

How we won in court and how you can avoid what I believe is a scam



Zoe Wallis, **Winning Moves Ltd** | T: +44(0)121 285 3800 | E: zoew@winningmoves.com

**GRIFFIN
ASSOCIATES
(UK) LTD**

**Vs
WINNING
MOVES
LIMITED**



I'm writing this blog as I wanted to share a recent experience. For those of you that don't know us, Winning Moves is based in Birmingham and provides consultancy, research and evaluation, and software services (not to be confused with the gaming company – we have no association). We have our own proprietary range of web-based business support tools. As a consequence, we have our own in-house software development capability that allows us to develop new products as well as maintain and enhance existing ones.

We programme in PHP and have found it challenging to recruit directly in to these positions. As a result, we have employed the services of recruitment agencies working on a non-exclusive basis to help us recruit the right talent. This is normally done on the basis of a simple process: we agree a fee payable once the right candidate has commenced employment and typically that fee is a percentage of starting salary.

In February of 2017, I entered into that precise arrangement with a recruitment consultancy in Cheadle, by the name of Griffin Associates (UK) Ltd ('Griffin'). Now it's fair to say they did locate us a candidate whom we subsequently employed. What transpired after that was the source of great confusion and concern as Griffin commenced legal proceedings against Winning Moves on the basis that they believed that they were due a recruitment fee 175% higher than what we had contractually agreed! Thankfully, we won in court with a successful defence on a number of points and I want to share these with you to help you protect your business.



Griffin claimed that we owed them this massively increased sum as we had not paid their invoice within 7 days. As a result, they claimed that our fee agreement was void and sought a considerably higher fee instead. I admit that we didn't pay in 7 days; we paid in 30. Like most small business, we typically work on a 30-day payment cycle, paying at month end. This must be standard in our industry, as all of our receipts come in at month-end, too. Invoices with different payment terms, such as Griffin's, will not always be identified. In fact, if they are identified, we would normally explain to the originator that we pay at month end and resolve it before it becomes an issue. This is the difference between me and Griffin: I would pick up the phone. I find it impossible to envisage a scenario where, instead, I would rush off to court claiming a massively increased fee. Griffin never once picked up the phone; instead they waited in silence for their deadline to be missed. Is this really a good way of building customer relationships? Surely part of the business model is to become a trusted partner; the organisation your clients turn to for all of their recruitment needs. Please correct me if I'm wrong, but if recruitment agencies' practices meant they would only have a single transaction per client, they would surely quickly die out. It's just not a sustainable business model.

Had Griffin made me aware there was an issue, we would have resolved things immediately and amicably, sadly we weren't afforded that chance. Instead, the collective efforts of 4 senior individuals - 2 each from Griffin and Winning Moves - were instead tied up in the legal system; spending time on a matter that frankly could have been resolved with a 10pence phone call (or potentially for free dependent upon your mobile phone

plan). I have my suspicions about the motivation behind us progressing to court so quickly, though I won't bore you all with those here. Suffice to say this post is intended 2 fold:

1. If you are in a similar situation, and particularly if you are in a similar situation with Griffin, I am reaching out with the offer to run through what happened with us and details of our defence in the hope it might reduce any time you're currently having to spend going through the challenges of court proceedings. Because, did I mention we WON our case?!

2. A shout-out to all those great agencies out there who don't operate this way and a chance to celebrate you; I've not been entirely put off though I will be uber-cautious to start with if I don't know you! Whilst this has been a particularly 'odd' (for want of a better word) experience, there are several agencies that I will shout about, because it's not my intention to tar everyone with the same brush. I can obviously only comment on those with whom I have had dealings, however, to make the point I'd highlight the genuine joys and mutual trust and respect with CV Bay at the Custard Factory in Birmingham, OneZero in Manchester, Vantage Consulting in Stafford and Monarch IT, Birmingham. I know there are more out there and if you're interested in working with Winning Moves in the future, please do get in touch.

Thanks for taking the time to read. You can reach me on zoew@winningmoves.com.

