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A Response to Scotland's Nuisance Calls Commission -

An Action Plan




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Foreword – Elspeth's experience of nuisance calls

I know from first-hand experience that the impact of nuisance calls can be devastating. To be honest, I never thought I would lose thousands of pounds to a scam and prided myself in always taking my time before making any financial decisions. So when it hit me that I had indeed fallen foul, I was distraught.



NINE OUT OF TEN

SCOTTISH HOUSEHOLDS RECEIVED A NUISANCE CALL ON THEIR LANDLINE IN ONE MONTH LAST YEAR¹

Unfortunately, my story is not an exception. I would go as far to say that it is a common occurrence and I daresay many more people are living in limbo not knowing where to go for help.

I felt that I was being plagued by nuisance calls and these started to take their toll on me. I felt constantly pestered and began to dread each time the telephone rang.

One day I received a call from an energy firm – the caller was an extremely pleasant young man and he encouraged me to have a home visit where more details and opportunities for saving money would be explained. The salesman who came was charming at first and I suppose I mistook his charm as a willingness to help me as opposed to sheer manipulation to make a sale.

He made it sound like such a good deal that I eventually agreed to sign up for solar panels and new windows. The work started almost immediately and that's when the salesman's personality shifted. He began visiting at strange times and would sometimes stay for hours. After a few of these visits, he aggressively informed me I had to pay £6000 for the solar panels to be certified into the network.

I didn't think I had a choice so I withdrew the money for the bank ready for his next visit. Once I handed over the money, I never heard from him again.

I was absolutely sickened after it and my confidence took a real dent. It wasn't until officers from Trading Standards Scotland came to speak to me about my case and informed me that I could benefit from a call blocking unit that I was able to begin taking steps to put my life back together.

¹ Data provided to the Nuisance Calls Commission by Which?

To have the opportunity to meet with the Cabinet Secretary Keith Brown and tell my story gave me confidence that nuisance calls would not be tolerated in Scotland. I was delighted to hear he had established a Commission on Nuisance Calls, seeking practical solutions that would help improve the lives of people across the country.

Stories like mine prove that nuisance calls are more than an annoyance. And it's not just financial harm. They're an inconvenient distraction that take people away from important tasks, and they can make people feel unsafe in their own homes.

The actions you will read here are designed to tackle those consequences. For example, I warmly welcome the news that the Scottish Government has allocated funding for the provision of nuisance call blockers. I can say without question that the installation of one in my own home has changed my life. I feel safer and know that whenever the phone rings, it's a genuine caller. I hope that they do the same for everyone who receives one through this new scheme.

I am also happy that the Commission is working to make people aware that they can get help. When you are called relentlessly, it is easy to feel helpless and alone. I was lucky and had a network of people around me. However, there are people who don't live near their family and friends and who may feel lonely and isolated. If I could have one ask, I'd like the awareness raising actions in the plan to be targeted at people in those situations so that they know about the options for support; are encouraged to report the calls; and are reassured that action can and will be taken.

This leads me on to the fact that it is clear that stopping the harm from nuisance calls will only happen through working in partnership. No one agency can do it. I know the Commission became interested and tackling scams more generally, and I am pleased that this will result in a group which will work together to find more joined up ways to tackle them.

We all have a role to play in looking out for those around us. It has been my pleasure to have been asked not only to relay my story, but also to introduce this action plan. I look forward to hearing about the outcomes and seeing how these affect people.

I want to end by saying don't ever feel alone. Help is out there and I'm the living proof of that. This targeted action sends a strong message that unsolicited calls are not welcome in our Scottish communities.

Follow the link to see when Elspeth met with Mr Brown to talk about her experience of nuisance calls – <https://twitter.com/scotgoveconomy/status/803936083142733824>



Ministerial Introduction



Let's be clear, the Scottish Government can't eradicate nuisance calls.

That's not usually how documents like this begin, but it's important to acknowledge.

The first reason we can't is that individuals who are determined to break the law will always find ways around technological or legal measures to stop them. That doesn't mean we shouldn't do all we can to find solutions.

The second reason we can't is that the Scottish Government isn't able to take all the actions we'd like to. The power to regulate nuisance calls lies with the UK Government, so, for example, we can't change who is held responsible when a company makes nuisance calls, or ban cold-calling on specific subjects.



98 PER CENT OF RESPONDENTS SAID THEY DO NOT WANT TO BE CONTACTED BY COLD CALLERS ON THE DOORSTEP OR BY TELEPHONE²

But just as enforcement agencies keep working to prevent nuisance calls despite the challenges, so too must we, especially as research shows nuisance calls are a bigger problem in Scotland than they are elsewhere in the UK. Analysis of nine million calls received over a three year period by users of a popular call blocking service concluded that three of the top five cities in the UK receiving the highest percentages of nuisance calls were Scottish.



THREE OF THE TOP FIVE UK CITIES RECEIVING THE HIGHEST VOLUMES OF NUISANCE CALLS ARE SCOTTISH – GLASGOW WAS TOP; EDINBURGH SECOND; AND ABERDEEN FOURTH³

Faced with these statistics, we must take action now that will make a difference, even as we press the UK Government to do more. To help us do that, the Scottish Government established a Nuisance Calls Commission.

² East Renfrewshire Council, Citizen's Panel Report, 2015

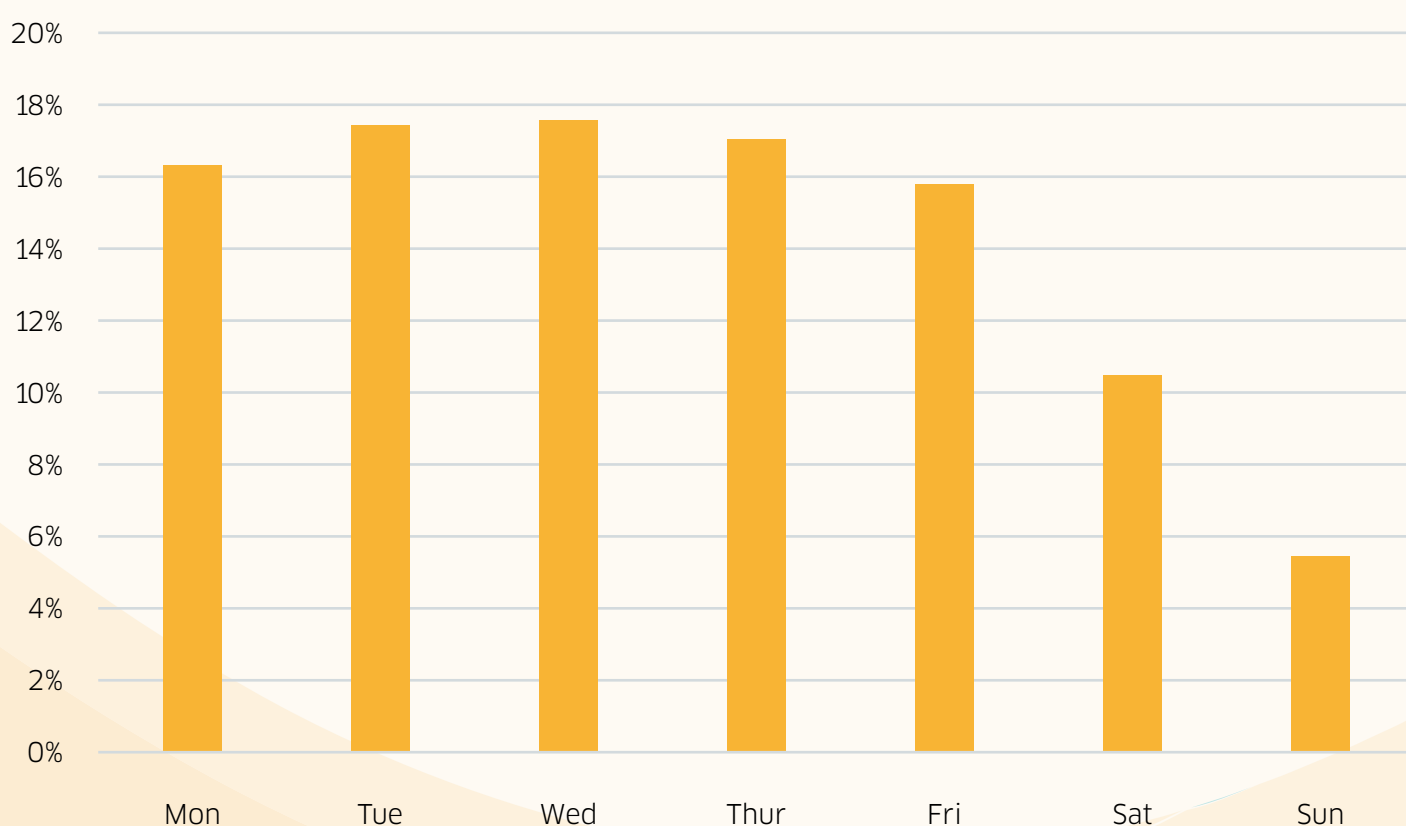
³ <https://press.which.co.uk/whichpressreleases/scottish-cities-top-the-table-for-nuisance-calls/>

The Commission brought regulators, consumer groups, government officials and business representatives together to come up with practical solutions. It defined a nuisance call as:

“Unwanted phone calls that attempt to promote a product, service, aim or ideal that can cause the recipient a range of harm, from annoyance to lasting detriment, including emotional or financial damage.”

The wide range of harm that definition covers matters. We know nuisance calls are annoying – all of us at some point have received one at an inconvenient time – but as Elspeth highlights, they can lead to more serious harm like scams. And if someone responds to a scam once, they can become a target for more.

Figure 1⁴ – When do calls arrive during the week in Scotland



So the Commission set out to respond to three separate but linked elements:

- the opportunities to empower those who can to protect themselves;
- the need to better protect those who struggle to keep themselves safe and are at risk from serious harm; and
- the reality that some nuisance calls are part of an increasingly complex pattern of scams, and looking at them in isolation will not protect those in most need.

⁴ Data provided to the Nuisance Calls Commission by trueCall - Sample: 341,052 calls received by 770 trueCall customers living in Scotland between 1st January and 30th June 2017

The actions outlined here respond to those considerations, and are divided into three categories, which also make up the structure of this document:

- empowering and protecting individuals;
- encouraging better business behaviour; and
- improving government and public agency responses.

We said from the outset that this complex issue can only be solved by a combination of solutions and will require sustained focus beyond the Commission. As a result, our actions are a mixture of short, medium and long term commitments. Some are also at an early stage of development. But we're determined that, when fully implemented, we and our partners will have had a real impact – not just on nuisance calls, but on our response to scams and the ways we support vulnerable people.

It will take work from everyone – industry, regulators, enforcement agencies, consumer groups, and all of us as individuals. That's why this plan has information on what you as citizens can do to help tackle nuisance calls, and asks for others, including businesses and the UK Government, to continue to play their part and support us as we put our solutions into action.

This emphasis on collaboration underpinned the Commission. We are grateful to everyone who dedicated their time and efforts, including Elspeth who very openly told me the devastating impact which nuisance calls had on her confidence and life. Their input has been invaluable, and we will build on this willingness to make a real difference as we take our work forward.

KEITH BROWN

Cabinet Secretary for Economy, Jobs and Fair Work

Protecting People

The steps outlined here are targeted at protecting individuals – whether it's actions to keep people safe; delivering key messages to raise awareness of available help and support; or finding out how better to make a lasting difference.

How will we and our partners protect and empower people?

1. Providing call blocking technology

Often, people who are already vulnerable are most likely to be targeted by scam callers, which can have a devastating impact – sometimes as extreme as making people feel unsafe in their own homes.



VULNERABLE PEOPLE RECEIVE TWICE AS MANY NUISANCE CALLS AS THOSE WITH CALL BLOCKING SOFTWARE⁵

Using Scottish Government funding, over the next 12 months, Trading Standards Scotland will provide over 500 call blockers to vulnerable people to prevent unwanted calls. We will build on the good practice already developed and work with social work, healthcare and charitable agencies so help goes where it's most needed.



BENEFITS TO SOCIETY FROM BLOCKING UNWANTED CALLERS ARE SIGNIFICANTLY GREATER THAN THE COST OF SUPPLYING, INSTALLING AND MONITORING CALL BLOCKERS. OVER A FIVE YEAR PERIOD SAVINGS PER VULNERABLE PERSON ARE BETWEEN APPROXIMATELY £3K TO NEARLY £8K⁶

2. Raising awareness of protection options

The Commission sought to empower people to protect themselves. Commission members Which? and Citizens Advice Scotland are running a consumer awareness week. Key messages will reach people all across the country, providing information in clear, accessible formats on issues like call blocking technology, avoiding scam calls, and keeping data safe.

The Scottish Government will make sure these messages are re-enforced through campaigns we fund on an ongoing basis, including by exploring the benefits of holding an annual consumer day to continue to raise awareness.

⁵ Protecting older and vulnerable consumers in Scotland from nuisance and scam phone calls, Cosla, August 2015

⁶ East Renfrewshire Council, Blocking Nuisance Calls in East Renfrewshire 2015/16

3. Measuring impact to make a difference

Volumes of nuisance calls have remained persistently high over the past few years. The Commission identified a need to conduct an in-depth review of previous actions to ensure that future initiatives, at both a Scottish and UK level, are evidence-based and have real potential to make a difference.

We have commissioned research to analyse the impact of the actions set out here and to examine the outcomes of past interventions. This will be shared with the UK Government, regulators, enforcement agencies and consumer groups so that future work is better targeted and more effective.



**LEVELS OF NUISANCE CALLS
REMAINED BROADLY UNCHANGED
BETWEEN 2013 – 2017⁷**

⁷ Data provided to the Nuisance Calls Commission by Ofcom

What can you do to keep yourself or your loved ones safe?

While stopping these calls on a larger scale is for government, regulators and telecom providers, you can take steps to help reduce the number of calls you receive.

- **Sign up to the Telephone Preference Service (TPS)**

TPS is a free service. When you sign up, your number will be added to a register that telemarketing companies are legally obliged not to call. Signing up has been shown to reduce nuisance calls received by about a third, on average.⁸

You can register your landline online at <http://www.tpsonline.org.uk/tps/index.html> or you can call 0345 070 0707.

You can register your mobile number in the same way, or text 'TPS' and your email address to 85095.

- **Block unwanted calls**

Some telecoms companies are helping their customers stay safe. For example, Sky, BT and Vodafone have recently rolled out free services. These systems stop nuisance callers, and you can easily block and report additional numbers.

If your phone provider doesn't offer this service yet, some landline handsets come with call blocking technology built in, and you can buy stand-alone units, too. There are also many call blocking apps for smart phones, but be sure to check how they use your personal data, including your contact lists.

- **Check before you tick**

Your data is valuable, so be careful how you give it away.

Many companies ask for consent to process your data or to contact you when you use their services. But the way companies ask for that consent isn't always the same - sometimes ticking a box means you're agreeing to be contacted and sometimes it means you're confirming you don't want to be. Equally, some companies ask for consent to share your data with third parties. Make sure you read carefully before agreeing, and think about how widely shared you want your data, and whether you trust who you're giving it to.

8 <https://www.ofcom.org.uk/about-ofcom/latest/media/media-releases/2014/effectiveness-telephone-preference-service>

- **Complain**

Complaining about a nuisance call or text can often add to the inconvenience by taking up more of your time. However, if you're particularly concerned and want to complain, you can use the **Which? Consumer Rights complaints tool**. This passes details on many kinds of calls and texts to the right regulator, and direct you to the correct place where it is unable to. If you complain direct to a UK body, such as TPS, The Information Commissioner's Office or Ofcom, include your postcode so they know that you live in Scotland.

Reporting an unwanted text as spam is even simpler. Just forward it to 7726 – easy to remember because it spells out “spam” on your phone keypad.

If you feel threatened or suspect a scam, you should always contact someone to help protect yourself and other people. Use 999 if you think the threat is immediate and 101 if you're concerned but not in imminent danger.



1,100 IN JUNE 2017 OVER 1,100 COMPLAINTS WERE MADE ABOUT NUISANCE CALLS IN SCOTLAND⁹

Business Behaviour

Nuisance calls aren't just bad for people – they can harm the vast majority of businesses that obey the rules and want to build good relationships with customers.

The minority of unscrupulous businesses must be punished, and we will continue to work with our partners, including the UK Government, on how best to do that. However, a focus of the Commission was to find ways to support businesses that want to do the right thing. This should help customers identify rogue companies that don't display good practice, and better enable regulators to focus resources on persistent offenders.

What is the Scottish Government doing to encourage better business behavior?

1. Raising awareness of the rules

As a business – particularly a small one – staying on top of all relevant regulations can be challenging. The Scottish Government will be rolling out a simpler system of business support, and we will ensure there is clear information on obeying the rules on nuisance calls. Our Commission partners SCDI will also circulate similar guidance to its extensive network of business members, and we will hold joint awareness raising sessions, aimed particularly at better ways for businesses to support vulnerable consumers.

2. Building partnerships with financial providers

The Scottish Government has already lead an extensive programme of work with financial institutions and local authorities to increase the support given to adults who are recognised as vulnerable and at risk of financial harm. However, we recognise that nuisance and scam calls are a specific risk point. We will hold a financial forum to explore what more can be done by working together to protect individuals in this area and involve local authorities, police and other agencies to build on the idea of a multi-agency approach to protecting adults who are vulnerable to harm, and to consider, amongst other things, how we can work more collaboratively.

3. Encouraging best practice

In the coming months, we will work with Scottish businesses and the Direct Marketing Association to support better behaviour. In particular, we call on businesses, and public authorities where appropriate, to:

- Become TPS Assured, so that customers know data protection and calling practices have been audited and approved;
- Implement processes to protect vulnerable customers, such as developing methods to help call centre staff identify customers who may need extra support, or building a secure database of customers who will not receive marketing calls;
- Consider the potential for new campaigns or programmes to lead to more scam calling from rogue organisations and how this might be mitigated, for example by publicising information on how customers will be legitimately contacted;
- Move from obeying the law to applying best practice, such as making it easy for customers to understand what they are consenting to when they provide data, and keeping data for finite periods.

4. Including vulnerability in the Business Pledge

The Commission identified a long term need to better protect vulnerable people. The Scottish Government's Business Pledge¹⁰ is a clear indication of the business behaviours we want to encourage. We will update the Pledge to include criteria around protecting and supporting vulnerable customers. This should ensure better support in general. However, companies making marketing calls have a particular need to do this well, and the Scottish Government will make appropriate support and guidance available.

¹⁰ <https://scottishbusinesspledge.scot/>

Improving Government response

Our commitment to protecting people from nuisance and scam calls and to supporting legitimate businesses is outlined in the previous sections. However, our own procedures and policies must also display best practice and not unintentionally contribute to the problem.

What is the Scottish Government doing?

1. Updating our impact assessments

A significant number of nuisance calls are made by companies claiming to be affiliated with Scottish Government schemes, such as energy efficiency initiatives. New Scottish Government legislation is already assessed on a range of areas, including business, equalities and privacy impacts. We have now supplemented these with assessments to consider the impacts of new policies on consumers. A key function of these assessments is to ensure the potential for an increase in nuisance calls is considered along with steps to minimise this risk.

2. Ensuring our schemes meet best practice

As with the previous action, this recognises that government schemes can be hijacked by nuisance callers, and that this increases confusion among the general public. In reality, we cannot eliminate the risk that a government scheme will be used by unscrupulous organisations. However, we can minimise it. We have developed our own set of principles that should be adhered to when new schemes are being developed. These principles are that:

- any organisation we directly contract with to deliver a government scheme will not make cold calls, unless there are exceptional grounds for doing so;
- new schemes should work to identify and protect vulnerable users; and
- adequate time and publicity is built in before any large scheme launches so people know how legitimate Scottish Government contact will occur.

3. Displaying a number for outbound calls

The Scottish Government does not display its number when making outbound calls, which makes it difficult for members of the public to know who we are when we call. In the coming months, we will be working to change this practice so that our number is displayed, except where there are compelling reasons, such as security, not to do so. We will work with public agencies across Scotland to do likewise.

4. Work to improve regulatory solutions

At the beginning of this document, we set out the limitations on our powers to tackle nuisance calls. Nonetheless, we have identified some areas where further action should be explored. We have put these to the UK Government and offer to support them wherever possible. In particular, we are interested in understanding:

- The possibilities for improving how consumers avoid unwanted calls – at present, through TPS, customers must take steps to opt-out of unwanted calls instead of being opted out by default. New data protection regulations could bring us closer to an opt-out model. This should be kept under review and we should explore whether more needs to be done.
- The scope for telecoms companies to do more – earlier we highlighted the availability of call blocking services from some telecoms providers. Where there are not unreasonable technical obstacles, we encourage this practice to be more widely adopted, and suggest that, along with the UK Government and regulatory agencies, we monitor this situation for progress.
- The opportunities to make it easier for people to report nuisance calls, particularly suspected scam calls – at present, it is difficult and time consuming for consumers to know how and where to complain. A simpler system – for example, a phone line – should be explored.

5. Develop a scams prevention strategy

As our work on nuisance calls has progressed, it has become obvious that the greatest threat to be tackled is the danger of scam calls, especially to vulnerable people, and that the problem of scams goes far beyond those perpetrated via unwanted calls. As a long term action, Commission members sought a strategic and coordinated response to scams from the Scottish Government and enforcement agencies.

This is a complex task. However, the Scottish Government is committed to achieving it, by creating a dedicated scams partnership to develop and deliver a more coordinated response across government and the wider landscape of enforcement agencies, consumer groups, health and social care providers, industry and third sector organisations.

We also want the strategy to be informed and shaped by the experiences of those we are trying to protect. We therefore commit to a series of events across Scotland for people affected by scams to share their experiences and ideas for solutions.



MORE THAN 400,000 OLDER PEOPLE BELIEVE THEY HAVE BEEN TARGETED BY SCAMMERS⁸



NEARLY A QUARTER OF 18 – 24 YEAR OLDS HAVE BEEN SCAMMED ONLINE^{11,12}

11 <http://www.ageuk.org.uk/scotland/latest-news/over-400000-older-scots-targeted-by-scammers/>

12 <http://www.thisismoney.co.uk/money/beatthescammers/article-4484396/Those-degree-education-likely-fall-scams.html>

Conclusion

For too long, the problem of nuisance calls has been accepted – an inconvenience for most that many assume will never change. However, as we better understand the consequences and harm that can result, it is clear we must act.

As this document shows, solving the problem is as necessary as it is challenging. However, the Nuisance Calls Commission demonstrates that there is a collective and determined willingness across consumer groups, industry and enforcement agencies to protect people and hold the worst offenders to account.

The actions outlined in this plan, from partnerships between members to deliver a concerted week of campaigning, to interagency cooperation to identify people most in need of call blocking technology, are proof of what can be achieved when that collective energy is harnessed. We will play our part by implementing and building on the actions we've committed to here. We now urge the UK Government to show similar commitment and ensure that people all across the UK are protected from a nuisance calls epidemic that has already gone on too long.

The Nuisance Calls Commission had, in some ways, a narrow scope, but in others, it represents a larger vision of the Scotland we want to build. We established it because, even though our powers are limited, the role of government is to improve the lives of its citizens, and to ensure that those who are most vulnerable are protected.

That's a role we can only achieve with the support of industry and regulators all working together to meet that common purpose. Our aim as we expand this work on nuisance calls to a greater emphasis on safeguarding our most vulnerable consumers from scams and unscrupulous business practices more generally is to ensure we embed that commitment across Scotland so that we all play our part in creating a culture that values fairness, safety and equality.

Annex A – Engagement

The Nuisance Calls Commission, which was chaired by Keith Brown, Cabinet Secretary for Economy, Jobs and Fair Work, was established in November 2016 and met three times. Its remit was to explore practical solutions to reduce the impact and volume of nuisance calls. The secretariat function was provided by Scottish Government. The standing Commission membership was supplemented by a range of expertise during the sessions. Details are set out below.

Membership

BT

Citizen Advice Scotland

Department for Culture, Media & Sport – UK Government

Information Commissioner's Office

Ofcom

Ofcom Communications Consumer Panel

Scottish Council for Development and Industry

Telephone Preference Service

The Society of Chief Officers of Trading Standards in Scotland

Trading Standards Scotland

Which?

Empowering consumers by raising awareness – 30 November 2016

Chair of Nuisance Calls Summit

UK Information Commissioner

Empowering and supporting companies – 18 January 2017

CPR Call Blocker

East Renfrewshire Council

Federation of Small Businesses

Institute of Directors

Professor Chris Hodges – Oxford University

Scottish Council of Voluntary Organisations

Scottish and Southern Energy

trueCall

Vodafone

Regulatory and enforcement environment – 15 March 2017

Association of British Insurers

CPR Call Blocker

East Renfrewshire Council

London School of Economics (consultant)

Talk Talk

trueCall



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