

How To Take Action About Poor Service

Buying Services - Your Rights When Things Go Wrong

Consumers in England and Wales have certain rights when they buy a service from a business. Examples of services include the work of estate agents, builders, please see out Factsheet on [Home improvement](#), services provided by telecoms companies, dry cleaning and accountancy.

The Contract

Do Contracts Have To Be In Writing?

Some legal disputes can be avoided by making sure that both sides clearly understand what they expect from the other. Contracts do not normally need to be in writing by law, although it is helpful to have a written contract to have some certainty about what has been agreed. If there is nothing in writing, the verbal communication and behaviour of the parties will form the contract. There is no written contract for most of the services we use, but we still have the legal right that the work is done to a certain standard.

Are Written Contracts Always Binding on Both Parties?

There are a number of laws and regulations which protect the consumer from unfair terms in consumer contracts. Contracts that are very one-sided or that are not written in plain English can be challenged by consumers. Nevertheless, if you sign a contract, you will be deemed to have read it. It is important that you are satisfied with the terms of a contract before you sign it.

What's the difference between a quote and an estimate?

An estimate gives a rough idea of the price, whilst a quote is more definite.

What if no Price is Agreed?

If no price has been agreed, the price for the work should be what the law calls a "reasonable price". This is the going rate for the job. If you are in dispute about the price, you could make enquiries with other businesses about the price normally charged for the work concerned.

The Standard of the Work

You have the right that the work be carried out with reasonable care and skill. In other words, to the standard you would expect from an experienced person or company in that line of work.

If you are unhappy about the standard of the work you should point out the problems to the trader. You should give them the opportunity to put the matter right. If they are unable or unwilling to resolve the problem, you should get an estimate for the cost of rectifying the work from another reputable company. This could be used in negotiations for compensation.

The Duration of the Work

Where you have not agreed a specific deadline, the work should be finished in a reasonable time. If you are worried that the work is not progressing, you should put your concerns in writing, explaining that time is now of the essence. Suggest a reasonable time scale for finishing the job. If the trader continues to fail to finish the work, you will need to take **advice** about whether it is reasonable for you to now withdraw from the contract and pay another business to finish the job.

Alternatives to Court

If the trader is a member of a trade body, there may be an arbitration scheme which would be able to offer you an arbitration service as an alternative to going to court. Please note that you're likely to be bound by the outcome of the arbitration. This means that you will not be able to take legal action in the courts if you disagree with the decision of the arbitrator.

There are also a number of **Ombudsmen** who can deal with complaints about certain public bodies or private sector services.

Compensation

If you have been injured as a result of a poor service, **contact Thompsons** who can give you free advice about your case.

If the trader has broken the contract or your statutory rights and you are out of pocket; you may be entitled to compensation to cover losses. If all else fails, you may decide to take court action. If you are owed less than 5000, you can **take action in the small claims court**. For claims of greater value, you should consider asking a solicitor to act on your behalf.

Time Limits

There is a 6 year time limit for taking action about contractual disputes. This is reduced to 3 years in the case of **personal injury**.

Free Advice

If you are a **member of a trade union**, you may be entitled to initial free legal advice from your union.

Community Legal Advice provides government funded legal advice for people on low incomes.

The trading standards department at your local authority may also be able to give you advice.

Consumer Direct www.consumerdirect.gov.uk/contact

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