



**Who will save us from nuisance telephone calls?**

**Tweak to failed regulations to come into effect on Monday**

From April 6 the Information Commissioner’s Office (ICO) will be able to impose financial penalties on callers who acted in a way NOT *“likely to cause substantial damage or substantial distress”*.

This move was heralded, on 25 February, as the [“End of the line for cold callers”](#), whereas nothing was done about the limited resources available to the ICO, nor the fact that its penalty powers are limited to 20% of the turnover of the offender and many other legal constraints. (see [our briefing](#))

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The recent budget statement admitted failure of whatever efforts may have been considered in an attempt to halt the nuisance, as it promised £3.5M towards *“development and provision of innovative call blocking technology, research and a campaign to raise awareness of how to reduce and report nuisance calls”*.

Not only does this admit defeat in the battle to stop the calls being made, it also risks encouraging ineffective call blocking techniques - see [our comments](#). It has long been established that blocking calls based on the “CLI” provided by the caller will never provide a solution.

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Today, trueCall, one provider of an effective call filtering technique, has launched a further measure intended to help victims of Nuisance Calls who are required to give a contact telephone number in order to access various services. See [www.truecallthreeeight.com/](http://www.truecallthreeeight.com/).

Providing alternative numbers, which can be given when none is truly required, should enable fewer genuine numbers to get into the market used by scammers and nuisance callers. Central monitoring of calls to these numbers should enable more of the bad guys to be identified - with no effort required from individual consumers.

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Whilst these are all worthy measures, in common with most of what has been done about this issue over the last ten years, they do not address the key issue.

**MISUSE OF THE TELEPHONE NETWORK MUST CEASE**

Whilst use of digital technology enables many more effective communications, conducting an interactive conversation with someone at a distance will always remain a most important part of how we live our lives. This must not be sullied by the inappropriate use of expensive numbers, or the misuse of the network which makes us, sometimes unduly, wary when the phone rings.

Many people are scared or reluctant to answer calls that are unexpected or from numbers that they do not recognise. Many important calls are missed because they are left unanswered, or blocked by ill-designed cheap (and nasty) “call blockers”. Some people find that following the advice to register with the Telephone Preference Service is an ineffective remedy, and are thereby able to be conned into parting with large sums of number by cowboys, who exploit their vulnerability whilst claiming to be helping them by offering alternative services or weak devices.

**A NEW APPROACH IS REQUIRED (see overleaf ...)**



## Who will save us from nuisance telephone calls?

### Stopping Nuisance Calls by Regulation

Good regulation is based on the attainment of compliance by companies close to a regulator that understands their needs and those of their customers.

Despite its good work, that cannot be said to be true of the ICO, which regulates political parties, cowboy businesses and all that lies in between (this could be seen to be a wide spectrum!).

There are three main sectors which, both in common perception and in [official statistics](#), feature at the top of the list of sources of nuisance calls.

They are all tightly regulated by specific regulators who, wholly unlike the ICO, hold the power of “life or death” over the businesses and achieve a high degree of compliance with their rules.

- ✓ **Claims Management** - PPI, Personal Injury and Accidents, Medical Negligence etc.
- ✓ **Energy** - Provision, “Switching” and the “Green Deal”, which covers home improvements.
- ✓ **Financial Services** - Debt Management, Payday loans, Pensions etc.

These are all areas where the questionable benefits of permitting telephone marketing carry a very high price in terms of public nuisance. Those who have decided to grant this permission must weigh the issues and accept responsibility for the cost they impose on citizens.

There is no practical reason why the present **qualified tolerance** of unsolicited marketing calls in these sectors could not be replaced by **total prohibition**, under the existing regulatory regimes. Equally there is no reason why standards for acceptable calls could not be refined (e.g. to wholly prohibit the risk of Silent Calls).

**We therefore call on those who are responsible for this regulation (and those who seek to gain our votes so as to take on, or retain, this responsibility) to justify this tolerance. They must be held accountable for the ill effects of its continuation.**

Governments of all parties have failed to get to grips with a problem that has simply been getting worse since the present regime for dealing with Nuisance Calls was applied in 2003. They have repeatedly claimed that minor tweaks, such as that to come into effect on Monday, represent a major breakthrough; but they have never been seen to actually have this effect.

Sadly the **Which? Task Force**, the **DCMS working group** and the **Ofcom/ICO “Action Plan”** have all failed to note that the primary responsibility for regulation of UK businesses lies with the sector-specific regulators. They all continue to focus on tweaks to a failed regime.

We do not oppose small measures that could lead to a very modest improvement, although we do oppose their over-hyping, when this distracts from measures that could make a real difference.

Of course those who are found to have breached the terms of the present complex regime must be penalised, but a few big fines in major cases and a lot of bluster has not been seen to be an effective way of dealing with a problem that continues, apparently unabated.

**(selective) banning of cold calling is possible and could make the difference we seek**

