



Ofcom attacked for its failure with Silent Calls

A feature article in the **Sunday Post** today draws attention to **Ofcom's** failure to address the nuisance of Silent Calls. (see [content and facsimile copies](#))

In 2006, **Ofcom** was told by parliament:

“We expect you to use your powers to eradicate the nuisance of Silent Calls”

[see [Hansard](#), hear [Sound clips](#)]

Ofcom continued to fail to properly deploy the range of powers available to it, and continued to follow a policy of “regulation”, i.e. **qualified tolerance, rather than eradication**.

Under the current government in 2010, parliament granted **Ofcom** a further extension to its powers to levy financial penalties. The debate made no reference to the failure to comply with parliament's previous expectation.

This has resulted in one such penalty, focussed on an isolated incident lasting only six weeks. Ofcom only dealt with the incident over 3 months after it had ended, and then took a further 12 months to reach a determination that a financial penalty was necessary.

This action was only taken because a major telemarketing company had, on this occasion, breached the 3% tolerance rule. So far as we know, this same company, and many other household names, continue to terminate 3% of connected calls in silence.

Ofcom has a full range of powers, including the ability to impose an enforceable requirement not to continue making Silent Calls - this power has never been used. If such a requirement were breached, in addition to imposing repeated financial penalties, **Ofcom** has the power to seek for the requirement to be enforced through an injunction. If this were necessary, any further breach would become a criminal offence, with potentially most severe consequences for any offender.

This power has always been available - there should be no issue with the maximum financial penalty! This was the very point being made when it was increased from £5,000 to £50,000.

As current public focus on this issue, and related issues, strengthens, the **fair telecoms campaign** stands ready to engage in serious debate over the measures that are necessary. We have a number of specific outline proposals as to how the powers held by **Ofcom** (and those held by the **ICO** to deal with improper telephone marketing activity) may be more effectively deployed.

The original outline of these proposals was covered in - [“Ofcom the useless Quango ...”](#).

Subsequent to this release, the current outline proposals have been [published](#)

