



**BT's response to the Ofcom consultation;
Statement of Policy on the persistent misuse of
an electronic communications network or
electronic communications service**

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BT would welcome any comments on its position as laid out in this document which is available electronically at <http://www.btplc.com/responses>

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Requests for this document in other formats should also be made to Gordon Bickham.

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Summary

BT welcomes Ofcom's new stance against companies who make excessive numbers of silent calls. Silent calls are a known nuisance for consumers and the proposed procedures, as outlined in this statement, should encourage and help the call centre industry to address this problem. BT's Nuisance Call Bureau receives high volumes of calls from customers about silent calls and BT has provided information gathered from these calls to Ofcom to enable investigations to be considered.

BT has some detailed comments on Ofcom's proposals which are given below, but in general we are supportive of Ofcom's proposals. There are, however, a small number of areas where BT has concerns. In particular, the proposed new requirement to provide a brief informative message within one second of the call being answered could potentially prove to be more of an irritant to a customer than to receive a silent call. The procedures will also require the delivery of a CLI on all outbound calls made by diallers, and BT believes that this will enable customers to obtain the information they may require without the need for an informative message to all customers who experience an abandoned call. Delivery of the informative message is an unnecessary addition with potential consumer detriment.

Comments on the call centre procedures outlined in Section 5, paragraph 5.16

"In the event of an "abandoned call" a very brief recorded information message is played within one second of the call being answered,..."

Given other steps proposed by Ofcom, BT believes this proposal to be an unnecessary addition. Consumers may perceive receiving a recorded information message saying that an organisation has tried to call them as more (or at least as much) of an irritant than to receive a silent call. It is estimated that a message containing all the required information would last at least 15 seconds.

Ofcom has said within this statement that use of automated calling systems to transmit recorded marketing messages is persistent misuse within the meaning of section 128 of the Communications Act. Also the silent calls research published by the DMA in 2005 reported when asking consumers to rank which activity they considered the greatest nuisance, that 35% felt recorded messages were a bigger nuisance than silent calls whereas 25% felt that silent calls were the greatest nuisance. Whilst the proposed recorded message is intended to help and inform customers and is not a marketing message, it is possible that customers will not make this distinction and will view this message in the same light. Care needs to be taken that by firming up call centre procedures steps are not introduced that will have adverse consumer impact. BT would suggest that before finalising this approach that Ofcom consider carrying out research with consumers to establish how such a proposal would be perceived.

The proposed call centre procedures also require the delivery of a CLI on all outbound calls made by diallers, with either a live operator or a recorded informative message available, therefore the information proposed for inclusion in this brief recorded message will be available to those who want the information (i.e. those that proactively dial the CLI delivery number). This is a more customer friendly and less intrusive approach than providing a recorded informative message to all customers who experience an abandoned call. **BT does not , therefore, support the introduction of this brief recorded informative message, and considers that the delivery of CLI best meets the customer need to be able to establish who made the call and why.**

Whilst BT does not support the introduction of this brief recorded informative message we do have three concerns regarding the additional procedures listed in the statement for its implementation should this be made a requirement following this consultation.

1. Ofcom has proposed that the brief recorded informative message should identify the intended purpose of the call, for example whether it is an “unsolicited sales call” or “a call as part of debt recovery”. It is possible that the person who answers the call will not be the bill payer and therefore to have a message indicating that there are debt recovery issues, for example, may not be appropriate. This could not only cause unnecessary consumer embarrassment, it may also lead to consumer complaints. **BT accepts that the message should give an indication of the purpose of the call but recommends that companies are allowed discretion as to the description.** A debt recovery call is one example where it may be appropriate to describe the purpose in more general terms, for example as “a call in relation to the service we provide you”, but there may be others.

2. The additional procedures to identify the intended purpose of the call (i.e.“ an unsolicited sales call” , “a call as part of debt recovery” etc) also offer the called person the possibility of declining to receive further calls from that company. When taken together as written in the statement this would appear to give the customer the option to decline to receive calls from companies seeking payment of outstanding bills. Whilst it is reasonable for customers to decline to receive unsolicited sales calls, it is unreasonable for them to be able to decline further calls in relation to credit management or debt recovery. Such activities are commercially very important, but also deliver an important service to customers as, for example in the case of BT’s own red reminder campaigns, there is a call to remind customers before their red bill is due to be paid. **BT recommends that these additional procedures are amended to clarify that the option to decline further calls relates specifically to unsolicited sales calls.**

3. In relation to the procedure that requires that the called person should be offered the ability to decline to receive further calls from that company. BT believes further consideration should be given to ensure consumer expectations with regard to the associated timescales are appropriately managed. It should be recognised that the removal of an individual customer from an organisations calling list will take time, for example the TPS registration process takes 28 days, and therefore customers may still receive calls until this is completed. **BT, therefore, proposes that customers who contact the company to decline to receive further calls should be given a**

timescale as to when this will take effect. It would be inappropriate to set a generic timeframe for this activity as the ability of each organisation to complete this process will vary, but as a general rule it should not be longer than for TPS registration, namely 28 days.

“When an “abandoned call” is made to a particular number, that number is not called again in the following 72 hours, unless a dedicated operator is available.”

A number of companies, of which BT is one, will have the capability to carry out simultaneous outbound calling campaigns of either a marketing or service nature, from a number of different individual power diallers. Whilst each individual power dialler can be automatically programmed not to make a further call in 72 hours unless a dedicated operator is available, it is not possible for this requirement to be automatically applied to all diallers that a company may be using. **BT considers the intention to reduce the degree of concern that silent calls or abandoned calls cause will be fully met by this requirement applying to individual power diallers used on particular outbound calling campaigns and recommends that this procedure should be amended in the statement to reflect that.**

Our responses to the consultation questions are as follows.

Q1 Do you agree that consumers are concerned by silent calls and that Ofcom is right to take enforcement action against the companies that make them?

BT receives high volumes of calls into its Nuisance Call Bureau from customers about silent calls, in particular when the source of the call is unknown, and this is clear direct evidence of the consumer problem they generate. Additionally the silent calls research published by the DMA in 2005 also found from their survey that silent calls caused 53% of the population either unacceptable inconvenience or anxiety. It is also of consideration that the service BT provides to customers affected by this industry-wide nuisance is not without cost to BT and other such companies who are not responsible for the nuisance.

It is right to take enforcement action against companies making silent calls and it is clearly established as being a case of persistent misuse.

Q2 Do you agree with Ofcom’s proposed approach to taking enforcement action, guided by a sense of administrative priority?

This proposed approach is helpful in setting a clearer expectation for call centre users as to what behaviour may result in enforcement action from Ofcom. It should also make the process of carrying out an investigation quicker by clarifying the information required by Ofcom i.e. records that demonstrate compliance with the procedures, in order to establish if there is evidence of persistent misuse and decide if enforcement action is appropriate. **BT is therefore supportive of Ofcom’s approach.**

Q3 Do you agree that the range of procedures proposed in the statement will be effective in reducing the degree of anxiety, annoyance and inconvenience caused by silent calls?

BT has already given detailed comments on the procedures proposed by Ofcom with clear indication where we believe the proposals could be improved. Notwithstanding these comments, the range of procedures proposed should reduce the degree of anxiety, annoyance and inconvenience caused by silent calls but widespread compliance by the call centre industry is essential. **Ofcom also need to be seen to be actively policing these requirements by carrying out investigations and enforcement where required and to take an active role to promote awareness of these procedures throughout the call centre industry.**

Q4 Are there any additional procedures which call centres could adopt to reduce the degree of anxiety, annoyance and inconvenience caused by silent calls?

See earlier comments regarding amendments to Ofcom's proposals, but other than these comments BT has no suggestions for any additional procedures.

END