



Nuisance calls: energy efficiency and effective regulation of marketing activity

The **fair telecoms campaign** has always sought to promote **effective** measures to address the problem of Nuisance Calls.

Whilst complaints data cannot be used as a totally reliable measure of the extent of the problem, over the last few years the ICO has published a breakdown of nuisance calls complaints by the sector, insofar as this can be recognised from the information provided.

For the whole of 2014, 74.5% of the categorised complaints related to calls likely to be prompted by the “Green Deal”, i.e. Replacement Boilers, Solar Panels, Insulation and other “Energy efficiency” schemes. This was a total of 81,942 complaints about live and automated calls from all of the UK.

Those providing access to Green Deal funding were directly regulated in their activities by the “Green Deal Oversight and Registration Body” (part of DECC), in the same way that companies delivering Claims Management services were regulated by the “Claims Management Regulator” (part of the Ministry of Justice).

The **fair telecoms campaign** therefore took steps to investigate the possibility of measures being taken by these regulators to prohibit use of cold calling as a marketing technique, in the same way that other generally lawful activities are constrained by these regulations. Our determination was that the only obstacle to such a prohibition was the need for the relevant government ministers to have the clear determination to wish to eliminate nuisance calls.

In July 2015, the UK government announced that the Green Deal (for England, Scotland and Wales) would be coming to an end. In Scotland however, the HEEPS (Home Energy Efficiency Programmes for Scotland) programmes were boosted, with increased Scottish Government funding and the launch of the Warmer Homes Scotland programme in September 2015.

For January to August 2017, ICO complaints equivalent to those given above number 22,535, representing 34.3% of the categorised total. It is widely reported that Scots receive more nuisance calls than those in England and Wales. A simplistic view of these figures suggests that there may be an obvious explanation for this difference!

Since 2015, the fair telecoms campaign has been attempting to learn of any direct regulation of those promoting HEEPS, so that a firm proposal for use of such mechanisms could be made. To date, we have been unable to find evidence of this at all.

Direct regulators are far better able to achieve compliance with regulatory provisions, not least because they generally hold the power of life and death over businesses that operate under their jurisdiction, including the prospects of principals being authorised to conduct phoenix operations. This approach must be set against the role of the ICO, which can only act under the explicit direction of statute, has no general relationship with those it covers in this regard and is explicitly constrained in its enforcement powers not to affect the continued operation of a business.

These points were raised in a news release - [fair telecoms campaign calls for an end to cold calling](#) – as also on many other occasions.