

[inside story]

Consumer stories that make a difference

Reader wins £25,000 payout

'For two years I have been constantly chasing these people. They'd fob me off all the time'

Tom Cockerill

Tom won his payout after two years of chasing the insurance broker

Which? has successfully helped one reader win £25,000 compensation for a rugby injury, after he had spent more than two years pursuing the claim.

Following a serious neck injury he received while playing for his army regiment, Tom Cockerill was discharged on medical grounds in May 2003.

'I was devastated,' Tom told us. 'I'd lost everything – my career, my health and playing the sport I loved.'

The Rugby Football Union (RFU) has insurance to which it insists all amateur rugby clubs contribute to cover their players. The policy, with Royal & SunAlliance, has a special clause covering members of the armed forces, police, fire and prison services. If someone is discharged from one of these services as a result of an injury, the policy pays out a minimum of £25,000.

'It seemed straightforward. I had evidence from the army about why I'd been discharged, and submitted my claim to Marsh Ltd, the brokers for the policy,' explained Tom.

'But for two years I have been chasing these people, trying to get an answer as to when or whether my claim will ever be settled. They'd fob me off all the time and say they'd ring me back.' Finally he turned to *Which?*. By this stage Tom was desperate for help.

We approached Marsh and the RFU on his behalf. Marsh couldn't give us any coherent answer

when we questioned why the claim had taken so long, and the RFU refused to comment, other than to say 'the matter is being handled by our insurers'.

Then, out of the blue, Royal & SunAlliance sent an investigator to see Tom for what it called an 'informal chat'. Two days later the insurer wrote to Tom, rejecting his claim. It said: 'The information that we have does not support payment of any permanent total disablement benefit under the terms of the policy.'

Tom was especially upset when he subsequently found out that an investigator had filmed him doing everyday activities such as carrying a bag and crossing the road.

'It made me feel like I was trying to cheat them,' he told us. 'I'd never said I was permanently or totally disabled; I just wanted what was due under the special clause of the policy for being discharged from the army because of the rugby injury.'

It seemed to us that both companies, Marsh and Royal & SunAlliance, had wasted two years and put Tom through unnecessary tests and trauma by assessing his claim against the wrong criteria.

We told Tom to challenge the decision and, within days, Royal & SunAlliance did a complete U-turn and offered him the £25,000 he was entitled to.

We're now helping Tom make a formal complaint about the handling of his claim.

Action point

Insurance brokers and companies are bound by codes of conduct. They should respond promptly and fairly and tell you how your claim is progressing. If you think a decision is unfair, challenge it.

If it is taking too long, you can also complain to the firm handling the claim. If you're still not happy, contact the Financial Ombudsman at www.financialombudsman.org.uk or on 0845 080 1800.

roundup

NO INSURANCE

From this month, number-plate recognition technology linked to a database will help police identify drivers of uninsured cars. The car may then be destroyed.

BLADE BOOTS

Sir Alex Ferguson, Manager of Manchester United Football Club, has added his voice to the growing chorus worried about the danger of blade boots. We reported fears over the safety of the boots in September 2005.

BEAT ROGUES

Beat doorstep rogues and spot web scams during this month's National Consumer Week. Visit the site www.tradingstandards.gov.uk for more details.

PHONE RIP-OFF

UK tourists in Italy can pay up to £4 for a four-minute mobile call home. A new European Commission website exposes the rip-off and helps consumers find a better tariff abroad. The site www.europa.eu.int/information_society gives details on charges but isn't comprehensive. UK watchdog Ofcom is also probing the cost of mobile use abroad.

DAILY NEWS

For more, see our daily news section at www.which.co.uk/news where you'll find the latest stories affecting consumers.

Protecting your rights



Sainsbury's is investigating after *Which?* reported two stores that put up signs denying shoppers their rights.

The signs, spotted in the baby-food section of stores in Vauxhall and East Dulwich, London, said that Sainsbury's wouldn't exchange or refund any baby food or milk but failed to mention your statutory rights to a refund if you are sold faulty goods.

Sainsbury's told us the first incident was a one-off. But when a reader then told us of the second, the

supermarket began an investigation, adding that such signs were against its policy.

We also challenged Tesco after tesco.com claimed that its chart CDs and DVDs were cheaper than at amazon.co.uk. When we reported this to trading standards officers, Tesco moved the claim to its Jersey site, which is generally cheaper.

Tesco denied its claims were misleading, and said the decision to remove these claims from the UK site had nothing to do with trading standards.

Crazy mobile bills run up by the frog

Jamster, the company behind the Crazy Frog ring tone, has been rapped by the advertising watchdog after parents complained that children were being tricked into running up huge bills.

The Advertising Standards Authority (ASA) has ruled that the ads, for ring tones and games for mobiles, can't be aired before the 9pm watershed.

Separately, premium-rate watchdog Icstis is set to rule on whether previous Jamster ads have breached its code by encouraging children to run up big bills. It can fine companies up to £100,000.

The ASA took action after 80 viewers said the ads hadn't made it clear that Jamster was selling a subscription service, while 244 people complained the ads were aimed at children. A further 33

parents said their children had bought ring tones and were saddled with large phone bills.

Jamster denied targeting youngsters but the ASA discovered that on some channels the audience was entirely children.

ACTION POINT

If you have signed up to an unwanted service, text the word STOP to the sender to unsubscribe.



Crazy Frog can't go out before 9pm

Costly 0870 call charges to go

The cost of calling 0870 numbers is set to plummet.

Watchdog Ofcom wants 0870 numbers to cost the same as national-rate numbers, stopping businesses from taking a cut of up to 3p a minute.

Callers to a company using a 0870 number can be charged up to 8p a minute. By contrast, the same company's national 01 or 02 number may cost callers just 3p a

minute, depending on your phone provider. Businesses don't get a cut of national-rate calls.

Ofcom expects most companies to lower their rates but those that don't will have to state the cost of the call before it begins. The consultation ends next month and changes will be in place within a year.

The 0870 numbers have been a big money-spinner for businesses and public bodies. The Driver and Vehicle Licensing Agency

0870 call charges

COMPANY

	The cost of calling	
	Call type	Price per minute (daytime)
BT	0870	7.5p
	national ^a	3p
NTL ^b	0870	8p
	national ^a	3p
Telewest ^b	0870	7.9p
	national ^a	4p

^a Typical price. Varies by tariff ^b Connection charges may apply

made £1.3 million from calls to its 0870 numbers last year but told us it will 'comply

with any changes to the regulation'. Visit www.saynoto0870.com for more.



Speak up to safeguard health in hospitals

The government's patient safety body is urging us all to ask questions about our own healthcare to reduce the number of victims of hospital errors or infections.

The National Patient Safety Agency (NPSA) says patients should ask hospital staff to wash their hands to cut the risk of catching bugs and to chase late test results themselves to avoid delays in treatment.

It is set to launch a national campaign later this year, giving patients safety tips.

The drive comes after its first major analysis of NHS hospital errors, which uncovered an estimated 572,000 medical blunders and accidents each year. At least 840 deaths a year are caused by 'patient safety incidents', which include mistakes in treatment or medicines.

Despite this, the NPSA says patients shouldn't fear hospitals: 'In the context of a million people treated every day, the error rate is very low.'

But asking staff to wash their hands isn't enough to combat the risks some hospitals have been taking with patient safety. The Chief Medical Officer's annual report on public health uncovered cases where trusts took years to act on alerts about drugs or equipment.

Nottingham teenager Wayne Jowett died after a drug to treat cancer was mistakenly injected into his spinal fluid rather than his bloodstream. Guidance was sent to NHS trusts after his death in December 2001. But a review this year found nine of the 19 trusts that offer the treatment weren't following the guidance.

Peter Walsh, chief executive of Action against Medical Accidents, told us: 'It is not acceptable.'

ACTION POINT

Visit www.npsa.nhs.uk for more information about moves to improve patient safety.

Patients should ask health staff to wash their hands

Wayne Jowett died after a drug to treat his cancer was injected into his spinal fluid



You've heard the adage that people in glass houses shouldn't throw stones. Well, I suggest the makers of glass houses brush up on their customer service skills.

Reader Richard Boulton asked Hartley

[fighting your corner]

Which?'s Simon Spruce takes on big companies for you

Botanic to draw up plans for a £7,600 Victorian-style greenhouse and summerhouse at his Cheshire home. Richard paid around £3,500 as a deposit, on the basis that if planning permission was refused, all but £100 would be refunded. But when permission was refused for Richard's chosen colour of design, he found it was

a different story. 'Hartley didn't want to believe that planning consent had been refused and didn't want to give back my deposit,' said Richard. 'I asked it to show some compassion, and got a call back from

someone at the company asking me whether someone in the family had died!'

After countless phone calls Hartley Botanic refunded all but £500.

I rang the company, where 'old-fashioned courtesy still prevails' and asked why it had held on to Richard's money for so long.

It said it didn't receive a copy of his planning

refusal and so viewed it as a cancellation of an order after manufacture had begun. I faxed the planning refusal and it agreed to refund the remaining £400 as a gesture of good faith.

ACTION POINT

Make sure you get all promises in writing so the agreement is clear.

HARTLEY BOTANIC



It's the customers - hide!



Tabitha waited and waited for an iPod

A helpline that automatically hangs up, an email system for complaints dubbed a 'cul de sac' and deliveries you wouldn't want to bet on – welcome to Ebuyer.

The online electrical store has prompted scores of complaints to trading standards officers (TSOs). There were 124 last year and, as we went to press in October, this year's figure for complaints or enquiries was approaching 300.

Many of Ebuyer's 500,000 customers agree it's cheap, and all is well if you get what you ordered. But a TSO said Ebuyer's customer email system was a 'cul de sac' for complaints.

One customer told us he'd been trying to contact Ebuyer to sort out a problem since 2003. He paid £102 for a printer but received a PC case instead. An attempt to return the case failed when Ebuyer sent it back because it wasn't

'We'd go for a cigarette. When we came back, we were still on hold'

James Morgan

the product he'd originally ordered.

Another victim, Tabitha Boreham, told us: 'I ordered two iPods but they didn't arrive, so I rang up. The helpline hung up on me 20 times. I found another

number online and, after a 15-minute wait, Ebuyer told me it was out of stock.'

IT consultant James Morgan said his staff often had to use the helpline to report missing items or delays: 'It would take up to 40 minutes to get through so we'd go for a cigarette. When we came back, we were still on hold.'

We tested Ebuyer's helpline in August and September, at different times of day. For the first 17 tries, it welcomed us and hung up. On the eighteenth, we were on hold for 15 minutes before getting through.

Ebuyer told us there had been logistical problems due to a warehouse move which had caused more complaints than normal. It said it had recently tripled the number of customer services staff.

ebuyer customer files

CUSTOMER: SURESH TANK

He bought a Canon digital camera but the charger was missing. He tried the helpline but got nowhere. Two months later, Ebuyer said the charger had to be ordered separately.

Ebuyer response Ebuyer believed the charger was in the box but will order a replacement. The company has apologised and offered free delivery on the next order as a goodwill gesture.

CUSTOMER: JAMES MORGAN

His staff spent about four hours chasing orders. He paid for an item to be delivered on 5 September, but it hadn't arrived by 14 September.

Ebuyer response There was an unforeseen delay on this order. Ebuyer has refunded the delivery cost, apologised and offered free delivery with the next order as a gesture of goodwill.

CUSTOMER: NEILL BIRCHENALL

He has placed about 35 orders in the last year and says Ebuyer almost always fails to deliver the next day, even if he pays for speedy delivery. He says he persisted with Ebuyer as he wanted to support a local firm.

Ebuyer response Ebuyer has refunded the cost of delivery when it failed to deliver on time.

CUSTOMER: NAME WITHHELD

He paid £102 for a printer but received a PC case instead. He tried to return it but Ebuyer sent it back. It took two years to get through to them.

Ebuyer response The computer shows the correct item was delivered. The customer didn't raise the issue until May 2005. It will investigate.

Pickfords damages £40,000 of furniture

Pickfords damaged 41 pieces of furniture worth £40,000 – but paid only £40 in compensation for each item. It said the goods wouldn't be worth any more on online auction site eBay.

Deborah Grant paid Pickfords £6,000 to store furniture during renovation work on her Bath home in 2000.

Her £2,000 mahogany table broke

under the weight of a dressing table stored on top, and her £6,000 curtains shrank. Carpets worth £7,000 were bent double.

Deborah was shocked when Pickfords pointed to the terms she'd signed in haste, limiting its liability to £40 an item. She received just £1,640.

She complained but the firm's solicitors told her to 'spend some

time reviewing eBay in relation to the worth of second-hand items'.

Deborah said: 'Pickfords was a name I trusted but it treated me so badly.'

The extra Pickfords insurance she hoped

would compensate her fully was also a let-down. The £50,000 policy gave insurers the right to repair, not replace, furniture. Deborah took legal action but settled. She got just £5,114 in total,

including the original £40 per item payout.

Pickfords said: 'We consider this amount to be a true and fair reflection of her loss.'

The Office of Fair Trading said it did 'not consider the [£40] term to be unfair'.

ACTION POINT

Most removal firms limit their liability. Check your insurance covers your goods fully.

Pickfords
moving and storage

Home-buying firm's low offer

If you need to move quickly, a business that promises to buy houses at competitive rates seems attractive.

But one couple found themselves out of pocket on the deal when they tried to sell their home to National Homebuyers.

Tracy Haley and her husband contacted

that, under the terms and conditions, this would be refunded if they sold their home to the company.

The couple knew they wouldn't receive the full market price but thought 'competitive' meant they'd receive a price not far off it. Before the survey, National

'It valued the house at £285,000 but offered just £180,000'

Tracy Haley

the property company when they wanted to sell their home in Guildford, Surrey. They paid National Homebuyers £695 for a survey, reassured

Homebuyers told the Haleys it couldn't say how much lower its offer would be.

Tracy said: 'It sent a valuer who just looked at the outside of the



The company makes an offer after the survey

house. You could have taken the details from our estate agents. It valued the house at £275,000 but offered just £180,000 – nearly 35 per cent less.' She added: 'I asked for a revised offer and it added just £5,000.'

The Haleys didn't sell to the company and so lost the £695 they paid for the survey.

Tucked away on its website, we found an admission by National Homebuyers that offers

were 'typically between 20 to 30 per cent less than market value'.

The company won't comment on individual cases but insisted valuations are based on a realistic view of the property's worth. It has also removed the market value admission from the website.

The Royal Institution of Chartered Surveyors (RICS) said the Haleys paid well over the odds: 'It seems like they have been charged for a full

survey – costing around £600 – but for that you'd need to go inside and it would need to be done thoroughly. This looks like a basic valuation normally costing around £150.'

ACTION POINT

Don't pay fees upfront to a home-buying service. The company should give you an offer at no charge. To see whether a survey fee is reasonable, call RICS on 0870 333 1600.

THE PUBLIC'S VIEW

Analysts have predicted a slow-down in high-street spending this Christmas. We asked: Do you think you will be spending more on Christmas this year, about the same or less than last year?

DON'T KNOW: 2%

SAME: 56%

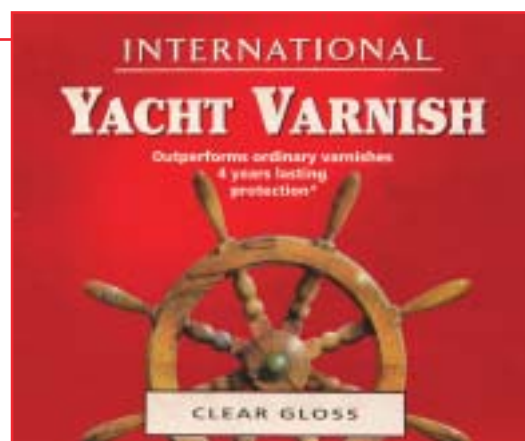
MORE: 19%

LESS: 23%

Survey of 1,000 adults carried out online for Which? by Explorandum between 10 and 12 October Findings don't necessarily represent our views.

And finally... All at sea

Never have we seen a label that so badly failed to describe what was in the tin. This yacht varnish is 'not suitable for marine use' but is suitable for interior items such as banisters. Do many people keep their yachts indoors?



Also suitable for interior use on doors, banisters and skirting boards. NOT SUITABLE FOR FLOORS OR MARINE USE.

Send your examples of daft or misleading products or promotions to: Liz Edwards, PO Box 44, Hertford X, SG14 1SH

contact inside story

If there's something you'd like us to investigate, leave a message on the Inside Story Hotline on 0800 252088 (calls are

free) or email insidestory@which.co.uk. We're sorry but we can't reply to calls and emails individually.