August, one family member noticed that the cladding was 10mm thick, not 15mm, and told the builders to stop work.

The builders insisted that they were using the right cladding. They also said that the job should take only one day and that scaffolding wouldn't be needed.

Man Leung called Which? Legal Service, which said the company was in breach of contract. Man was told to state clearly that if it wasn't prepared to do the work contracted for, with the 15mm cladding, he wanted a refund.

Several phone calls took place. The company maintained that it hadn't said it would provide 15mm cladding, and said it would only carry out the work using the less substantial 10mm version.

The Leungs' requests for a refund were ignored, and the company then demanded the £3,661 in full. Eventually, it offered a 20% discount, but Man felt the price was still high in comparison with other quotes for 10mm cladding.

The company started court action against the Leungs, who counter-claimed for the return of their deposit.

The court suggested mediation to see if the hearing could be avoided. The Leungs wanted their deposit back, but were concerned that the agreement to use 15mm cladding was verbal. They didn't want to risk losing the case.

**RESULT** The Leungs settled the claim, agreeing to pay just £1,600 for the 10mm cladding which was fitted over one day. This included the £600 deposit and a 10-year guarantee.



Man Leung and his family used mediation to resolve their dispute and avoid a court battle

### WHAT SHOULD YOU DO IF A BUILDING DISPUTE ARISES?

#### ■ Your rights

Under the Supply of Goods and Services Act 1982, a service provider must use reasonable



skill and care. Materials must be of satisfactory quality, fit for purpose and as described – and must match samples you were shown. Make sure that the written contract details any specifics you've agreed.

#### ■ Speak up

Raise any concerns early on – you're responsible for keeping losses to a minimum. If you allow a trader to complete the work before

complaining, they may argue that the cost of putting the problem right is higher than it needed to be, so they shouldn't be responsible for all of it.

#### ■ Court process

If you are sued, the court will send you details of the claim. You have 14 days to get an 'acknowledgement' of the claim to the court, then 14 days to get your defence in. In Scotland you must send back a

completed 'form of response', saying you want to defend, by the 'return day', which is seven days before the 'hearing date' stated on the summons.

#### ■ Mediation

If a court hearing seems likely, mediation may be suggested. It isn't compulsory, and a mediator can't impose a settlement, but it can help parties find a solution, and there's nothing to lose.

### MEMBER BENEFIT

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