**EMPOWERING CONSUMERS BY RAISING AWARENESS AND HELPING THEM TO PROTECT THEMSELVES**

**Background**

The Scottish Government held a Nuisance Calls Summit in June 2016 which identified a series of issues that need to be addressed to help reduce the number and impact of nuisance calls. The Nuisance Calls Commission will consider each of these issues in more detail in a series of three themed meetings covering empowering and protecting consumers; supporting businesses and tackling persistent offenders; and improving the regulatory environment. These meetings will inform development of a progress report setting out what action the Scottish Government and stakeholders have taken together to find solutions to nuisance calls, and what further work will be done to build on them.

This paper focuses on the first of these three themes: empowering consumers by raising awareness and helping them to protect themselves. There was extensive discussion at the Nuisance Calls Summit regarding how consumers can be encouraged to help protect themselves through various methods including registering with Telephone Preference Service (TPS), being aware of where check boxes allow third parties to contact them, informing consumers of their ability to complain and its consequences and informing consumers of the reason for different types of nuisance calls. Ofcom have a very good advice section for consumers on nuisance calls - <http://consumers.ofcom.org.uk/phone/tackling-nuisance-calls-and-messages/protecting-yourself-from-nuisance-calls-and-messages/>

**Key areas for discussion**

**(1) How do we ensure that consumers are informed about the steps they can take to protect themselves?**

There are several steps that consumers can take to minimise the impact of nuisance calls. However, it is essential that consumers are aware of these and understand how best to protect themselves. Outlined below are the key actions consumers can take:

*Awareness of protecting personal data (for example: check boxes)*

Consumers can help reduce the number of nuisance calls they receive by being careful who they give contact details to. In particular, consumers should be careful, when giving information when purchasing a product, or using a price comparison website, to look carefully at the ‘opt-in’ or ‘opt-out’ boxes to ensure they are not agreeing to be contacted by that company or another company.

*Awareness of the Telephone Preference Service (TPS)*

Awareness of TPS is relatively high in Scotland – a Which? survey found that 67 per cent of Scottish consumers were aware of TPS and 51 per cent had registered their number with it. Consumers can register their landline or mobile number with TPS (mobile users can do so by text). It is then a legal requirement for telemarketers not to call a number registered with TPS.

However, a report by IPSOS Mori in 2014 found that nearly two-thirds of unwanted calls still continue to get through despite registration to the TPS register, emphasising that many companies are non-compliant with the laws and guidance set in place. Additionally, according to a 2015 report carried out for StepChange[[1]](#footnote-1), only ten per cent of TPS registrations are for mobile phones, a significantly lower proportion than some other countries, such as the United States, where mobile phone numbers account for around half of all registrations.

Registering with the TPS also does not prevent calls from companies to which consent has already been given. In these cases, consent must be specifically revoked, which may cause confusion for some consumers.

*Awareness of reasons for different types of calls (silent or abandoned)*

For some consumers a silent or abandoned call can cause distress. Most consumers are unaware of the reasons for these calls. For example, on the whole, abandoned calls are caused by automated calling systems which automatically dial numbers and connect people to a call centre as soon as the phone is answered. However, there is not always a call centre agent available to answer the call and for that reason sometimes consumers receive an abandoned call.

*Awareness of ability to complain and fines and penalties imposed on unscrupulous companies*

More can be done to inform consumers of their ability to complain to Ofcom and ICO when they receive a nuisance call. Which? research found that consumers in Scotland are less likely to be aware of where to complain than consumers in the rest of the UK. In order to encourage consumers to complain, clear information should be available on where to complain as well as raising awareness of how complaints help, for example by publicising the fines and penalties imposed on companies. Evidence from Which? estimates that just five per cent of consumers in Scotland have complained to an independent body regarding nuisance calls. The main reasons for not complaining were that consumers did not believe that complaining would make a difference and consumers did not know how to complain. This indicates that raising awareness of the penalties imposed may encourage consumers to complain.

**(2) What steps can we take to help consumers?**

In order for consumers to be able to help reduce the number of nuisance calls they receive, consumers must be aware of the different ways in which they can protect themselves. In order to facilitate this, consumer must have easy access to:

* clear guidance on steps they can take to reduce the number of calls they receive;
* clear information on the different types of calls they may receive and the reasons for these calls; and
* clear information on how and where to complain.

**(3) How do we protect consumers who cannot protect themselves?**

While for most consumers, nuisance calls are merely an annoyance, for those whose circumstances make them vulnerable, nuisance calls can cause significant harm and distress. Evidence from Which?’s call blocking research found that vulnerable consumers receive nearly twice the number of nuisance calls compared to regular call blocker users. Often these consumers are not only more likely to be distressed by these calls, they are also less likely to be able to take action against them. Greater action, therefore, must be taken to protect these consumers.

**Discussion Questions for the Commission:**

1. How do we ensure that consumers are informed about the steps they can take to protect themselves?
2. What steps can industry, regulators, government and consumer groups take to help raise awareness amongst consumers?
3. How do we protect consumers who cannot protect themselves?

1. <http://www.stepchange.org/Portals/0/documents/media/reports/additionalreports/Nuisance_Calls_Report_FINAL.pdf> [↑](#footnote-ref-1)