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Trading Standards Bulletin

Bulletin No. 46

Doorstep Crime/ Cold Calling

A resident of the Garioch area recently reported to Trading Standards that his elderly father had had a cold caller at the door who offered to repair his driveway. The cold caller claimed to be a builder who could do this work on the house which he claimed was needed. A price of just under £2000 was agreed.

Before any work had even started the 'trader' drove the resident's father, the householder, to his local bank where a direct transfer for the full amount from his account was attempted to the trader's.

Please note that when a trader takes a customer to the bank to withdraw a sum of money, this is a RED FLAG event that what is going on is highly dubious, particularly as this happened shortly after the cold caller came to the householder's door (remember too that contracts formed at a householder's home have a 14 day cooling off period and the trader is obliged by law to provide certain information to the householder in writing BEFORE the work begins. See Bulletins 25 and 43 for details of these points).

For a number of years now, banks, building societies and Post Offices have run a scheme known as the Banking Protocol. The Protocol is a national initiative where, amongst other things, when customers who may be elderly or vulnerable go to their branch to withdraw substantial sums of cash or make large direct transfers to someone else's account, a member of staff will take the customer to a private room, where one-to-one the staff member will gently ask the customer the reason for the withdrawal or transfer. Where the responses suggest that the reason is to pay a scammer or rogue trader, the staff member will keep the customer in the private room and then contact Police Scotland to report their concerns. A Police unit would then be dispatched to the bank to speak to the staff member and the customer – and the trader if they are still present at the branch.

It may also be worth noting that where a householder feels they are being coerced by a trader, this is their opportunity to stop the scam going any further by asking for help from the staff member whilst in a safe environment. While it's not a perfect scheme, figures show that over the course of its existence the

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Protocol has prevented many millions of pounds from being handed over to scammers and rogue traders. Further information can be found at:

<https://www.scotland.police.uk/what-s-happening/news/2020/august/banking-protocol-prevents-nearly-7-million-of-fraudulent-transactions/> and

<https://www.which.co.uk/news/article/bank-anti-fraud-protections-to-cover-telephone-and-online-banking-aJPKL7B7mwyj>

Scams

Trading Standards recently received a noteworthy report from a resident in the north Formartine area. The resident had received an e-mail from a 'company' which claimed that she had recently placed an order with them but that it had also been cancelled by them, by mistake. The resident had no recollection of dealing with this company and suspected it was a scam.

The company was extremely apologetic ('ashamed' as they put it) for cancelling the order, not notifying her sooner or a credit note for the cost of the order. They also send her a hyperlink to click on to claim her credit, plus 'four free premium items' and access to their 'easter promo'. In addition, the company's website was hosted by a '.me' domain rather than a '.com' one.

Some points to note on what appears to be a novel approach to scamming:

- the use of the word 'ashamed' implies personal failings and does not come across as a professional thing to say,
- the company repeatedly mentioned 'canceling' the order, suggesting the origins were north American as the UK spelling is 'cancelled',
- the '.me' domain is a personal domain rather than the usual '.com' domain for businesses,
- the use of phrases like 'today is your lucky day' in an apology and spelling Easter with a lower case 'e' also shows a lack of professionalism,
- the resident had no recollection of placing any orders with the company (so couldn't be in it to win it)
- the company website did not appear after an internet search and thankfully the resident did not click on the hyperlink she had been sent

The truth of the matter is that this was probably a phishing scam, albeit with a novel twist in the over-the-top apology and the over-generous free prizes. Most likely, it's based on an attempt to have the resident input their details on the web page opened by the hyper-link, nominally to claim their compensation, but in truth to harvest her personal details for inclusion on what's often called a 'suckers list'. This list is then sold on to other scammers who will target the people on the list with other scams.

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An alternative risk is that the web site automatically downloads a virus or other malware onto your computer to disrupt its working or steal your data. Please don't click on links in suspicious e-mails or reply to them (replying only lets the scammer know your e-mail address is in use, so they will target you even more).

Where such e-mails get through your e-mail provider's spam filters you can forward them to report@phishing.gov.uk Further information can also be found at <https://www.ncsc.gov.uk/collection/phishing-scams/report-scam-email>

Misc.

A resident in the north Marr area recently reported that they had employed a trader to repair their boiler but within a few days the same problems occurred again. When the resident contacted the trader to return and make repairs, the trader refused, giving a number of excuses why he couldn't, despite the resident having a small child in the house. The resident had no other choice but to employ another trader to make good the work the original trader had botched.

Under the Consumer Rights Act 2015 where a trader is hired to carry out a piece of work they should do so with reasonable care and skill. Where things go wrong, and sometimes they do, the consumer is entitled under the Act to require the trader to come back and make the necessary issues for free (in relation to labour and materials), without significant inconvenience to the consumer and within a reasonable timescale (often 7 days). This is called a 'repeat performance'.

This requirement should be made in writing, either by letter sent by recorded delivery or by e-mail with a read receipt request attached, to provide proof that the trader has received the requirement. Should the trader refuse, fail to respond or fail to remedy the issues then this could be considered a form of breach of contract. The consumer may then have to hire someone else to do the work. In that case, the consumer should keep records of the costs involved in hiring the new trader and add these to any legal claims made under the Simple Procedure as described in Bulletin 28.

Please also remember that Trading Standards can offer detailed advice on matters such as these.

Conclusion

Please note that the advice given in these bulletins has been deliberately kept simple, so that if you are faced with a scenario such as the ones discussed here

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where fear, panic and alarm are often tools used deliberately by scammers, you will know what to do at that time. Remember, after the initial panic is over, you may have rights which Trading Standards can help you with. We can also help you with advice about any article mentioned in these bulletins.

If you have been the victim of a Doorstep Crime or an attempted crime, whether Bogus Caller or Rogue Trader, please report the matter to Consumer Advice Scotland so that Trading Standards can build a detailed, ongoing picture of the activities of these scammers throughout the Shire. This would be a great help to us to tackle this sort of crime.

If you have any information to share about the unlawful sale of tobacco or disposable vapes, please use the Contact Info below to pass that information to Trading Standards. If you would prefer, you can report the information anonymously to Crimestoppers on 0800 555 111.

Contact Info

For urgent Trading Standards matters, contact Aberdeenshire Council's Trading Standards at 01467 537222. For non-urgent enquiries, please contact Consumer Advice Scotland at <https://www.consumeradvice.scot/> or on 0808 164 6000.

Contact Police Scotland on 999 if you need urgent Police assistance or 101 for non-urgent matters.

For more information about scams please visit Friends Against Scams at <https://www.friendsagainstscams.org.uk/> or Take Five at <https://takefive-stopfraud.org.uk/>

Please direct any media queries to news@aberdeenshire.gov.uk or 01467 538222 during office hours.

All previous Trading Standards bulletins can be found at:
<http://publications.aberdeenshire.gov.uk/dataset/trading-standards-crime-and-scams-bulletin>