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## **TRADING STANDARDS SERVICE**

## **ADVICE AND EDUCATION POLICY**

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### **Introduction**

The Trading Standards Service is committed to maintaining and developing a fair, safe and equitable trading environment.

### **Trading Standards Service objectives**

- To educate, inform and advise businesses and consumers in Shetland on matters relating to trading standards and consumer protection.
- To carry out regular visits to trade premises, and to monitor trading practices for compliance with trading standards and consumer protection legislation.
- To investigate complaints concerning trading standards and consumer protection which are within our remit.
- To carry out the statutory duties assigned to the Service.
- To achieve consistent, balanced and fair enforcement of these statutory duties, and to co-operate as far as possible in helping businesses to comply with the law.
- To use plain language, and to be as open about our work as legislation allows.
- To ensure that any action we require a business to take is reasonable, proportionate to the risk(s) involved, and consistent with good practice.
- To ensure that we comply with legislation and Council policies governing human rights, equalities, data protection and the regulation of investigatory powers.

### **Advice and education policy**

The Trading Standards Service's advice and education policy is as set out in this document. The Council, through its Trading Standards Service, will continue to use its statutory power to provide advice to businesses and consumers in the firm belief that it plays an important role in protecting and enhancing the economic and social well-being of all who live and work in, or visit, Shetland.

## Trading Standards advice and education aims

The Trading Standards Service's principal advice and education aims, carried out by means of one-to-one contact with individual businesses and consumers and general educational initiatives amongst business and consumer groups, are as follows.

- Providing preventative advice to businesses, to assist in enabling them to comply with their legislative obligations.
- Providing specific advice and assistance to businesses, to assist in enabling them to respond appropriately and responsibly to complaints and requests for redress from individual consumers.
- Providing preventative advice to consumers, to assist in enabling them to protect themselves more effectively when purchasing goods and services.
- Providing specific advice and assistance to consumers, to assist in enabling them to exercise their legal rights more effectively and obtain satisfactory redress following the supply of faulty goods or substandard services.

By enabling businesses and consumers in these ways the Trading Standards Service aims to create more informed, successful businesses and more informed, confident consumers, with the objective of encouraging businesses operating in a competitive environment to work towards continuous improvement of their trading practices.

These activities also enable the Trading Standards Service to effectively target its criminal enforcement activities, and to detect situations where it may use the civil enforcement powers available to prevent businesses from persisting in a course of action which is detrimental to consumers in general.

## Core values

The core values which underpin the Trading Standards Service's advice and education activities are as follows.

- ***Free service***

The services provided directly by the Trading Standards Service are free of charge to all users. However, any charges incurred (with the agreement of the parties to a dispute) by the Council for independent examination or testing services will be recovered from those parties.

- ***Independence and fairness***

The advice provided will be impartial and independent of the interest of any party to a dispute. It will be based upon an assessment of the rights and obligations of the consumer and business concerned. The Trading Standards Service aims to treat both consumers and businesses fairly and even-handedly, whilst recognising that differences in bargaining power may give one party to a dispute a disadvantage which may justify the Service acting as an advocate for that party's interests where it is appropriate to do so.

- ***Customer focus***

The Trading Standards Service aims to provide services which are customer–focussed and targeted at local needs as clearly expressed by local people. The effectiveness of this policy is monitored by the use of customer surveys, and by the investigation of any complaints, and is reviewed by management and elected members. We seek to consult with consumers and businesses to help us to identify local needs.

- ***Targeting deprivation***

One need which is very apparent is the need to target services towards alleviating the effects of deprivation and social exclusion. This impacts upon the need for consumer advice and education services in the following ways.

- Vulnerable consumers can be particularly targeted by rogue traders.
- The financial loss caused by substandard goods and services is a higher proportion of disposable income than for more affluent consumers.
- Shetland is, from time to time, visited by itinerant traders selling poorer quality goods and indulging in high-pressure sales tactics.
- These factors result in a need for free consumer advice services and a need for an interventionist approach by the adviser, in addition to rigorous enforcement activities.
- Second-hand goods or low cost goods, which are often attractive to those on low incomes, may present a higher safety risk.
- Literacy, communication and cost factors affect the ability of some consumers to access advice and education services.

- ***Enforcement***

The Trading Standards Service has a statutory duty to enforce a wide range of criminal laws in the field of trading standards consumer protection. The Council also is empowered to provide advice and education to businesses and consumers. Criminal and civil consumer law is, however, inextricably linked in the minds of most consumers, who do not necessarily understand that, for example, shoes misdescribed as leather, a car with a false mileage, or a shirt with a counterfeit logo all involve criminal offences which Trading Standards is under a duty to investigate, whereas shoes with a defective sole, a car which breaks down shortly after purchase, or a shirt which shrinks in the wash may involve civil liability only.

The provision of advice by the Trading Standards Service on all consumer law issues, both criminal and civil, is therefore vital for the following reasons.

- It deals with consumer problems in a holistic manner.
- By positively encouraging a flow of information from the general public who purchase a vast range of goods and services on a daily basis, the Trading Standards Service is able to target its enforcement activity much more effectively (by using the general public as its *eyes and ears*) than would be possible by direct monitoring alone.
- Consumers who are discouraged from approaching the service for civil consumer advice may not approach the service again, even when criminal laws have been breached.
- Consumers may not be aware that their problem includes a criminal element which can be investigated formally.

- ***Protecting vulnerable consumers***

In addition to vulnerability caused by deprivation and social exclusion, the Trading Standards Service also seeks to target its services towards the needs of consumers who are especially vulnerable for any other reasons, including (but not limited to) age, infirmity or illness, living alone, communication difficulties, poor understanding of legal rights, or technical aspects of goods or services.

- ***Accessibility and equal opportunities***

The Trading Standards Service endeavours to make its advice and education services as accessible as possible to as many people as possible, within the limits of available resources. In addition to maintaining traditional means of accessing our services we will give due consideration to the following matters.

- The needs of people who live outwith easy reach of our office.
- The need to provide information and advice, and to permit contact with the Service, outwith normal office hours.
- The use of new technologies to improve access, whilst bearing in mind the needs of those who are uncomfortable with using such technologies.
- The needs of particular client groups who, for whatever reasons, have tended not to make use of our services.
- The need to take the service into the community, and to particular client groups, rather than always expecting users to come to us.
- The need to provide access which is at low cost to the user.
- Home visits where there is a genuine need.
- The need to provide equal opportunities for all regardless of age, gender, infirmity, disability or ethnic origin.

- **Partnership working**

The Trading Standards Service is committed to working in partnership with other organisations to achieve a joined-up approach to service delivery.

The Service works alongside and in partnership with local community and voluntary sector providers of consumer advice and assistance, together with the Consumer Direct national telephone and web-based consumer advice service (which is managed by the Office of Fair Trading).

- **Quality and continuous improvement**

The Trading Standards Service employs expert, well-trained staff to provide accurate and relevant business and consumer advice and education in accordance with clear, objective standards of quality. In order to demonstrate this commitment, the Service has achieved external accreditation to the ISO 9001 quality standard for all its activities. The Trading Standards Service uses surveys of individuals and businesses with whom it has recently had contact to provide feedback and to enable us to continuously improve the quality of our services and activities. Training is provided to staff to enable them to keep pace with the constantly evolving nature of both trading activity and legal controls.

- **Specialist service**

The Trading Standards Service provides specialist and comprehensive business and consumer advice services which can advise and assist clients with respect to the full range of consumer issues as defined by the Office of Fair Trading. The Service also aims to be a source of expertise on consumer issues to local generalist advice agencies in the voluntary sector, and accepts referrals of cases from those agencies where the matter requires a degree of specialism which those agencies may not be able to provide. In addition, the Service also accepts referrals of cases from the Consumer Direct national telephone and web-based consumer advice service where a Shetland consumer requires advice, assistance and / or intervention beyond that which Consumer Direct is able to provide.

The Trading Standards Service refers cases to other advice providers in the following situations.

- Where, due to the location of the business concerned, the matter would be better handled by another Trading Standards service.
- Where there is a relevant national advice agency (such as *energywatch*) which specialises in handling complaints about the particular trade sector.
- Where the Shetland Islands Citizens Advice Bureau is best placed to assist the consumer in pursuing a civil claim.

- ***Empowerment***

The Trading Standards Service aims, where possible, to empower consumers to use the information and advice provided to attempt to resolve their problems themselves (with minimal intervention by the adviser). In the longer term this will help to foster the creation of more confident, informed consumers, which is one of the government's four national priorities for Trading Standards services. The Service recognises, however, that an interventionist approach is still necessary in some cases, the intervention required varying in degree depending on the needs of each individual consumer. This is especially relevant where consumers are unusually vulnerable, or where the consumer is simply unable to progress their complaint beyond a particular point without assistance. Advisers are attuned to the signals which prompt a degree of intervention.

## **Service planning**

In line with the Council's corporate approach to performance monitoring, the Trading Standards Service produces an annual service plan which is used by officers and elected members as a tool to ensure best value and continuous improvement. Practical actions which are required in order to implement this policy are contained within these annual plans.

## **Trading Standards advice and education activities**

The Trading Standards Service's principal advice and education activities are as follows.

- ***Pre-shopping advice***

The Trading Standards Service provides preventative advice to consumers before they purchase goods or services to enable them to make more informed choices. For reasons of confidentiality and due to the difficulty of providing information which cannot be misinterpreted, advisers are unable to divulge the number or nature of complaints received against specific businesses, or to recommend particular traders. However, the Service can and does advise consumers of the practical steps they can take to help protect themselves from exploitation.

- ***Specific advice to individual consumers and businesses***

In addition to answering general queries on trading standards and consumer protection law, the Service provides advice to consumers who believe, rightly or wrongly, that they have purchased substandard goods or services in order that, where appropriate, the consumer may complain more effectively to the business concerned. Advisers can explain to the consumer their legal rights, and the remedies which are available in law, as well as the practical steps which they can take to resolve their problem themselves.

Similarly, the Service also provides advice to businesses which are in dispute with consumers, in order to assist them to respond appropriately and responsibly to complaints and requests for redress.

- **Active assistance and intervention**

Where a consumer is unable to resolve a problem by themselves, an adviser can act informally as an independent mediator. This involves discussing the substance of the complaint in depth with all parties connected to the dispute in order to facilitate a settlement which is fair to everyone concerned and which avoids the need for formal legal action by the consumer. This negotiation may be conducted by letter, meetings with those concerned, or telephone calls (as appropriate to each case). The amount of assistance required will depend on the seriousness and complexity of the complaint and the attitudes of the parties involved, and cases may take from a few hours to many months to resolve.

Where relevant, consumers are made aware that advisers are experts in the field of consumer law but are unable to be experts in the vast range of technical fields which can give rise to contractual disputes. Where appropriate, such expert technical advice may be obtainable externally - but if a fee is chargeable the consumer's express permission will be sought before proceeding (as they will be liable for payment of that fee). Where both parties to a dispute agree, however, the Trading Standards Service may arrange for expert technical advice to be provided on a *loser pays* basis.

- **Small claims support**

Where a negotiated settlement is not achievable, or an offer is made which is not acceptable to the consumer, the Service can advise the consumer how to obtain satisfactory redress by taking legal action against the trader in the Sheriff Court under the small claims rules. Where appropriate, the Citizens Advice Bureau can also assist the consumer to complete the court documentation and, provided the case has a reasonable chance of succeeding, the Bureau may also represent the consumer at the court hearing if the consumer feels unable to present the case without such assistance.

- **Campaigning**

Where the Trading Standards Service perceives there to be a deficiency in the legal protection available to consumers, it may use the most appropriate means to champion the consumer interest and campaign for a change in the law.

- **Specialist service**

The Trading Standards Service provides specialist and comprehensive business and consumer advice services which can advise and assist clients with respect to the full range of consumer issues as defined by the Office of Fair Trading. The Service also aims to be a source of expertise on consumer issues to local generalist advice agencies in the voluntary sector, and accepts referrals of cases from those agencies where the matter requires a degree of specialism which those agencies may not be able to provide. In addition, the Service also accepts referrals of cases from the Consumer Direct national telephone and web-based consumer advice service where a Shetland consumer requires advice, assistance and / or intervention beyond that which Consumer Direct is able to provide.

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- ***Educational and promotional activities***

The Trading Standards Service believes that it is important to publicise its services, and trading standards and consumer protection advice and information in general, with the aim of creating more informed, confident consumers and informed, successful businesses. The Service provides a variety of advice and information designed to assist businesses to comply with their legislative obligations and to assist consumers to protect themselves more effectively when purchasing goods and services. Such advice and information is disseminated by means such as those listed below.

- Regular provision of topical information to the local media.
- Radio interviews.
- Articles in the press.
- Talks to schools and to community & business groups.
- Publication and distribution of leaflets produced in-house, as well as provision of leaflets produced by national consumer bodies and similar organisations and agencies.
- Displays and promotional events in public places.
- Poster campaigns.
- Provision of advice and information through the Council website.
- Participation in National Consumer Week.

- ***Complaints about breaches of criminal legislation***

As outlined under the *Enforcement* heading, the Trading Standards Service believes that advice on criminal trading standards and consumer protection law is an integral part of our overall advice provision. The investigation of criminal complaints will be carried out in accordance with our Enforcement Policy.

## Complaints about the Trading Standards Service

Where any person or business has a complaint about the nature or standard of service provided by the Trading Standards Service, or in relation to actions covered by this policy, they can make a formal complaint. This can be done by either writing a letter or completing a Council complaint form, and sending it to the Chief Executive's Office, Shetland Islands Council, Town Hall, Hillhead, Lerwick, Shetland ZE1 0HB.

**For a copy of this document on audio cassette, in large print or Braille, or if you require assistance in reading this, please contact the Council's Policy Unit.**

Shetland Islands Council Policy Unit  
Town Hall, Hillhead, Lerwick, Shetland ZE1 0HB

Tel: 01595 744537

Email: [policy@shetland.gov.uk](mailto:policy@shetland.gov.uk)

This document is also available at [www.shetland.gov.uk/tradingstandards](http://www.shetland.gov.uk/tradingstandards)

### Do you require the services of an interpreter?

If you do, please contact **01595 744537** for assistance.

We will provide an interpreter, or we can supply the document in your choice of language.

你是否需要傳譯服務?

如果需要，請致電 01595 744537 尋求幫助。

我們會適當地為你安排傳譯人員或者提供你需要文字的文件。

ਕੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਇੰਟਰਪਰੈਟਰ (ਤੁਭਾਸ਼ੀਆ) ਦੀਆਂ ਸੇਵਾਵਾਂ ਦੀ ਲੋੜ ਹੈ?

ਜੇਕਰ ਤੁਹਾਨੂੰ ਲੋੜ ਹੈ ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਸਹਾਇਤਾ ਲਈ 01595 744537 ਤੇ ਸੰਪਰਕ ਕਰੋ।

ਜਿਥੇ ਸੰਭਵ ਹੈ ਸਕਿਆ ਇੰਟਰਪਰੈਟਰ ਉਪਲਬਧ ਕਰਵਾਇਆ ਜਾਏਗਾ ਜਾਂ ਤੁਹਾਡੀ ਪਸੰਦ ਵਾਲੀ ਭਾਸ਼ਾ ਵਿਚ ਦਸਤਾਵੇਜ਼ ਭੇਜਿਆ ਜਾਏਗਾ।

### आपनि कि एकजन दोभाषीर साहाय्य चान ?

यदि आपनार प्रयोजन থাকे ताहले अनुग्रह करे योगायोग करन -01595 744537  
येथाने सञ्चव सेखाने एकजन दोभाषीर ब्यवस्था करा हबे अथवा आपनि ये भाषाते च  
दलीलति अनुवाद करे आपनाके प्रदान करा हबे ।

کیا آپ کو انٹریپرٹری کی ضرورت ہے؟

اگر ایسا ہے تو پھر (انٹریپرٹری) مدد حاصل کرنے کیلئے فون نمبر 01595 744537 پر بات کریں۔

جہاں ممکن ہو اوہاں انٹریپرٹری کی سہولت فراہم کی جائے گی یا پھر (مطلوبہ) دستہ دیز کارتر جمہ آپ کی

پسندیدہ زبان میں فراہم کیا جائے گا۔