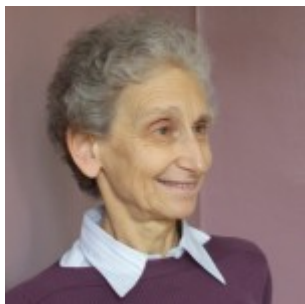


Limited Action to Combat Nuisance Calls in the UK



*LSE Visiting Senior Fellow **Claire Milne** responds to the Action Plan recently released by DCMS for combatting nuisance calls in the UK. Updating **previous posts** on this blog, she draws on recent data from the co-operation between Ofcom and the ICO on this issue to highlight progress made and problems remaining.*

In March 2014, DCMS published the **Nuisance Calls Action Plan** promised in its **strategy document** of July 2013. The nine month gestation has produced little that was not already in the **Ofcom/ICO Joint Action Plan** of July 2013 (with a recent **update**). Two Parliamentary committee reports (one from the **APPG** and one from the **CMS Select Committee**) have had little evident effect. Overall, in my view, we're seeing the output of a government that needs to get tougher with network operators rather than relying so heavily on "market solutions". It should also find the relatively small funds needed to provide free call blocking equipment to vulnerable groups.

Some reasons to celebrate

The new task force on consumer consent to use of personal information, led by Which?, is a welcome development. The group will review how consumers do, and should, both give and withdraw permission to receive calls from specific companies. Consent issues go much broader than nuisance calls and will need careful thought; results will be long term.

It is worth celebrating the progress from the Ministry of Justice Claims Management Regulator on combating calls about PPI claims. The fines on Claims Management Companies proposed in a **new consultation** (for misdemeanours including making nuisance calls) should help further. As PPI claims account for a big share of nuisance calling, this progress may be the main source of the fall shown over the past year in people receiving nuisance calls (**Ofcom/ICO update** Annex A).

Also welcome is the recognition in the DCMS **Action Plan** that "The range of underlying issues means that there is no silver bullet or simple solution that can be applied to alleviate the problem. Therefore, a range of options are being considered and pursued for reform, both legislative and non-legislative," with the promise that "we will review progress later this year to see whether further steps are needed and if so what they may be." But nowhere in the plan is there any indication of what impact any option might have, or what would show that further steps were needed.

Will decline in nuisance calls last?

The fall in nuisance calls mentioned above may not last – for example, the **FCA decision on CPP misselling** could lead to a new wave of unwanted calls. And recent **research** by Uswitch suggests that the problem remains very widespread, with consumers' own preventive measures hardly helping. Comments from Ofcom's own **Media Lives** report support this finding:

"Many participants described themselves as being inundated with 'nuisance' calls, and found these a source of intense irritation. These calls were mainly being received on landlines, but some participants also described receiving them on their mobiles...Participants' experience of nuisance calls has significantly affected their perception of the value of landlines. There is an interesting parallel here with attitudes seen in previous waves in relation to post; both have gone from being seen as an essential part of participants' daily lives to being seen increasingly as a conduit for 'junk'."

Enforcement is not enough

Of particular interest in the [Ofcom/ICO update](#) is that “Ofcom complaints data suggests that abandoned and silent calls are being made by a large number of organisations, each generating a relatively small number of complaints, amounting to a large aggregate. For example from July to December 2013, the top 10 most complained about telephone numbers only accounted for between 6% and 17% of total complaints a month.” Enforcement action can only reach a limited number of companies, which suggests that there’s no chance of it affecting the greater part of the nuisance.

It’s good, then, to see in the Ofcom/ICO update that: “Ofcom has been exploring possible technical and non-technical measures to help tackle nuisance calls...The focus is now on assessing technical measures that may help address nuisance calls and this work will be taken forward through the industry groups set up on call tracing...”

It would be even better if these measures could be debated publicly, including their associated costs. Notably missing from all the documents is any mention of the total cost to the public of nuisance calls, or of who should bear the costs of improving the situation.

Private blocking options on the rise – many phoney

Meanwhile an industry is springing up around call blocking equipment and services, only some of which work, but all paid for by consumers. The Telephone Preference Scheme has published a [list](#) of companies making bogus or exaggerated claims for call blocking services. Which? published an assessment of such services and equipment in its March magazine, and Ofcom has published a [guide](#) to the pricing of network services to reduce nuisance call problems.

Most consumers may be able (if unwilling) to pay for their own protection. But serious problems are focused on vulnerable people. The [APPG report](#) recommended: “...Ofcom develop as a matter of priority a strategy for helping vulnerable consumers. *This should include a model for funding* callblocking technology for the most vulnerable – people suffering from dementia or other cognitive impairments for example.” The DCMS Action Plan however says: “The [APPG] report also called for Ofcom *to establish a fund* to provide call blocking technology for vulnerable consumers...Ofcom cannot direct industry in this area and nor is it allowed to fund such an initiative.” The words in (my) italics are quite different, and the actual recommendation still deserves urgent attention.

A closing thought. With the spread of broadband, cold calling is an ever smaller part of marketing armouries, so industry support for the opt-out default should be dwindling. Given how long change takes, and the high proportion of the UK public who have opted out, shouldn’t we be planning now to reverse the default for marketing calls to opt-in?

This article gives the views of the author, and does not represent the position of the LSE Media Policy Project blog, nor of the London School of Economics.

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