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Consumer rights

Don't think it's worth complaining? Time to think again ...

Nick Kettles will never again put up with bad products or services after notching up a series of wins in a fight for his rights

Sunday September 18, 2005

[The Observer](#)

One in five people don't complain about unsatisfactory products or services according to a report by Which? The value of these disappointing purchases is business costing us £8.3 billion a year. Worse still, 35 per cent of those questioned by Which? don't believe that complaining will change anything.

Once upon a time, I offered my customer loyalty at an extremely low premium. But I have discovered that it can pay to stand up for your rights.

Inspired by my partner Priya, who never hesitates to complain about inferior goods and services, I am learning how to get what I want. Customer lip service and prevarication will simply not do. I'm no curmudgeon, but until I get better goods and services, I refuse to be the customer some businesses obviously value the most - the one who backs down and says nothing. Here are some examples of my successes and how I achieved them:

May 2000 British Telecom

Following my grandfather's death, four years passed before my grandmother found that he had erroneously agreed to rent an answering machine from BT in the early 1990s, and was still paying a quarterly charge for it. By then she had paid for its retail value at least three times, not accounting for depreciation. I'm incensed and take up her cause.

I have not yet cut my teeth as a serial complainer, but I learn an



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it with
not very
open arms**



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important lesson fast.

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Shouting at call centre operatives gets you nowhere. They have policies they must adhere to, but when their job is already so difficult, they're more likely to go the extra mile if you are civil.

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A more conciliatory supervisor sympathises with my point that leaving contracts such as these open-ended might result in the more vulnerable being taken for a ride. He agrees to cancel the contract, and gift the antique machine to my grandmother.

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Lesson: If you take out a rental agreement like this, find out how to end it, and then make a diary note to make sure you do to avoid paying over the odds.

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June 2002 Midland Mainline

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On the day the train is exceptionally late - in this case two hours - I'm thankful that I've taken a rare sojourn in the first-class carriage. Paying more than £100 for a ticket is more than enough incentive to find the conductor, get the refund form and fill it in. In less than two weeks, I receive a full mandatory refund. I'm amazed that it was so easy, and am instantly hooked. From this date forth, I claim on all journeys 45 minutes late and over, with a high level of success.

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Different rail companies have different policies, but many have set surprisingly strict levels of service delivery, which can include a full refund on journeys that are cancelled or delayed by as little as an hour. But this policy doesn't always cover discounted tickets and special offers.

Needless to say, you should make a point of arming yourself with the necessary compensation forms, which are available at most stations or from the ticket collector.

The National Rail Conditions of Carriage sets out the minimum level of service you are entitled to expect. See www.nationalrail.co.uk/times_fares/nrcc.

Lesson: Set the stopwatch and fill in the form without hesitation. You may be able to cover the cost of railway station parking for the next quarter.

February 2003 Seeboard and British Gas

British Gas takes an amazing 22 months to present us with our first gas bill after switching from Seeboard, during which time we have also moved house. We had signed up for a dual fuel deal with British Gas and assumed that we had already paid for our gas on BG's dual fuel bills, so the company's £327 estimate comes out of the blue and seems high. I accept a payment plan under protest, while Energywatch (www.energywatch.org.uk), the independent watchdog for gas and electricity consumers, takes up the complaint.

It suggests that BG's estimate for a two-bedroom flat is a bit high, but BG disagrees, and offers a concessionary 10 per cent discount in a long-winded letter about meter reading science.

Unperturbed, I use Seeboard's last-but-one bill to get a more accurate reading from them. With this and a smile wider than Hercule Poirot's moustache, I get a new bill for £195. BG has also delayed matters still further, and so, with egg on its face, offers a further 10 per cent. We end up with a bill 60 per cent lower than the original and happily pay what we owe.

Lesson: Keep all your bills for at least two years either side of moving house, or changing providers. Double-check the meter against estimated readings, and don't pay a penny more than you actually use.

September 2003 **Council tax**

I have a punt at getting the valuation band on our new home downgraded. If you become a new council taxpayer for a dwelling, you have a period of six months within which to challenge the valuation band of your property. You may do this as long as the Valuation Tribunal or High Court has not previously considered a challenge by a previous occupier on the same facts. Other possible grounds for a challenge are when significant changes have been made in your area that effect the value of your property.

We've saved £250 a year by having our property downgraded from band E to D, and every penny counts.

Lesson: If you don't ask ... but make sure you do before April 2007, when the new valuations come into effect. www.voa.gov.uk.

August 2004 **Pushchair maker Litaf**

When both wheels crack on our new buggy board push-chair attachment, I'm amazed when the manufacturer, Litaf, sends two new replacements even though it is out of warranty. But it seems that it is only acting within the law.

Lesson: Manufacturers are legally obliged to replace or repair faulty goods throughout the expected lifetime of that product, even beyond the warranty.

October 2004 **Singlepoint**

Although I rarely use my mobile, Singlepoint, part of the Vodafone group, refuses to believe that I didn't make a call to RAC Traffic Services (I'm a member of the AA) for 68 minutes at £36. This is one of Vodafone's services accessed via the menu and Singlepoint insists that the keypad must have been unlocked so the phone listened in to banal traffic news, unknown to me. After talking to

Ofcom, the telecoms watchdog, and getting free legal advice as a subscriber to Which?, I return to the fray.

Shouldn't it have taken reasonable care to have sufficient systems in place to alert anomalous usage patterns? Singlepoint refuses to accept this, so I suggest that I should have been offered a cut-off point for calls over a certain duration. The company still refuses to see my point so I ask it to take me through its complaints procedure. If it does not, I will be reporting it to Ofcom. I am offered a conciliatory 50 per cent refund. I accept, knowing that I've fought a good fight.

Lesson: Businesses normally have to pay a fee to engage in complaints procedures with an Ombudsman. If this is more than your complaint will cost to settle, and you are persistent, it may compromise.

Complaining for beginners

Work through your complaint on paper before calling.

Never shout or raise your voice.

Patently listen to their first-line defence, then calmly repeat yourself with additional information.

Don't allow them to close the call and, if necessary, ask to speak to a supervisor.

Log each call and the names of those you have spoken to.



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