



All this chat about nuisance calls must address the real underlying issues

In recent days, we have been bombarded with news about various type of “action” to deal with the issue of nuisance calls. **Some of this talk** is found by exploring the links included below:

Ofcom has announced a review	Which? continues to call for minor tweaks to the regulations, whilst encouraging greater use of existing failed reporting mechanisms
The Department for Culture Media and Sport has announced a review	Citizens Advice suggests specific proposals on a number of particular issues
The Culture Media and Sport (Select) Committee has announced an inquiry	Mike Crockart MP is promoting a Private Members Bill on the topic
The All Party Parliamentary Group on Nuisance Calls has announced an inquiry	Alun Cairns MP will be proposing a further Bill

Meanwhile, in the real world -

Complaint levels continue to sour. They are currently over 25,000 per month. (See reports for ICO and Ofcom)	In the last quarter, The Information Commissioner’s Office has taken action in one case, involving two companies. This is the case of BBC TV’s “ The Call Centre ”. ‘ Big Nev ’ has appealed to the Information Tribunal . Presumably his activities continue unchanged.
Ofcom has not used its powers against any misuse occurring since March 2011	

The **fair telecoms campaign** argues that only radical measures will have a serious impact on this problem. For now, we must DO what is readily achievable, whilst creating a structure that will allow for and encourage necessary and appropriate extended efforts in future.

We (apparently alone) propose that:

Ofcom removes its declared tolerance of “Silent Calls”. The lack of action in response to reports seems to show that all the Silent Calls we receive are found to fall within the wholly unacceptable tolerances that Ofcom applies.	Each regulator be left to get on with exercising its own specific powers, fulfilling its statutory duty to control the activity of those it regulates.
Those with strong and real regulatory powers over nuisance callers must clearly outlaw the practices and use their strong powers to enforce regulations to this effect. For example:	We note that Ofcom and the ICO are currently seeking to help each other fend off the justified criticism of their respective failures by “huddling together” like frightened children.
<ul style="list-style-type: none"> ■ the Ministry of Justice in relation to claims management firms (and their agents) ■ DECC and OfGem in relation to energy ■ the FCA in relation to debt management and other financial services providers ■ Ofcom in relation to telecommunications 	A strong agency focussed exclusively on serving the consumer and citizen interest must be established. This should probably be within Citizens Advice - shortly to add the role of “ statutory advocate of the consumer interest ” to its existing roles in representing citizens and operating the consumer complaints helpline.
The general powers and resources of the ICO and Ofcom and are only intended, and adequate, to handle cases that fall through the stronger regulatory net that covers all the activities of licensed businesses in particular sectors.	This body would handle all reports of nuisance calls, aggregate them on basic investigation, and issue reports. Clear cases for action would be forwarded to the appropriate regulator.
	Representing the public, it would always press for the maximum possible action to be taken.

These proposals will be presented (in detail) to all of these inquiries and reviews.

We are pleased to encourage, and engage in, public discussion of these ideas.

David Hickson 

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