

EXAMPLE OF A REFLECTIVE STATEMENT

Candidate : Mr A Man

Introduction

I have drafted this reflective statement to help demonstrate how the knowledge I gained from my DCA Part I and II studies have been applied and kept updated, as these qualifications are over 5 years ago. This is in order to gain exemption from the TSI written exams for the following subjects: -

- Foundation: Legal Systems
- Foundation: Consumer Protection Environment
- Foundation: Law of Contract and Tort
- DCATS Module: Consumer Credit
- DCATS Module: Fair Trading Criminal
- DCATS Module: Fair Trading Civil

Previous qualifications requesting recognition of:-

DCA Law and Constitution	1995
DCA The Consumer Movement	1995
DCA The Structure of Trade	1995
DCA Consumer Credit	1996
DCA Fair Trading Law	1996
DCA Consumer Civil Law	1996

I also identified where it was appropriate to refer consumers to more appropriate organisations for non-consumer advice such as the Citizens Advice Bureau, or for alternative dispute resolution such as the Financial Ombudsman Service, Energy Watch etc.

While my Supervisor was absent I acted up as supervisor, which involved, amongst other things, answering other officers questions, monitoring that the advice they were giving was correct and that our Departmental procedures were being complied with. I believe that in all the places I have worked I have been a good source of information for colleagues with questions of both civil and criminal law and other matters.

I also undertook a number of other tasks such as the preparation of a best value report on our advice service and helped in our advice services Legal Service Quality Mark accreditation. This involved drafting our initial application, creating and drafting a new set of work instructions and collecting supporting documentation from various sources.

In July 2003 I moved to West Authority Trading Standards enforcement team, which involved investigating a wide range of complaints involving criminal consumer legislation such as false trade descriptions, pricing, labelling, safety, consumer credit and underage sales. This involved applying and researching the legislation and case law, which I had studied as part of my DCA Fair Trading law module. I also provided advice to a number of local businesses on the law, which I did over the telephone, in writing and in person.

I also carried out general inspections on a range of businesses. This resulted in advice/warnings being given to traders where contraventions were found. I also assisted other officers in conducting a number of PACE interviews and wrote a number of letters under caution to traders asking them for information during investigations, which I conducted.

In 2004, I moved to South Authority Trading Standards as a Consumer Protection Officer. My main role here has been enforcing criminal consumer protection legislation for the benefit of consumers and traders. This has involved investigating criminal complaints providing advice to businesses, carrying out inspections and project based work. I have also continued to provide civil advice and have carried out a number of educational activities.

Both when investigating complaints and providing advice to businesses and consumers, it is necessary to problem-solve by assessing the facts of each case and provide practical solutions. In addition, in both my roles in enforcement and civil advice, I have had to explain complex legal issues in a clear and concise manner to consumers and traders.

All the Authorities I have been employed with have been very busy and as such, I have gained experience of handling a wide range of civil and criminal complaints. On a regular basis in all the Trading Standard Services I have worked for, in both a civil and enforcement capacity, it had been necessary to research legislation and analysis documentation to ensure accurate and up-to-date advice is given or correct enforcement action taken.

I have, while employed in Trading Standards, made use of a number of reference materials such as Consumer law today, TS interlink, LACORS, Info4gov.co.uk, the DTI and OFT websites etc and text books such as Goode on Credit, Butterworth's on Fair Trading and Miller on Safety. I have been a member of the Trading Standards Institute (TSI) for the past 2 years which has helped me keep up to date with the law and developments in Trading Standards via their website and TS Today. I am also a member of the Institute of Consumer Advisors (ICA), which publishes regular newsletters and has an e-mail newsgroup both of which I also use to keep myself up-to-date with developments with the law and trading standards. See also under Consumer Credit, Fair Trading Criminal and Fair Trading Civil.

Contract and Tort

I have applied and kept my knowledge up-to-date by providing advice to consumers and businesses over a range of contractual and tortious matter such as faulty/misdescribed goods, non-delivery, problems with building work, consumer credit, doorstep callers, distance selling, negligence etc. I have also attended a number of courses and given talks on the civil law to CABx, Age Concern, community groups and my colleagues.

See also above and under Consumer Credit and Fair Trading Civil.

Consumer Credit

The consumer law module, which I studied as part of my law degree, included the Consumer Credit Act 1974 and relevant case law. Consumer Credit also included as part of my studies for the Law Society Finals exams which I successfully passed. My initial training as a volunteer with the Newcastle Citizens Advice Bureau also involved learning about consumer credit.

I have also attended several courses on consumer credit including a number on credit advertising and trading standards law updates (See list of qualifications and courses attended)

In all three Trading Standards Services, I have been employed with and while at the Citizens Advice Service, I have dealt with a wide range of civil and criminal consumer credit complaints and requests for advice from both consumers and businesses. Covering for example early settlement, cancellation/withdrawal, credit advertising, credit licensing, termination, equal liability, deemed agency, brokers fees, good title such as the exception created by Part III of the Hire Purchase Act 1964, extortionate credit, credit reference agencies and refusal of credit. These complaints and requests for advice have covered a wide range of types of credit agreement both regulated and non-regulated such as hire purchase, hire, conditional sale agreements.

This has helped me to apply and keep my knowledge of consumer credit up-to-date. I have regularly had to undertake research by examining Goods on Credit and LACORS website for opinions. While at Sunderland, I was lead officer in dealing with a problem debt collection company which involved discussions with the company and the OFT about their trading practices.

In 2003, while at West Authority Trading Standards Service, in order to help improve consumers abilities to resolve their complaints, I designed a series of 60 self-help letters, which included a number on consumer credit such as making a claim under section 75 of the Consumer Credit Act 1974. These letters were added to West Authority's website and distributed to our six local Citizens Advice Bureau offices and Age Concern Offices for use.

In January 2006 I presented a joint training session with my manager to Age Concern Advisors on consumer credit and common problems. During my talk I discovered section 75 & 56 of the Consumer Credit Act 1974, brokers fees, early settlement, cancellation/withdrawal, termination, credit reference agencies, extortionate credit and current developments/future changes to the law. The preparation of this talk involved background reading and research into recent and proposed changes to the law.

I have also been involved in a number of underage sales operations involving alcohol, spray paint, knives and tobacco. I have issued a number of warning letters and given advice to traders on due diligence where sales have been made and I also drafted a trader guidance leaflet for DIY stores on the sale of age-restricted products which I distributed following an underage sales operation our service conducted on spray paints in September 2003.

I have advised a large number of traders on various pieces of legislation and codes of practice such as the DTI code of practice for traders on price indications.

I have also written a number of advisory, warning letters and drafted a number of cautions. I have also drafted several case reports involving contraventions of the Trade Descriptions Act 1968, Part II of the Consumer Protection Act 1987 and the Trade Marks Act 1994. While at North Authority, I have conducted a number of PACE interviews for cases I have been investigating and also assisted other officers in interviews they have conducted. For example, cases covering trade descriptions, counterfeit goods and safety. I have also drafted a number of witness statements and while at North I was a witness in court in an underage sales case.

Whilst being part of Trading standards, I have attended several one day sales to see if there were any contraventions of the Mock Auctions Act 1961 and other legislation. I also have a working knowledge of the Theft Act as I studied part of this during the criminal module for my law degree. I have also been on several trading standards update courses which have discussed this Act. I am also aware of the limitations of my powers when investigating complaints and also the requirements of PACE, RIPA and Data Protection.

I am currently Home Authority Officer for a number of companies. This involves acting as contact for other trading standards services who have enquiries with these companies and advising them on both their civil and criminal law obligations. This has also involved amongst other things, providing advice on the role of Trading Standards, trade descriptions, pricing, package travel, consumer credit and due diligence. As such, I have detailed knowledge of the Home Authority Principle.

I have also drafted a number of trader guidance leaflets on a number of fair trading subjects such as one on the Consumer Protection (Cancellation of Contracts Concluded Away From Business Premises) Regulations 1987. I have also recently updated our PACE Code B notices and seizure notices.

I have carried out various fair trading law projects such as assisting the OFT in the ICPEN website sweep in February 2006, which involved examining websites involving work at home and business opportunity scams. Then passing details to local trading standards authorities for information/action.

I have a good knowledge of the Enterprise Act. I have attended several courses on it and also written several approach letters to traders mentioning the Act. In August 2006, I also undertook the TS desk companion course on the Enterprise Act.

I have acted as a floorwalker at our local Consumer Direct call centre at Redcar which involved answering a wide range of questions from the advisors on both civil and criminal law enquiries. Also since our main telephone calls were transferred to Consumer Direct in April 2006, I have also been responsible for checking the accuracy of advice given by Consumer Direct by examining the referrals and notifications our Authority receives from them and giving feedback to Consumer Direct when required.

I have been on a number of training courses on such subjects as civil procedures. Also, in July 2006, I undertook the TS desk companion courses on the Sale of Goods and Small Claims Procedures. (See list of qualifications and courses attended).

I believe I have built up an excellent knowledge of the civil law through all the qualifications/courses and practice experience I have gained in advising a large number of consumers and businesses while working in trading standards and CAB service.

Conclusion

I therefore believe I have kept up-to-date and applied the knowledge gained from my DCA subjects and other legal qualifications in my employment within the Trading Standards Service. I have also expanded and developed my knowledge into new areas of trading standards law.

I agree that the above statement is a true evidential record of my personal knowledge of the above listed subjects.

Candidate Name: A Man

Signature:

Date

