Noble Systems UK Limited

Question 1: 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. Please refer to Annex 4 Call for inputs questions for details of the points you may wish to consider in your response.:

Noble Systems would agree that nuisance calls are able to cause harm through both wasted time and distress. After consideration, Noble was not able to identify any other primary types of harm. We believe perceived harm would vary by each individual and it is therefore not possible to achieve any form of quantifiable measurement.

Noble believes that silent calls and abandoned calls are less harmful since the last review of policy in 2010, due to the increased education and publicity in this area. As a result, more people are likely to be aware of the possible cause of silent and abandoned calls and therefore suffer less distress. However, it is considered that harm through other call types has increased as a result of an increased number of organisations that seek to, or continue to, ignore existing regulations.

Question 2: We would welcome views and evidence from stakeholders on what are the key drivers of (a) silent calls and (b) abandoned calls. Please refer to Annex 4 Call for inputs questions for details of the points you may wish to consider in your response.:

Silent and abandoned calls can occur for multiple reasons including those referred to by Ofcom in Section 3, Figure 1 of the document. Of those reasons, Noble Systems believes that the main single cause is use of ACS by rogue organisations in an intentionally non-compliant manner.

It is important to stress that the majority of Noble Systems' customers, and the majority of all ACS users, have elected to disable AMD (as discussed further in Q3 below). In this scenario, all those customers are set up to play the required message in the event of an abandoned call and therefore there will be zero silent calls. Noble Systems is extremely concerned by the level of silent calls that Ofcom is reporting. Either there are other reasons aside from ACS systems or Ofcom has not been able to identify, and enforce regulation, across rogue organisations. Further tightening of regulations will do nothing to make rogue organisations become compliant, or identify them and allow further action to be taken.

In the main, Noble Systems would agree with the possible reasons listed by Ofcom as to why consumers would receive silent or abandoned calls. However, with regard to lack of awareness, Noble does not believe that this is a key driver of silent calls. The vast majority of ACS systems are complex solutions that are implemented by responsible vendor organisations who provide significant levels of education and training. As such, awareness would be provided as part of the system training.

One potential cause, not referenced by Ofcom, are calls made by individuals rather than ACS systems which are then terminated deliberately due to the occurrence of an interrupting event. Such an event could include an inbound call from the same or other devices or an in-person

conversation.

A further cause, specific to mobiles, could be unintentional dialling of contacts - for example those caused through accidental dialling by placing an unlocked phone in a pocket or bag.

Question 3: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.:

From the evidence that Noble Systems has from our current clients, the majority of call centres have chosen not to use AMD. The main reason for this, as identified by Ofcom, is that it is not possible to achieve a 0% false positive rate and the constraints, in terms of interpretation, measurement and compliance, are too challenging for most organisations.

Noble Systems believes that the correct way forward would be for all forms of network based answering machines to provide digital signalling in a manner that would identify all of these types of devices.

Question 4: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). Please refer to Annex 4 Call for inputs questions for details of the points you may wish to consider in your response. .:

Noble Systems believes that a significant majority of silent and abandoned calls are caused by intentional non-compliance and that evidence is lacking with regard to the lesser causes. As such, it is not considered that any tightening of the existing policy would be appropriate until greater action has been taken with regard to enforcement of current policy and until more empirical evidence is available in relation to other causes.

In respect of Figure 4: Possible changes to encourage good management and appropriate processes, Noble Systems believes that there is possible value in Ofcom taking account of management of the dialler being carried out by competent persons or requiring each user organisation to have an individual responsible for compliance. Such action would potentially ensure that all users of ACS have multiple individuals who are trained users and who are educated on use of the system within the requirements of the Act and Ofcom's Statement of Policy.

Question 5: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. Please

refer to [Annex 4 Call for inputs questions](#) for details of the points you may wish to consider in your response.:

Noble Systems would agree that the five general examples remain relevant. It is not considered that changes are necessary in the area of CLI information. Again, it would be considered that the greater amount of harm is being caused by organisations choosing to be non-compliant by either not displaying CLI or by selecting a different CLI, often not owned by that organisation, and which may then have no message on returning the call.

Noble would consider that any changes to policy in respect of CLI localisation or CLI rotation should only be made against hard evidence of the harm being caused. This has not been evidenced to date.

Interactive / Intelligent Voice Messaging is believed to have a positive benefit when implemented correctly and should not be considered persistent misuse. If the message also has an option to speak to an agent, it is not considered unreasonable that a finite period of wait time is acceptable. The reasonable assumption would be that the called party has an interest in speaking to someone about a relevant, and possibly important, matter.

In common with responses to other areas, the answer is not a further tightening of regulations with regard to IVM, it is to ensure that existing guidelines are enforced. Rogue organisations, such as those using IVM for PPI claims, injury claims and other illegal marketing calls, should be identified and pursued, thereby preventing them from causing further harm and from damaging respectable and compliant users of the technology.

The option of Ofcom producing a 'checklist' is supported but this would only serve to assist those organisations wishing to become compliant. It will do nothing to reduce the harm caused by those rogue organisations who have no desire to be compliant. Again, the focus should be on the enforcement of existing policy and not the generation of further or amended policy.

Question 6: 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 :

Noble Systems does not believe that significant changes to this section of the policy are necessary.

Question 7: We would welcome information on the current operation of the outbound call centre market, in particular a) the size of the current outbound calling market e.g. the annual number of calls made as well as the value, b) the size of total annual costs in the outbound market (where possible split by operating costs and capital costs (or depreciation)), c) the average costs per call/per agent (or per agent hour), d) the split of call centre locations (domestic or overseas) that make calls to UK numbers.:

Noble Systems does not have complete information in this regard. However, Noble would be willing to meet with Ofcom to share and discuss some of the information referred to in this section.

Question 8: 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 a) require investment in new technology or other capital costs, b) have an impact on efficiency and operating costs, c) have an impact on call-centre costs or call-centre prices (to their clients), d) affect competition in the call-centre market, e) have a different impact on different types of call centre, and if so, what factors affect the level of impact.:

In the opinion of Noble Systems, there would be little or no visible benefit associated with the tightening of current policies.

In terms of costs, most Contact Centres that are using ACS responsibly could, if they were forced to, change their drop call rate from 3% to 1%. Most would be able to do so without further investment.

However, the financial impact to those organisations would be enormous. Most likely, the challenges associated with remaining compliant to 1% would be such that the actual rate was set to 0% in a manner where dropped calls were not possible. Impact on productivity would be to at least halve agent productivity on average across the industry. Call centres would have to employ twice as many agents to undertake the same level of work. In practice this would not happen. You would see a mix of more organisations consciously dialling in a non-compliant manner coupled to more work being handled by non UK call centres. Damage to British business would run to billions of pounds.

In the case of Debt Collection, harm may be caused to the Debtor by not being able to contact them early enough in order to identify a solution to the debt problem. More drastic action, such as court action or bailiff attendance, may have to occur. These would create additional costs that would need to be borne by the debtor.

In summary, further and/or tightened regulation of the UK Contact Centre market will lead to greater non-compliance, more offshore call centres calling the UK, more complaints, the loss of hundreds of thousands of UK jobs and financial harm to many UK Companies that operate in the sector.

Question 9: We would welcome any views on what factors may influence a call centre?s likelihood of adhering to the current or a stricter policy.:

Noble Systems believes that the majority of call centres would not benefit from a stricter policy. We believe that the small number of organisations that continue to flaunt the regulations and persist in producing silent calls need to be targeted and heavily fined. Reputable organisations that are trying to follow the rules and have the technology in place to avoid silent calls should not be punished for the minority that do not adhere to policy.