

**To:** Frank Phillips - [frank.phillips@ofcom.org.uk](mailto:frank.phillips@ofcom.org.uk)

**From:** Stephen Hyland, Dialler Analyst, Lloyds TSB Asset Finance Division

## **Response to Consultation Questions in Annex 4:**

### **Q1:**

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

### **Response:**

Yes, consumers are concerned about silent calls, in the main because the purpose of the calls is unwanted telesales. This makes calls to consumers regarding debt recovery difficult as these two types are 'lumped-in' together.

Ofcom is right to take enforcement action against companies that use Diallers irresponsibly.

Can OfCom take action against 'off-shore' call centres that are undoubtedly responsible for a proportion of UK silent calls? UK companies could be penalised for irresponsible off-shore activities.

### **Q2:**

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

### **Response:**

Yes, it seems a balanced way to establish the scale of any misuse.

### **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?*

### **Response:**

Not necessarily, diallers running with a silent call rate of <1% may speed up their dialler to achieve a silent call rate of 3%, those already running at >3% may not do anything until they receive a notification from Ofcom and only then will they comply. This does not reduce the degree of anxiety, annoyance and inconvenience caused by silent calls.

### **Q4:**

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

### **Response:**

Call Centres should seek guidance from their supplier on how to get the best out of their system whilst complying with OfCom rules.

OfCom could employ a 'Dialler Specialist' to advise companies on how to be compliant with their Dialler – I am confident that most of the 'misuse' is down to lack of knowledge on how to run Dialler systems.

In reality one can purchase a Dialler system and run it (badly) with very little training.

OfCom may need to work more closely with Dialler suppliers and establish an 'OFCOM APPROVED' mark for Diallers.

## **Lloyds TSB Asset Finance Division (LTSBAFD) Response**

### Our Views



Our overall view is that a 'silent call' rate of 3% is a practical and realistic guideline when using a Predictive Dialler to make your outbound calls.

Our concern is that responsible Diallers will be penalised in the long term and that OfCom will, under consumer pressure, follow the way of the USA and eventually enforce a 0% 'silent call' rate. This will severely damage the outbound industry and harm responsible Dialler users.

We have three points that need clarifying:

- Clarify measure of silent call rate is it 3% of 'live' calls or 'call attempts'?
- Identifying the intended purpose of the call to be 'debt recovery' would be a breach of data protection – how do we comply with the guideline whilst maintaining data protection
- As a Collections operation how can we offer consumers the option to decline further calls

### Why we hold these views

We hold these views as we believe that you can effectively operate a Dialler within a 3% 'silent call' rate.

We also believe that OfCom need to act on those Diallers that operate off-shore and generate 'silent calls' to UK consumers.

### How OfCom Proposals will affect LTSBAFD

We will need to make a further investment in our Dialler technology to enable it to leave messages when a silent call is generated.

We will also need to change our business model (and telephony infrastructure) to release CLI and handle the resultant increase in inbound call volumes