



Failure to address the problem of Nuisance Telephone Calls is a failure of regulation - by government bodies

The following summarises our current position on the issue of Nuisance Calls.

[Figures published by the ICO](#) show that, despite a recently increased level of activity, its efforts to halt the problem of Nuisance Telephone Calls are clearly not being effective.

Over the 180,000 complaints it has received in the last year (*admittedly only the tip of the iceberg in terms of the amount of nuisance experienced*), less than 1,000 have been cited in action against firms found to be in breach of the relevant regulations. (*Complaints have a 0.5% success rate!*)

When looking at the areas of business being promoted by the nuisance callers, we see that a significant proportion of these fall within the scope of principal regulatory bodies.

- The **Green Deal Oversight and Registration Body** (part of **DECC**) - covering **Solar Panels**, **Loft insulation grants**, **Boilers**, and **Insulation** = **13%** of complaints to the ICO in 2015.
- The **Financial Conduct Authority** (accountable to **the Treasury**) - covering **Payday Loans**, **Debt management**, **Pensions**, **Banking** and **Insurance** = **14%** of complaints to the ICO in 2015.
- The **Claims Management Regulator** (under the **Ministry of Justice**) - covering **PPI** and **Accident Claims** = **38%** of complaints to the ICO in 2015.

All three of these bodies permit those whom they regulate to undertake unsolicited telemarketing - that is their choice, other marketing activities which may otherwise be legal are prohibited.

Their respective "rules" do not repeat the terms of the relevant regulations enforced by the ICO. What is specified implies lower standards than those which are actually required of all businesses. (This could explain how one recent ICO offender came to be misled!)

Whilst the ICO must continue to do its best to achieve compliance with the relevant regulations, it would appear that perhaps 65% of its work in this area should be being done by other bodies - as they are directly responsible for the conduct of those they regulate.

Furthermore, these bodies all ensure compliance proactively, through returns, inspections, audit and a close relationship with the reality of these particular businesses. This eliminates, or reduces, the need to rely on reactive handling of complaints as the only means of ensuring compliance. Most people do not wish to turn a brief, albeit very annoying and distressing, interruption into the major activity represented by the presentation of a formal complaint, that is likely to be worthless.

If these bodies accepted their proper responsibility for the behaviour of those they regulate - and also agents working on their behalf - then a further point would have to be addressed:

Why permit unsolicited telemarketing, given the high level of public nuisance caused by the inevitably high proportion of ineffective calls?

A decision so radical as banning cold calling can only be made with reference to a particular market and its (potential) consumers. These, and other, specific regulators are charged with the responsibility of making such decisions. We believe that the failure to implement bans is not an easy position for each government minister to justify to the public - but **this must be done**.

We see little or no merit in any of the other suggestions being tossed around - see [our reaction to the Which? Nuisance Calls Task Force Report](#).

