



This briefing is further to [our news release](#). It is in reaction to the [Ofcom news release](#).

Ofcom states that **npower** “made 1,756 abandoned calls to UK consumers”. It also states that **npower** played a marketing message “on 1,906 calls”. The only issue being directly addressed by **Ofcom** is the fact that **npower** exceeded its tolerance of 3% of calls being abandoned, in silence or with a message. **Ofcom**'s silence on some highly relevant points prompts many questions.

How many ‘nuisance’ calls?

Given that all 1,906 calls were abandoned, perhaps the 1,756 were those in excess of the 3% tolerance. These figures only cover 8 individual days from a period in February / March 2011.

One must therefore wonder how many marketing messages were actually delivered during the period covered by the **Ofcom** investigation, not to mention the time before and since. Every one of those messages represents a breach of the **actual statutory regulations** enforced by the **Office of the Information Commissioner** - the **Ofcom** “rules” are purely discretionary.

What about the Silent Calls?

Ofcom fails to address the fact that any organisation which plays recorded messages will be using “Answering Machine Detection” equipment to avoid leaving messages on an answering machine. This detection equipment is limited in its accuracy and thereby inevitably causes many calls answered in person to be “Silent”. **Ofcom** permits one such Silent Call to any person per day.

Why tolerate activity that may warrant compensation?

Ofcom announces that “the company will be providing compensation to those who suffered harm as a result of the breach”. Given that the ‘breach’ related only to a percentage tolerance of otherwise ‘acceptable’ calls being exceeded, I have two simple questions for **Ofcom**:

- ? **How is the harm caused to those who received messages when the limit was exceeded any different to that suffered by those who received the same message on other occasions?**
- ? **The harm caused to a person is unrelated to that suffered by others. If compensation may be warranted for receiving a particular type of call, then how can such calls ever be tolerated?**

What is npower doing now?

Ofcom announces that **npower** has taken steps to move into compliance with its policy.

This policy includes tolerance of all Silent Calls caused by use of Answering Machine Detection equipment (one per person per day) and up to 3% of live calls being abandoned, either in Silence or with a message. We may assume that this is the policy being followed by **npower**.

Do other organisations support the Ofcom approach?

Ofcom implies endorsement of its policy by its own **Communications Consumer Panel**, as well as **Citizens Advice**, **Consumer Focus**, and the **National Consumer Federation**, amongst others.

The **fair telecoms campaign** most strongly dissents from this view.

