



Silent Calls

***Response by Callmedia to Ofcom Consultation
on the Statement of Policy on the Persistent
Misuse of an Electronic Communications
Network or Electronic Communications Service***

INTRODUCTION

Callmedia provides software and services to the contact centre industry for inbound, outbound, blended and multimedia operations. *Callmedia* has always provided outbound contact centre solutions which are **incapable** of breaching the best available code of practice in the region in which the contact centre is being deployed – for example, limiting the number of silent calls that can be generated per campaign to 4% in the market research environment, which can not be over-ridden by supervisory or administrative staff.

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1 QUESTION 1

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?

Callmedia agrees that consumers are concerned by silent calls and welcomes the broad thrust of Ofcom's proposals described in this new Statement of Policy on Misuse. In particular, Ofcom has *Callmedia*'s fullest support in taking enforcement action against companies and individuals failing to take steps to behave responsibly and take all steps to reduce the number of silent calls they generate.

2 QUESTION 2

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

Yes, it is important that Ofcom takes action against rogue organisations. However, Ofcom should clarify its intentions towards offshore operators and if it intends to pursue UK trading organisations who commission work to be carried out on its behalf by offshore outsourced service providers. Without this statement in place, *Callmedia* is concerned that UK business wanting to continue in their bad practice will simply move their operations offshore.

3 QUESTION 3

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?

Callmedia broadly supports the measures suggested by Ofcom. However, there are three specific areas where *Callmedia* feels that there is a need either for greater clarity, an alternative approach or a tightening of the guidelines.

3.1 The "1 Second" Rule

There is no explicit mention in the misuse statement that a predicatively dialled call must be abandoned if there has been no agent free to handle the call within 1 second. Section 5.16 simply states that in the event of an abandoned call, a message must be played within 1 second of the call being answered. A similar loophole exists in the Direct Marketing Association (DMA) Code of Practice and in the marketplace *Callmedia* has seen unscrupulous practitioners and equipment vendors exploiting this loophole, effectively keeping recipients of calls on hold until such time as an agent becomes available and never actually disconnecting the call. The operator then claims that the call was not abandoned by them, but by the called party.

In *Callmedia*'s experience, a long period of silence before the call starts can cause frustration, irritation and concern to members of the public and urge that the statement reflects the suspected intended policy, which is that in the event of a predictive call being generated, it **must** be abandoned if there is no agent available to service the call within 1 second of the call being answered.

3.2 Answering Machine Detection

The use of digital signal processing techniques to identify a connected call as being answered by a human being or a telephone answering machine, introduces two problems which have not been addressed by this statement.

3.2.1 *The False Detection of Answering Machines*

However good the algorithms used, this technology can not be 100% and occasionally a call to a live human being will be classified as an answering machine and then dropped. This will not be counted in any abandoned call statistics, there will be no message played and the degree of anxiety induced in the recipient of the silent call will be no less than if the call were a silent call generated by the lack of an available agent.

3.2.2 *The length of time required to detect answering machines*

In previous years, when the majority of telephone answering machines were tape-based, or based on consumer equipment located at the telephone subscriber's home, Answering Machine Detection was relatively straightforward to achieve sub-second. However, the increased use of network-based voice mail systems (such as BT's 1571), the increased use of mobile telephones as a primary contact mechanism and the increased use of wireless handsets using DECT technology has meant that it is increasingly difficult to perform accurate answer machine detection sub-second in all environments.

The net result of these two factors is that many operators of predictive dialling equipment are:

- (1) Dropping more calls than their abandoned call statistics actually show, with no way of knowing what the real dropped call rate is
and:
- (2) Taking more than one second to classify the call as live. Thus if there is then no agent available to take the call, the call will be dropped more than one second after the recipient has answered the phone.

Callmedia suggest that Ofcom disallows the use of answering machine detection unless:

- (1) The user can prove that the detection can be shown to be sub-second **under current day conditions** (i.e. not relying on reports from the 1990s) and under the same conditions as the campaign on which it is being used and:
- (2) The user can prove the false drop-rate percentage and then incorporates that value into its figures for abandoned calls.

3.3 The Informative Message

There are many good supporting points behind the informative message, but in *Callmedia's* view it is not a panacea to cover all the ills of a dropped predictive call. The informative message will alleviate the anxiety associated with those sectors of the community for whom the silent call is perceived as a threat, but it creates problems in two other areas:

- (1) There are strong data protection issues outside the telemarketing arena – for example in debt recovery and customer service – where a member of the household for whom the call was not intended may pick up the phone and learn of a debt or customer relationship with a third party.
- (2) The informative message will be very irritating, and will tie up the telephone line of the call recipient until it has finished playing.

Callmedia as long recommended the “instant apology” approach which it believes Ofcom should consider as a valid alternative to the informative message.

With the “instant apology”, in the event that a call is abandoned, the very next agent that becomes available is reserved and a dedicated call is generated. This time it can not be abandoned because of the dedicated agent. The agent can then apologise for the previously abandoned call, relieving the anxiety felt by the call recipient, and handle the purpose of the call, ensuring that no data protection issues occur. This gives recipients of abandoned calls a passive way of requesting that they be put on the company’s “do not call” list (i.e. they don’t have to make an effort to call a number – the agent can offer it in the course of the subsequent call) and gives a live human being who can allay any fears that might be felt by the call recipient, and take any complaint the call recipient may have about the abandoned the call.

3.4 Timescales

In order to implement some of the proposed changes, some call centre operators will have to upgrade and make changes to their equipment and procedures. Time should be made available for these changes – a least a further 3 months from conclusion of this consultation period.

4 QUESTION 4

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

Operators of predictive dialling equipment should seek assurances from their equipment vendors that the equipment is not capable of being operated in a way that takes it out of compliance with these guidelines.