Consumer Protection

Why should we need protection and from whom. The majority would say: the banks, the energy companies, the water companies and the communications companies, those that have a track record of greed. I would add the justice system to the list, thankfully a place where far fewer consumers find themselves involved.

My first involvement with one of these organisations was when Powergen lied and deceived my wife into transferring our energy supply to them. I complained to EnergyWatch. We went around in circles for many months and I provided absolute proof of the mis-selling. Eventually EnergyWatch told me that, "They all do it and there is nothing we can do about it." Some protection. Soon after this experience EnergyWatch was discontinued and a new organisation took over the role. I have little doubt that it is still a sham.

Regulators, Ombudsmen, whatever they may be called, they are there to protect the consumer, but, in my experience, they are all a sham.

I have involved the financial ombudsman on a number of occasions. When I was released from prison with huge debts I was hounded by debt collectors. Now there is a code of conduct for debt collectors produced by the Office of Fair Trading. If a debt collector 'oversteps the mark' and you complain to the financial ombudsman, they react almost immediately with a letter to the debt collector and the debt collector then falls into line. The financial ombudsman clearly doesn't like debt collectors and this service was extremely useful. However try complaining about Barclays Bank and the story is very different.

When you get into financial difficulties, the big banks will crush you. That is the fact. It is hard to believe that the banks also adhere to a Banking Code set by The Banking Code Standards Board. Within this 'code' they commit as follows:

> **"We will deal quickly and sympathetically with things that go wrong and consider all cases of financial difficulty sympathetically and positively."**

When I was unable to pay the personally guaranteed company overdraft, my brother agreed to help me out. However, when Barclays Bank knew that my mother was coming to live with me they tried to put a charge on my mother's home. At the time my mother was 89 years old and she owned her home outright and she had no debts.

I spoke to the Banking Code Standards Board regarding the request by Barclays Bank to allow a charge on my mother's home. The consultant told me that the actions of Barclays Bank were:

> **"Wholly inappropriate and unethical"**

Unfortunately the Banking Code Standards Board do not have any means of complaint against a financial institution that contravenes its Banking Code. They suggested that I raise the issue with the Financial Ombudsman.

I spoke to Age Concern and their comment was:

"This is a most disgusting request for which they can have no foundation"

Barclays Bank had always maintained that they never intended to repossess my home or force the sale of my home. However, after many complaints to Barclays Bank, one of their representatives told me the reality of their thinking. They felt that if my mother came to live with me then they would be unable to repossess my home with an 89 year old in residence so they invented a story to suit their case. They maintained that I had told them that the funds to repay the debt was to come from the proceeds of the sale of Mum's house once she had moved in with me. This was never the case and I had never told this to Barclays – it was an invention to justify their evil.

Despite my many letters to both Barclays Bank and the Financial Ombudsman that my mothers house had nothing to do with the payment of the debt, they both ignored the content of my letters and wrote to me as if Mum's house was to be sold to pay the debt.

There is no doubt that the Financial Ombudsman was batting for Barclays Bank against the consumer.

After problems with British Telecommunications (BT), when they cut me off in error and couldn't reconnect me, I complained to the Office of the Telecommunications Ombudsman (OTELO). It was a similar sham.

If you are unlucky enough to tangle with the justice system and you are unhappy in some way with the solicitors or barristers that represent you, then you are faced with a daunting challenge to get any justice or sense out of the sham protection available.

First of all, as a pre-condition, you must complain directly to the solicitor's practice or the barrister's chambers. They have experts in grinding you down. They will take a long time to respond to a formal complaint and when they do it will be full of hot air, weasel words and sidestepping of issues. If you have a really serious complaint, then they will skirt around it and avoid answering it. All reasonable sized firms have experts in the practice of avoiding taking responsibility for their mistakes. However, they are always keen, if you are unhappy with the response to your complaint, to push you towards the Legal Ombudsman (LeO).

There can never have been a bigger sham that the Legal Ombudsman.

My first experience of LeO was when Stephens Scown invented and charged me for some phone calls that they never made. In relation to my case these were critical phone calls, so they prepared charging notes for calls that they never made and sent these notes to

me as proof that the calls were made. The telephone company proved that they hadn't been made. LeO listened to my complaint and then talked to Stephens Scown. He then tried to sell me on a meagre gesture of 'good will' (the sickening term they all use for compensation). The only way I 'won' this case was because Stephens Scown had billed me for work that I had not yet paid. As the 'good will' payment did not equal the amount that they owed me I told LeO that I would not pay them another penny and if they want to take me to Court for non payment then I would delight in telling the world why I had not paid. Stephens Scown wrote of the bill. Throughout all of these negotiations, the LeO consultant was clearly batting for Stephens Scown. The records of LeO show that I won this complaint, but the compensation was pathetic compared to the damage done to my case.

When my divorce started I had a doubly whammy of a grossly incompetent solicitor, Urmilla Seenath of Bowling & Co, and an arrogant and deceitful barrister, Richard Tambling of 1 Garden Court Chambers. The damage caused by these two is immeasurable and led to me writing the case study called 'Mugged'.

The unbelievable incompetence of Urmilla Seenath meant that I turned up at court for the First Directions Hearing in my case to find that the 'other side' had not received important documents from my solicitor the enable the hearing to take place, the court had similarly not received documents in time and my barrister was not properly briefed. However, my barrister deceived the court and deceived me into bypassing the hearing without my knowledge and moving my divorce case onto the Second Hearing.

I went through the necessary complaints process with both Bowling & Co and 1 Garden Court Chambers only to get the expected smokescreen after a long wait. I complained to LeO about Urmilla Seenath. They listened to my complaint and they talked to Bowling & Co. David Downham, the writer of smokescreens for Bowling & Co simply lied to LeO, they believed him and they went straight into bat for Bowling & Co. In their report they even failed to accept some of the incompetence that even Bowling & Co had accepted. LeO quickly became the star batsman for Bowling & Co.

After two internal smokescreens from senior members of 1 Garden Court Chambers, I wasn't minded to go through the process of complaining to the LeO.

There are two other bodies that should be protecting our interests with regard to the justice system; they are The Solicitors Regulation Authority (SRA) and The Bar Standards Board (BSB), however, both of these bodies are shielded by LeO.

There simply is no protection for the consumer. The solicitors and barristers know that they are well protected and display the arrogance of the untouchable.

It seems that we, the consumer, the man on the street, simply has no protection, it really is all a sham.