

TACKLING FAULTY MOBILES

Ever bought a faulty mobile? You're not alone. Millions of new phones go wrong every year, and shops don't make it easy to assert your rights

Last year, 18 million mobile phones were sold in the UK, and according to our survey more than two million of them could be faulty.

We discovered this and other worrying trends in our latest research. We found that one in seven new handsets goes wrong in the first year. Of these, a staggering 70 per cent developed a fault within six months. The 3 network has the worst record of all – almost one in three mobiles on this network had a problem within 12 months.

We were amazed at the level of phone faults reported in the first year. To put it in perspective, our most recent reliability survey found that only 4 per cent of digital cameras developed a fault within the first six years. You might not expect a mobile phone, which is carried about and used every day, to be as robust as that, but that's no consolation for buyers of the many faulty phones.

Networks provide Sim cards and software for mobile phones and that may explain why fault rates vary by network, as the graph, below, shows. In addition, brand-new products can have teething problems and may not be as reliable as established designs. So networks such as 3, which offer the

latest hi-tech handsets, can fare badly for handset reliability while networks offering more of the older models, such as Virgin and Tesco, fare better.

Some handset brands are less reliable than others. Owners of Motorola and Sony Ericsson mobiles were most likely to have problems, with about one fifth of owners reporting faults. Nokia and Samsung were the most reliable brands – but about one in ten users of these still had faulty phones. For more, see 'Faults by brand', p17.

THE LAW'S ON YOUR SIDE

The problem of faulty handsets is compounded by the way customers who take them back are treated. One complaint that Which? hears again and again is that shoppers have difficulty getting mobile phone shops to deal with problem handsets.

We're not alone in spotting this trend. Last summer, the government started rolling out Consumer Direct, a service to advise consumers on their rights. Its current radio advert features a customer who's passed from pillar to post when her mobile has a problem. We asked Consumer Direct whether this reflected the calls

OUR RESEARCH

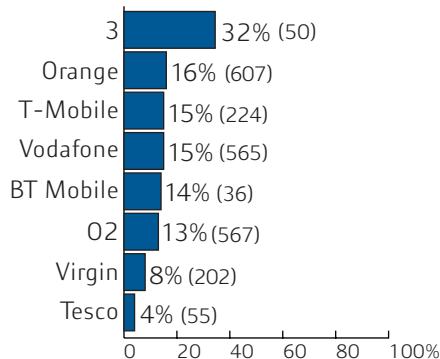
In April and May this year, we asked 7,000 members of our online panel to answer questions about their mobile phones; 5,085 (73 per cent) of them responded.

Of the 2,339 people who'd bought a phone in the past 12 months, we asked detailed questions about the incidence of faults and their experience of mobile phone insurance.

PHOTOGRAPHY: JONNY THOMPSON, ROBIN BECKHAM, ALAN HOWARD

Faulty handsets

The percentage of owners reporting a faulty handset within 12 months of purchase, by network. The number of respondents is in brackets.



it receives. 'Mobile phones are in the top ten for complaints,' it told us. 'We've had thousands of people call us about mobile phone problems.'

The Sale of Goods Act gives consumers protection if they buy faulty products. It says goods should be as described, of satisfactory quality and fit for their purpose. In 2002, the act was strengthened so that if you buy a product and it breaks down within six months, the assumption is it was faulty when you bought it, unless the retailer can prove it wasn't. So if the shop can't show you've damaged your mobile, it must sort out the problem for you. This could mean a new or replacement phone or a repair. After six months, you still have rights but the onus is on you to prove the phone was faulty when purchased.

But we've heard from customers who've bought a mobile that doesn't work properly and find it incredibly difficult to get the shop to help within the first six months. For instance, one Orange customer said: 'When the phone became faulty I took it back to the Orange shop. The shop refused to help, even though the goods were clearly faulty. It told me to contact Orange directly as it was past 28 days since purchase.'

WOULD YOU LIKE INSURANCE?

If a retailer offers you mobile phone insurance, it's worth noting that only 27 per cent of people in our survey thought it was worth it for peace of mind.

We've found big-name policies that come with important small print. For example, neither Orange nor O2 policies covers the cost of fraudulent calls if a handset is stolen. Several readers have discovered their phones aren't covered by insurance if the damage was caused by water. O2, Orange and Vodafone don't cover handsets for water damage, but BT Mobile, The Carphone Warehouse, Phones 4U, Tesco and T-Mobile policies do.

Insurance can be pricey. The Carphone Warehouse charges more than £100 a year to insure a handset on contract under its Lifeline Complete policy. There's a £30 excess on claims. With most handsets, if you don't make a claim in the first few months, it's not worth buying the policy. If you do want insurance, you can add mobile phone cover to some home contents policies. And, armed with details of your consumer rights, you'll be well placed to get the best service if the worst happens to your mobile.

FAULTS BY BRAND

The mobiles with the fewest faults within the first 12 months

BEST

Nokia, Samsung

AVERAGE

LG, Sagem, Sendo, Sharp, Siemens

WORST

Motorola, Sony Ericsson

The wrong type of weather

Shaun Platten bought a pay-as-you-go mobile from a Vodafone shop for his daughter Lynsey. It cost him £150 plus £40 for insurance. When it stopped working, Shaun returned it to the shop with the packaging, receipt and insurance details.

A sales adviser told him the phone had water damage, saying he'd checked a dampness indicator. Lynsey couldn't recall the phone being near water. Shaun's insurance company then told him that his insurance didn't cover water damage, and that the phone could have been damaged by rain or being in a room with a steaming kettle. Shaun said: 'I felt ripped off – by Vodafone for selling me a phone that stopped working after six weeks and by the insurance company for not covering me.'



3 causes problems for Josephine



Josephine Mayer's Motorola A385 started going wrong last September, four months into her year's contract. When it failed totally, Josephine contacted 3. It said it would collect the handset but didn't.

Josephine stopped her £38 monthly payments in protest at not being able to use the service but 3 threatened legal action.

Josephine said: 'I thought 3 would want to fix the problem because I download a lot of film and music clips. One month I ran up a £400 bill while on holiday.'

'Eventually I was promised six months' free line rental. But the company denied this a few days later.'

Which? Legal Service is now helping her.

which? says

From the number of complaints to Which? Legal Service (see back cover for contact details), we suspected mobile phones were problematic, but we're staggered by the number of faults uncovered by our latest survey.

A phone should be of satisfactory quality and fit for its purpose. That means it should be durable and free from defects. It also means it shouldn't pack up after the

slightest knock or when used in the rain.

If your phone develops a fault in the first six months, the onus is on the retailer, not the manufacturer or the insurer or you, to prove that the fault wasn't there when you bought it. Even after the first six months, you still have rights.

If a shop refuses you your rights, persist. If you don't get a satisfactory outcome, go to www.which.co.uk/mobilephones and

click on 'related articles' for a model letter of complaint.

The networks belong to one of two redress schemes – the Communications and Internet Services Adjudication Scheme (Cisas) or the Office of the Telecommunications Ombudsman (Otelo). If you're unhappy with the treatment from a network's shop, you can complain to one of these bodies, which will adjudicate.