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Q1: We would welcome views and evidence from stakeholders on (a) the main types of harm that consumers experience from nuisance calls in general and specifically in relation to silent and abandoned calls; and (b) how to measure the harm.

If the current guidelines are followed I do not believe consumers should see any silent calls unless there has been a system failure. The only place this might occur is if companies are using AMD and disconnecting positive results. It is touched on later in the consultation, but it would be good for Ofcom to recognise the use of AMD in conjunction with an IVM type solution as acceptable and not mis-use within certain guidelines. This would give companies a way to use AMD without impacting the customer if it is used to identify false positives and re-route the calls to a live agent via a priority line. Potentially this could be used for abandoned calls as well, providing the customer an option to route in to the call centre if they wish. Same rules should apply i.e. this should not be used as a method to speed up dialling. Companies should still work to a 3% abandoned call limit, but it should mitigate consumer harm as it allows them to wait and speak to a live operator via a priority service

Q2: We would welcome views and evidence from stakeholders on what are the key drivers of (a) silent calls and (b) abandoned calls.

As above, silent calls just shouldn't happen without a system issues or external factors provided the rules are followed. I think use of AMD is likely to be the major cause of silent calls if companies are just disconnecting positive results. Our interpretation of this way of using AMD is mis-use. Systems parameters tend to be configured by number of rings rather than duration and our system is set to 5 ring cycles to give 15 seconds of ring time. I would suggest that intentional agent behaviour and everything listed in the timing and other causes sections are not likely to be major drivers of silent and abandoned calls

Q3: We would welcome views and evidence on the use of AMD including (a) if call centres have changed their use of AMD in recent years and if so why (b) the volume of calls made by call centres with and without the use of AMD (c) false positive rates when using AMD and any data to suggest that the accuracy of AMD has improved in recent years.

In recent years we have not used AMD at all. The guidelines make it extremely difficult to use in a compliant fashion. It would be helpful for Ofcom to recognise that the use of AMD technology together with an IVM solution could benefit both companies and consumers if operated within certain guidelines. This would allow false positives to be routed to a live agent. AMD success rates are impacted by the two second rule as it does not allow sufficient time for a high proportion of answer machines to be detected. We would also expect false positives to be low for the same reason; AMD does not have enough time to decide what it has connected to and therefore has to treat the call as a live person.

Q4: We would welcome views and evidence on potential changes to the policy to help reduce the harm caused by silent and abandoned calls including those identified in Figure 2 (abandoned call rate and approach to AMD), Figure 3 (time limits for calling consumers and connecting to a live agent) and Figure 4 (good management and appropriate processes).

Reducing the current abandonment rate would have a significant impact to resourcing. I'm not sure any organisations are running at less than 1% unless dialling with very low agent numbers. For us to move from 3% to 1% or below would have significant resource implications and you move close to not being able to dial in a predictive fashion. A worst case scenario if dialling on a one to one ration would be idle time tripling. More focus should be brought on organisations who do not abide by the rules and where telemarketers place straight in to an IVM solution to then either route on to a call centre or a subsequent call back from a live operator. As per Q1 response, an IVM solution could be a very viable option to handle abandon outcomes and provide a priority route in to the call centre if

the consumer wishes to take this option. Silent calls should be 0% anyway and I thought the current guidelines covered this, it is certainly our interpretation. If you have to connect to a live operator or message within 2 seconds there should be no silent calls unless there has been some sort of system or process failure.

Q5: We would welcome views and evidence on potential changes that could be made to the policy relating to the a) current five general examples of persistent misuse (misuse of automated calling systems; number-scanning; misuse of a CLI facility; misuse for dishonest gain – scams; and misuse of allocated telephone numbers) or b) other examples of persistent misuse.

I would agree solutions where a customer is put in to IVM and immediately placed on hold are misuse. Ofcom need to clearly differentiate between this and legitimate uses e.g. use of an automated IVM solution as part of a Fraud detection process that might result in the call needing to be re-routed to the call centre. There should be some guidelines to ensure these calls are then prioritised appropriately to minimise any wait time, but it should not be classed as mis-use. A checklist and practice guide would definitely be useful as it is felt many of the current guidelines can be open to interpretation and do not cover all scenarios; IVM use is a good example of this. It would also be helpful for Ofcom to define what exactly unsociable hours are. I'm not sure why using localised CLI to improve chances of the consumer answering can be considered mis-use in non-marketing scenarios. If we are trying to contact a customer to help address a potential Fraud issue or provide support if they are in financial difficulties, it should be considered a legitimate way of maximising the probability of contact. Even more important in this type of scenario as consumers will deliberately screen calls from another area code or non-geo as they believe it to be a marketing call.

Q6: We have not identified any significant changes to this section of the policy, relating to the issuing of notifications, at this stage. However, we welcome views and evidence from stakeholders on any changes they consider may improve the understanding or clarity of this section of the policy.

Nothing to add here

Q7: We would welcome information on the current operation of the outbound call centre market, in particular:

- ***The size of the current outbound calling market e.g. the annual number of calls made as well as the value.***
- ***The size of total annual costs in the outbound market (where possible split by operating costs and capital costs (or depreciation)).***
- ***The average costs per call/per agent (or per agent hour).***
- ***The split of call centre locations (domestic or overseas) that make calls to UK numbers.***

Q8: We would welcome any initial views and evidence on the potential costs and benefits of any of the potential changes to the policy. In particular, whether any of the potential changes would:

- ***require investment in new technology or other capital costs;***
- ***have an impact on efficiency and operating costs;***
- ***have an impact on call-centre costs or call-centre prices (to their clients);***
- ***affect competition in the call-centre market; and***
- ***have a different impact on different types of call centre, and if so, what factors affect the level of impact.***

We would require additional time to provide accurate information on the questions above, but do not feel they are of great significance at this point of the consultation.

Q9: We would welcome any views on what factors may influence a call centre's likelihood of adhering to the current or a stricter policy.

Greater visibility of action being taken against companies who do not abide by the rules. We would certainly also welcome the opportunity for Ofcom to come and review our processes and provide feedback. This would help clear up some of the ambiguity, provide companies comfort they are operating within guidelines and an opportunity to work together to improve practices if required, without the worry of potential penalties and fines.