

# NUISANCE CALLS AND MESSAGES:

## Live telesales calls



### What is a live telesales call?

If someone rings you trying to sell you something, this is known as a live telesales call.

They might be cold-calling you from an organisation you've had no dealings with, trying to sell a product or service such as double glazing or home energy services.

Alternatively, they might be from a company you deal with regularly, for example a garage reminding you that your car is due for its MOT, or your mobile phone provider encouraging you to upgrade your current deal.

### What is the law?

Although companies and organisations are allowed to make live telesales calls, they cannot call you if you have:

- told them previously that you don't want to receive telesales calls from them; or
- registered your number with the Telephone Preference Service (TPS) or Corporate Telephone Preference Service (CTPS), unless you have previously given a company permission to make marketing calls to you (e.g. by ticking or unticking a tick box on a form when starting a new service or getting a product from the company).



The law makes a distinction between live telesales calls (where there is a person on the line) and automated marketing calls when a recorded marketing message is played.

If your problem relates to automated marketing calls, take a look at the guide called Automated marketing calls, available [here](http://consumers.ofcom.org.uk/2012/10/recorded-message-marketing-calls/) (<http://consumers.ofcom.org.uk/2012/10/recorded-message-marketing-calls/>).

### How can I stop these calls?

When someone makes a live telesales call to you, the calling agent must supply you with the name of the caller and, if you ask for it, the address of the caller or a free telephone number. You can use this information to notify the caller that you no longer wish to receive live marketing or sales calls.

You can notify the caller by telephone, email or letter, although we recommend you do it in writing and keep a copy of any correspondence or make a note of who you spoke to and when.

Once you have notified the caller, they should not make any live telesales calls to the number(s) you have given them.

In addition, you can register your landline or mobile number with the Telephone Preference Service (TPS).

The TPS is a free service that allows consumers to record their preference not to receive any unsolicited telesales calls. Once registered with the TPS, the number(s) provided by you is added



to an official list of numbers that **all** UK organisations (including charities, voluntary organisations and political parties) are prohibited from calling for sales and marketing purposes.

Although there are commercial organisations that offer services for reducing nuisance calls, the TPS list is the only official register for opting out of live telesales calls. The TPS register is established and supported by legislation and organisations which want to make live telesales calls are legally required to screen their sales lists against the TPS list only. The TPS and Ofcom are not affiliated with any commercial organisations that offer services to reduce nuisance calls. If you choose to explore options provided by these commercial companies it is advisable to make sure you understand exactly what services they are offering you and any applicable charges.

An equivalent service, the Corporate Telephone Preference Service (CTPS), is available for corporate bodies.

For more information about the TPS, the CTPS, or to register for either of these services, call 0845 070 0707 or visit their [website \(http://www.tpsonline.org.uk/tps/index.html\)](http://www.tpsonline.org.uk/tps/index.html).

## Does TPS registration prevent all unwanted calls?

No. Registering with the TPS should reduce live telesales calls but it will not prevent all unwanted calls.

Firms can still contact you to carry out market research even if you're registered with the TPS, although these calls must not be combined with any marketing or selling.

Also, TPS registration does not work if you have previously given a firm permission to market to you by phone.

You may have done this without even realising. For example, some forms include a tick box which allows you to opt-in, or in some cases opt-out, of direct marketing by that organisation.

By opting-in (or not opting-out) you may inadvertently have agreed to receive sales and marketing calls, even though your number is registered with the TPS.

If you believe you may have done this, don't worry.

You can withdraw your consent by simply contacting the caller and informing them that you do not wish to be called for marketing purposes. It is best to do this in writing, keeping a copy of any correspondence, or make a note of who you spoke to and when.

Sometimes when you ring up a firm with an enquiry, or asking for a quote, you will be played an announcement informing you that you will be automatically opted-in to receive future marketing calls. You can prevent this by informing the operator who answers your call to remove this opt-in.

## I've registered with the TPS/CTPS but I'm still receiving calls

When you register your number(s) with the TPS/CTPS it takes up to 28 days for it to come into effect.

If you are still getting calls after 28 days, you can complain to the TPS. You can do this online, by phone or in writing and you can find details of how to complain to TPS at the end of this section on live telesales calls. The TPS will contact the caller in question asking for an explanation and requesting that it removes the number from its call lists.

It also sends details of the complaints it receives to the Information Commissioner's Office (ICO).

The ICO has powers to investigate and take action against anyone making marketing calls to consumers or corporate bodies registered with the TPS or CTPS.

You can also complain directly to the ICO using the link on the next page.



## Why complain?

Your complaint can provide real benefits, both for you as an individual and for consumers generally.

This is because complaints play a vital role in helping regulators tackle the companies responsible for nuisance calls and messages. Without your complaints regulators would find it much harder to identify and take action against those responsible.

Although complaining may not put a complete or immediate stop to all your nuisance calls or messages, it does help regulators take more targeted action in this area.

Making a complaint is simple. You can do it online, by phone or by post, and it can take as little as 5 minutes.

## I'm still receiving calls after asking an organisation not to call me

If you have not already done so, you should register with the TPS.

You can also complain directly to the ICO using the link below, as the person calling you after you asked them not to is in breach of the rules in this area.

## I'm receiving live telesales calls from overseas

Overseas firms who call on behalf of UK-based organisations should comply with UK law.

This means that they should screen their call lists against the TPS register before making unsolicited sales and marketing calls.

If you are receiving unwanted calls from abroad on behalf of a UK-based firm, register with the TPS.

If you have already registered, complain to the TPS or the ICO using the contact details at the bottom of this section.

Unfortunately, some firms base themselves overseas to avoid UK rules and do not make use of the TPS register. If you are receiving unsolicited live telesales calls which you believe to be from overseas firms you should still contact the ICO as they may be able to help you.

Always be wary of unsolicited live telesales calls from overseas, especially if they ask you to send them money or are using a premium-rate phone number (numbers beginning with 09).

## Submitting a complaint

You can complain to the TPS by:

- ringing 0845 070 0707
- going **online**: (<https://complaints.tpsonline.org.uk/Consumer/>) or
- by post: Telephone Preference Service (TPS), DMA House, 70 Margaret Street, London W1W 8SS.

You can complain to the ICO by:

- ringing their helpline: 0303 123 1113
- going **online** (<https://ico.org.uk/concerns/marketing/telesales-calls/>) or
- by post: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

When making a complaint, try to provide as much information as you can, including if possible:

- the organisation which made the call;
- the date and time of the call;
- the telephone number that made the call; and
- the nature of the sales/marketing that occurred during the call.

Even if you don't know who called you the ICO is still interested in hearing about your experience.

## Scams

You should be aware of scam calls, such as those asking you to send money upfront or buy something up-front before you get the prize or offer, asking you to make expensive phone calls to get the prize or offer, or asking for your bank details or other personal information.

For up-to-date information and advice on the latest scams you should contact Action Fraud - the UK's national fraud reporting centre. For more information, please visit their website: <http://www.actionfraud.police.uk/home> .

However, if debit cards, online banking or cheques are involved in the scam your first step should be to contact your bank or credit card company.

One specific scam to watch out for is the 'missed call' scam.

Victims receive a missed call from a number beginning 070 or 076.

These numbers are used as they appear to be calls from a mobile phone number. However, when the victim tries to call the number back, the call is immediately dropped or an engaged tone is played and the victim is charged 50p for making the call.

If you receive a missed call from a number beginning 070 or 076 that you do not recognise, do not call it back.

Instead, make a note of the number and complain to the premium rate regulator, Phonepay Plus by:

phone: 0800 500 212

online: (<http://www.phonepayplus.org.uk/For-the-Public/Make-a-complaint.aspx>)

or in writing: Phonepay Plus, Freepost, WC5468, SE1 2BR

For more information on other useful organisations you may want to contact regarding scams, please see [Contact details \(http://consumers.ofcom.org.uk/phone/tackling-nuisance-calls-and-messages/contacts/\)](http://consumers.ofcom.org.uk/phone/tackling-nuisance-calls-and-messages/contacts/)