

- If the trader doesn't reply to your letters, refuses to do anything, or makes a final offer you are not prepared to accept, you will have to think about going to Court. Only a Court can order a trader to sort out your problem. Most claims can be settled in the County Court in England and Wales, the Small Claims Court in Northern Ireland, or the Sheriff Court in Scotland. This doesn't need to involve a solicitor. You can pick up further leaflets that explain fully the procedure from the Court.
- If you decide to take the trader to Court you will have to prove what the original fault was and that it was not due to fair wear and tear or misuse since purchase. See the other green leaflet IDENTIFYING THE FAULT.

Remember, Court is a last resort.

- Before you go to Court, think carefully.

Ask yourself:

- Will I be able to find the trader?
It is your job to find him/her.
- Have I got evidence?
It is your job to prove your case.
- Has the trader got money to pay what the Court may award?
It's not worth suing a person or limited company if they have gone bust.

If you have lost money on faulty shoes, don't waste more money on a case you cannot win.

HOW TO SOLVE YOUR PROBLEMS

Shoes

Once you have decided what your rights are, you will need to take a series of steps to solve your problem. It may seem a long procedure, but it does work.

- Stop wearing the shoes.
- Be certain that the fault was not caused by misuse or an accident.
- You will need proof of purchase. If you haven't got a receipt you can use a credit card voucher or cheque stub. Own-brand goods, or something exclusive to one shop, or the packaging may prove where you bought the shoes. If someone was with you when you bought the shoes, they can back you up. Remember - it is up to you to show where and when you bought the shoes. If all else fails, you still have your word.

You will now need to contact the trader straight away and report the problem.

- If you bought the shoes locally, visit the trader. Take the shoes, the packaging if possible and any proof of purchase with you.
- If you cannot take the shoes back to the shop, either phone or write to the trader. If you write, briefly set out the problem and ask the trader to get in touch with you. See the sample letter

enclosed. Send your letter by Recorded Delivery. Include a copy of your proof of purchase. Don't send originals. Start keeping a record of what happens for future evidence.

- Ask to speak to, or write to, the manager or owner. Explain your problem, keep calm but be firm. Make it clear whether you want a refund, replacement, a repair or compensation. Remember you may still be entitled to a refund, replacement or a repair, plus compensation. You may still be entitled to a replacement or refund when a repair turns out to be unsatisfactory. Don't demand something you're not entitled to.

Your problem may well be solved at this stage. WELL DONE!
Put the pack away for future use.

- If there is doubt about your claim the shop may want to send the shoes to their head office or to the manufacturers for examination. Let them do this as it may help to sort things out, but ask how long it will take. The shoes must come back within a reasonable length of time and without causing you significant inconvenience. If you feel you are entitled to a refund/replacement make it clear that the shoes are not to be repaired without your agreement.
- If the cause of the fault is still disputed, ask if the shop is covered by the Footwear Code of Practice. If it is, you can ask for the shoes to be sent to the Footwear Testing Centre for their

independent opinion which the trader must accept. You will have to pay one third of the cost, but this is refunded if your complaint is valid.

- If the problem still remains you must write to the trader. See the sample letter enclosed. Ask for the head office address and send them a copy of your letter as well. Send your letter by Recorded Delivery (You must go to the Post Office for this). Keep a copy of each letter.
- If the trader replies and asks for more information, be as helpful as you can. This may help the trader solve your problem. If the trader asks for receipts or other documents send copies, not the originals. Keep a copy of any reply you send.
- If you get no reply to your letter, send the trader a reminder. See the sample letter enclosed and send a copy of your last letter. Remember to keep a copy of both letters. Send your reminder letter by Recorded Delivery.
- If the trader offers to do something, but not what you have asked for, you can either accept the offer or negotiate for a better offer. Be reasonable in what you are prepared to accept. Sometimes it can be better to compromise. Only you can decide this. (Keep a copy of every letter you write).

Most problems should be solved by this stage. If yours isn't and you still feel you have a valid claim - PRESS AHEAD.