SSE plc response to "Review of how we use our persistent misuse powers - Focus on silent and abandoned calls" consultation

Additional comments:

SSE is a large UK-based energy company. We have a call centre function to support contact with our own retail customer base. Outbound calls are made using Automatic Calling System (ACS) equipment for a variety of service reasons and also sometimes for marketing purposes

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.:

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.:

SSE agrees with Ofcom's overview of the range of potential drivers of silent and abandoned calls, as set out in the 'calls for input' documentation and cannot think of any other potential causes to add. However, we are not convinced that use of Answer Machine Detection (AMD) is likely to be a major cause at present. As Ofcom notes, many organisations have stopped using the technology in recent years, following Ofcom's focus on this in the last revision to its policy in 2010. This is also evident from the Notifications that Ofcom has published following enforcement action in this area since 2010. We continue to believe that there is a place for AMD technology as an efficient means of successfully classifying answer machines in a uniform and systematic manner.

The alternative approach of allowing call centre agents to classify the correct disposition codes is also open to human error, although this should also be a small and controllable element in environments that are appropriately managed and monitored. Nonetheless, feedback on websites such as 'whocallsme.com' shows that a large volume of the entries by consumers are in relation to 'rudeness'; 'being able to hear background noise'; and 'repetition of calls after having requesting to be removed from future calling lists'. These concerns are more indicative of agent behaviours than of the operation of ACS or AMD systems.

SSE uses a minimum call time greater than 15s before disconnecting an unanswered call, as we consider that this specified minimum call time is often too short to allow some customers to get to the phone should they be otherwise occupied or require additional time to make the journey. However, we agree with Ofcom that there has to be a balance between ringing for a sufficient time to allow a reasonable opportunity for the called person to answer and avoiding ringing for too long when the called person has made a deliberate decision not to answer, for example shift workers who may be asleep during the day.

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.:

SSE took the decision to stop using AMD following the revision to Ofcom's guidelines in 2010.

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. .:

Ofcom proposes amendments to the existing policy on persistent misuse in three areas affecting the guidelines on use of automated dialling equipment: abandoned call rate; time limits; and encouraging appropriate processes.

Abandoned Call Rate
With respect to the range of proposals on abandoned call rate, we would not support reducing the 'allowable' abandoned call rate - especially to zero. No ACS user could operate predictive technology without a finite possibility of abandoning calls. There would be significant costs for SSE if the allowable abandoned call rate were to be reduced to zero such that only managed dialling was feasible. These include decreased productivity, wasted investment costs and upheaval to established call centre operations, including staff time to research, assure and carry out amendments to technical dialler capability.

With respect to one of the other proposals, we do not consider that it would be feasible to differentiate between silent and abandoned calls and have separate controls on each. Whilst the rate of abandoned calls is reliably measured by the ACS, silent calls from all causes would be more difficult to measure. A call centre using ACS, playing an abandoned call message and not operating AMD is unlikely to generate any silent calls systematically but technical issues may still occur and intentional and unintentional 'silence' from users cannot be ruled out.

A final proposal from Ofcom under this heading is to specify an absolute number of abandoned calls per period (such as 24 hours) above which enforcement action would be more likely. We consider that this approach would be helpful to smaller call centres and smaller campaigns, where flexibility to react to any issues that may jeopardise the current 3% threshold is more limited. It could also reduce the total number of silent or abandoned calls from organisations making heavy use of diallers as they would seek to keep the number of such calls below that number rather than the current 3% threshold. Therefore, we think that this option may be worth exploring.

Time Limits
With respect to the proposals around time limits, SSE already monitors time intervals before

agents speak on a connected call and, as discussed in the response to Q2, has a minimum ring time longer than the 15s specified in the current guidelines.

Appropriate Processes

In the final area, Ofcom proposes to take into account whether organisations have appropriate processes in place to monitor and manage issues potentially causing silent calls. We believe this could be a useful addition to the guidelines. If coupled with clear summaries of the dialling guidelines and publicity for 'best practice' in this area - which Ofcom discusses in section 4 - we expect that this could lead to improved dialling management across the industry, which could in turn lead to lower abandoned/silent call volumes.

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.:

In section 4, Ofcom has set out a range of proposals that have been made by stakeholders on the subject of CLI use. We understand that some of the technical improvements in, for example, call tracing will take some time to bring into effect and that mandatory use of CLI is dependent on Government action. With respect to the areas where the current guidelines touch on CLI use, we agree that where CLIs are used, they should be authentic. We would not object to Ofcom clarifying in their policy that a provided CLI should connect to a live person or a helpful recorded message.

SSE has some comments on one of the final aspects of CLI use that Ofcom describes: using localised or rotating CLIs. We suggest that there are situations in an ongoing relationship with a customer - as distinct from 'cold calling' marketing campaigns - where use of different CLIs is to the customer's benefit. For example, geographic local area codes can be set as a default on occasions when the network has failed or the CLI information has technically not translated properly to the customer. On these occasions, the uninformative projection 'withheld' or ' ITNL' is avoided and a local number shown instead, which will have the same effect as the usually projected non geographic 08* number, allowing the customer to return the call if they wish to reach the relevant call centre location that initiated the call.

Similarly, for existing customers, there may be a range of reasons why use of local geographic numbers as presentation numbers to overcome any reluctance of the customers to answer 08* calls would be in the customer's interest. These include: campaigns for debt advice; notification of fraudulent activity on a customer's account; and safety related campaigns. If there were changes to the persistent misuse policy which made it more difficult to use local geographic numbers, then there could be unforeseen consequences in this area. Other, slower, means of contacting customers might have to be deployed, which could act against the customer's best interests. SSE believes that organisations should retain appropriate flexibility in CLI use to maximise their opportunity of contacting customers to provide them with necessary services in suitable time frames.

With regard to the suggested checklist and best practice guidelines, SSE would very much

welcome any information being made available by Ofcom which could assist the more uninformed industry users to understand what is expected of them. We would hope that this would lead to a reduction in the incidence of silent and abandoned calls and therefore the level of complaints about them to Ofcom. We believe that Ofcom would be best placed to develop and set out best practice guidelines as not all dialler users belong to relevant 'dialler' trade bodies.

SSE would like to see Ofcom use their powers in relation to persistent misuse to investigate and enforce compliance on those parties who are deliberately misusing ACS for dishonest gains. Logically, regardless of the efforts made by honest ACS users seeking to be compliant, as long as rogue organisations continue to flout the rules then there will always be an issue with 'nuisance, silent and abandoned calls'.

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 :

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.:

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.:

SSE is not in a position to evaluate the benefits of any potential change to Ofcom's persistent misuse policy and can only comment from the perspective of an ACS dialler user on the likely costs of these.

Any change to industry requirements would inevitably have a cost impact on all ACS users, ranging from changes to processes and documentation through additional audit exercises. More significant ongoing costs would be associated with changes which led to increased monitoring and reduced flexibility in ACS use such as the tightening of current allowed thresholds on abandoned calls.

As discussed in response to Q4, the biggest impact in terms of costs for SSE would be if Ofcom decided to reduce the allowable threshold for abandoned calls to zero. This would lead to one-off costs of: wasted investment in ACS technology; upheaval of call centres and

re-planning of customer contact activity; and potentially investment in new technologies. There could be also be costs in employing external bodies to update existing technology.

If predictive dialling could not be used then the alternative of managed dialling, whereby ACS users pace the dialler call rate themselves, would adversely affect the operational efficiency of the calling process as well as the effectiveness of the dialler jobs. This factor, together with the additional supervision and monitoring required to ensure that diallers were used as effectively as possible, would lead to additional ongoing operating costs for call centre operations.

With respect to the impact on different types of call centre, we expect that different changes would affect call centres differently depending on various factors such as: the type of campaigns being run; the demographics of the people they are contacting; and the volume of calls made using ACS.

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.: