

Nexbridge's Response to Ofcom's "Review of how we use our persistent misuse powers - Focus on silent and abandoned calls" request for input

Ofcom Sections Nexbridge Communications Limited is responding to specifically

*4.16 Some stakeholders have questioned whether using (i) localised CLIs (e.g. if the consumer the organisation is calling is based in Glasgow the presentation CLI is based on local area code '0141' but if the same organisation is calling a consumer in Cardiff it would present a number based on '029') or (ii) multiple CLIs (which are valid and returnable ones) on a rotating basis, to maximise the chances of the consumer answering could be considered persistent misuse.*

*4.17 We are aware this is a developing issue and will need further evidence to consider if such practices could represent a form of persistent misuse that we should explicitly cover in the policy. For example, this could be because the effect or likely effect is to mislead a consumer which could cause a person unnecessarily to suffer annoyance, inconvenience or anxiety because they may have been misled into picking up a call they may not have wanted or would not otherwise have picked up, thinking it was a local number (e.g. friends and family) or a different number (e.g. which they hadn't blocked). It may also reduce the effectiveness of call blocking technology a consumer may be using.*

Nexbridge Communications Limited's Input:

Background:

Nexbridge Communications Limited is a Communications Provider and Ofcom range holder and operates its own IP based network. Nexbridge provides a CLI Localisation Service (Dial Sure) to its customers as part of its call routing services. Nexbridge does not originate calls.

Response to sections 4.16 & 4.17:

A localised CLI is presented in many cases by our customers, as a marketing technique to help improve a call centre's efficient use of their dialling data and increase sales opportunities in the competitive markets in which they operate. It also, importantly, allows the consumer to return a call to the local number that called them, as the CLI presented is correctly formatted, can be dialled by the consumer and is therefore traceable to the originator - either directly or via the number range holder, and in Nexbridge's opinion, should certainly not be classed as misuse. NOTE: If a consumer does not wish to receive unsolicited marketing calls, then TPS registration is advised, and the call will then not be delivered to the consumer - regardless of the CLI being presented.

Not all localised CLIs are used for unsolicited marketing purposes. A local CLI can be used for a national call centre to offer local services by providing a familiar local number to consumers in towns and cities in which they reside. An example being a centralised call centre for a national car hire firm using a localised CLI to contact its customers in the area in which they hired a car. A return call to the local CLI can

also ensure the call reaches the car hire company's department that handles the area in which the consumer hired the car - e.g. a Glasgow car hire customer would be able to return a call to a Glasgow number and be routed to a centralised call centre agent that handles the Glasgow area.

The use of a local CLI also allows a called consumer to return a call to a local number that is inclusive in their landline or mobile calls bundle. If an 08 number was presented then an MNO would charge a much higher rate for the call (even if 0800!).

Again, by using a local CLI, the call is traceable, and the consumer is able to identify the originator, and contact the range holder if they are unable to contact the originator for any reason.

For unsolicited calls, TPS registration will prevent calls from reaching consumers who do not wish to be contacted, and traceability for RIPA/Ofcom/ICO purposes is 100% as a CLI is always presented. In contrast, a withheld CLI does not allow easy traceability, and causes greater levels of consumer harm than a CLI that is accurate and visible to the consumer, which Ofcom already recognises.

Nexbridge has seen much greater levels of customer compliance with CLIs being used where a call centre may have previously been wrongly withholding a CLI. Nexbridge's per call TPS Compliant solution, has also allowed 100% compliance for those customers who use our live checking service. Nexbridge's procedures and good communication channels and responsiveness to the ICO and Ofcom, have also ensured any complaints are handled courteously and in a timely manner, with the ability for a consumer to raise complaints through clearly established channels.

There needs to be a careful commercial consideration before Ofcom instigates any change to the classification of Localised CLIs as misuse, and more pressure on dialling organisations to ensure data is TPS checked prior to calling, or even better, live "per call" TPS checking used, which Nexbridge also offers to its customers, (all CPs could offer this) as we believe that complaints would then plummet.

Ofcom and the ICO combined would, we believe, achieve greater results with regard to reducing consumer harm by ensuring that call centres and dialler organisations comply with silent call obligations, TPS compliance, nuisance calls and number pinging. Nexbridge has attempted to help legitimise the call centre market through helping our customers become more compliant and ensure traceability through CLI presentation by offering a commercial benefit to do so - CLI Localisation.

In fact, greater levels of consumer complaints may be experienced initially when a call centre moves from presenting an invalid or withheld CLI, as the consumer actually has a number to contact, however this forces the call centre into becoming compliant for fear of ICO/Ofcom fines for repeated breaches, and complaints then begin decreasing.

Nexbridge has found that the use of localisation has helped to make the call centre market more compliant - not less - by allowing a commercial and compliance balance to be struck. The call centre improves their statistics, makes more efficient use of their data and at the same time becomes more visible to the consumer.

In addition, business and residential VOIP providers have been offering out of area CLIs to their customers for 10 years. Is Ofcom planning to stop this and insist that all VOIP providers carry all UK area codes to ensure that a customer from Glossop, for example, presents an 0145 number - and that if they subsequently move to Sunderland their VOIP provider immediately issue them an 0191 number lest the called party is misled? VoIP users can also be nomadic, so the concept of accuracy of location based CLIs in a VoIP world becomes rather unnecessary - as long as they're traceable.

Nexbridge therefore believes that classification of a Localised CLI as misuse will simply result in greater levels of consumer frustration as unscrupulous call centres will simply revert back to the misuse of not presenting a CLI at all, creating greater levels of consumer frustration with the inability to contact the originator without the visibility of a valid CLI - or even worse, force operations off shore.