

The ineffective mess caused by the failure of **Ofcom** and the **Office of the Information Commissioner (ICO)** to use their powers against those who deluge citizens with illegal unwanted telephone calls has raised the concern of representative and campaign groups.

- In June 2012 a large number of these groups signed [a letter](#) expressing this concern, although without proposing any specific corrective action. *(A request for discussion.)*
- The **DCMS** responded with [a seminar](#) followed by [a request for suggestions](#). *(Are the current arrangements adequate and if not, how could they be improved?)*
- Many groups responded by associating themselves with an **Ofcom** [consumer guide](#), which simply restates the problem. *(22 pages of instructions and no promise of action.)*

The **fair telecoms campaign** has now published an [outline of its positive proposals](#).

This has been drawn to the attention of these other groups, along with comments on their responses to the DCMS, in a series of messages. A [published document](#) highlights the different positions taken by the various groups and that of the **fair telecoms campaign**.

The fair telecoms campaign outline proposal

We see the failure to act against those causing nuisance as deriving from the (widely supported) regulatory approach being followed by **Ofcom** and the **ICO**. This approach seeks to promote codes of good practice from an essentially compliant group of organisations. Severe penalties for breaches are threatened, but these are applied only after internally initiated investigation (taking up to two years or more). Reports of breaches from citizens are discouraged, by the clear statement that they will NOT be investigated.

We believe that illegal activity must be subject to clear action and prompt intervention. Existing policies intended to unnecessarily complicate the issues must be simplified, so as to enable swift and effective intervention in response to evidence. We believe that whatever is necessary to stop the nuisance is far more important than the theoretical level of a penalty.

Ofcom and the **ICO** have demonstrated that they are unable to operate in the necessary manner. We therefore propose that the report handling and investigation work be taken on by a new "Nuisance Calls Agency", with access to the current statutory powers. The resources currently misdirected on this work should be redirected to this agency.

We believe that this agency would best be sited within the newly expanded **Citizens Advice** body. This body already has communication channels with Consumers and Citizens through its operation of the **Consumer Advice** Line (formerly **Consumer Direct**) and its coordination of **Citizens Advice Bureaux**. It has also been found to hold the necessary technical and public policy knowledge and skills, as it has been appointed to take over the duties of the statutory advocate of the consumer interest from April 2013, replacing **Consumer Focus**.

No clear case has yet been made for any changes to the nature and form of the existing powers through amendments to legislation. Once this agency is up and running, attempting to apply these powers properly for the first time, evidence may emerge to indicate such a need. The situation is currently muddled by the ineffective approaches being followed by **Ofcom** and the **ICO**.