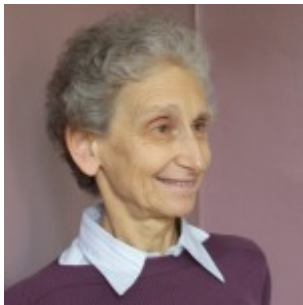


Nuisance Calls Update Part 1: The Positive Developments, but is there Real Change?



In July 2013, we published a policy brief on nuisance calls by Claire Milne, who has been involved with developments on combating nuisance calls and texts since early 2012. In this two part series of posts she looks at what has happened since the brief was published, expressing some scepticism as to the effectiveness of recent actions and renewing her call for leadership on this issue.

In my brief on nuisance calls, I shared evidence that enforcement of regulations on nuisance calls has not been sufficient and that illegal nuisance calls, such as recorded messages and repeated silent calls, as well as spam texts to mobile phones, form a significant problem for consumers. I argued that network measures and a review of the regulations may also be required and that an integrated plan is needed, with a single point of overall control. Since then, there has been a lot of action from regulators, industry and government. Ofcom and ICO put out a **Joint Action Plan** on nuisance calls later in July, and DCMS published its strategy document **Connectivity, Content and Consumers**, whose third chapter ends with a section on nuisance calls. I gave evidence at oral **hearings** in September of the Culture, Media and Sport Select Committee **Inquiry** into Nuisance Calls, and in October of the All-Party Parliamentary Group (APPG) on Nuisance Calls. Both Committees are due to report fairly soon. But does all this action amount to progress in combating this problem that affects over 80% of households in the UK?

First, as regards the scale of the problem, there seems to be no real expectation of imminent improvement (though complaints levels fluctuate, and complaints to the ICO have declined from a recent peak). Rather, people in the know are saying that nuisance calls to mobiles are likely to increase; and charities like **StepChange** helping people in financial difficulties are pointing to the particular damage that nuisance calls often cause to this unfortunate group of people.

A number of initiatives have been made public in recent months:

- Enforcement of the existing rules by ICO, Ofcom, and the Claims Management Regulator (CMR) continues, even if to some this action appears too little and too late. The DCMS strategy paper promises to make enforcement easier by altering section 393 of the Communications Act to permit data sharing between ICO and Ofcom (without saying why this wasn't done long ago), and also to *consider* ICO's request for a lower threshold for enforcement action.
- There are various industry activities to improve caller ID processes and documentation – most significantly, BT's promise to make international caller ID available progressively on all its exchanges, with everyone having it by the end of 2014. At the same time, preserving meaningful caller ID on VoIP is a significant challenge only now being tackled, and the percentage of calls going via VoIP is likely to increase. This makes Ofcom's **announcement** that the UK will work with North American regulators on this issue, and will support the international **STIR** initiative, particularly welcome.
- On the information front, Which? has provided new web pages with **tips** for people troubled by nuisance calls, and **help** in complaining to the right authority. Ofcom is now reviewing its **consumer guide** to nuisance calls and texts, and plans to mount an improved version later this year. The ICO has produced a new **guide for direct marketers** to clarify the rules around consent. Thinking of people who don't use internet, MPs are likely to ask for advice on how to complain about nuisance calls to be added to phone bills.
- In August, two of the "big six" electricity providers (SSE and E.ON) announced that they would be giving up cold calling. The other four however decided against this move. As reported by **Utility Week**. the situation met with mixed responses.



- UK mobile operators are joining the GSMA's [initiative to counter spam texts](#), including its [spam reporting scheme](#) using the code 7726 (SPAM on the keypad). The operators say they can block bulk spam texts from a specific source within an hour of clearly identifying them as such. Fixed operators as yet have no such capabilities to identify and block nuisance calls, though TalkTalk says it's considering developing such a system, and they are not alone in believing this should be technically feasible. Potential legal problems also should not be insurmountable given due process.
- The Telephone Preference Service "TPS Assured" scheme, offering to audit telemarketers, will be [launched](#) at the end of this month. The idea is to help companies to prove that they comply with the rules governing telemarketing and follow best practice. Alongside this, Ofcom is carrying out research into the effectiveness of TPS registration.
- LibDem MP Mike Crockart's [Private Member's Bill](#) on consent to use of personal data, supported by Which?, should get its second reading debate on 1 November. Mike Crockart is founder and co-chair of the All-Party Parliamentary Group on nuisance calls, and has been campaigning on this issue since mid-2012. Like Private Members' Bills generally, this one is unlikely to get far – DCMS has made clear to the [Select Committee](#) its lack of support for the proposals – but the Bill should draw attention to important issues around consent, which of course have implications way beyond nuisance calls.
- The local authority in Angus published a [report](#) on its trials of call blocking equipment in the homes of vulnerable adults. The equipment helped enormously to protect these people from high levels of nuisance and potential damage, so there's a strong case for providing it free of charge to those in need. Possible sources of funding that have been suggested include hypothecated penalties for breaches of the regulations enforced by ICO and Ofcom, and revenues that telecoms operators raise for Caller ID delivery. Though perhaps tongue in cheek, these suggestions demonstrate that money is there, if only it could be diverted.
- Providers of call filtering and blocking technology have had their own Ministerial meeting. They have top level encouragement to form a new trade association, to promote technical solutions both at home and abroad – UK exports could find a big market worldwide.

All this is positive. However, while we hear many recitals of "all we are doing", we hear much less about the effect that these activities are likely to have. In particular, nobody seems to be willing to guess how far big fines will deter potential miscreants and reduce the volume of nuisance calls. In the meantime, other developments are less promising, as I discuss in [part two](#).

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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