

RESPONSE TO OFCOM'S TACKLING ABANDONED AND SILENT CALLS CONSULTATION

21.07.10

Cable&Wireless
Worldwide

INTRODUCTION

Cable&Wireless Worldwide is one of the world's leading international communications companies. On the 26th of March 2010 Cable&Wireless Worldwide demerged from Cable&Wireless plc, beginning an exciting new chapter in the company's history. Cable&Wireless Worldwide is a major provider of services and communication solutions to enterprises within the United Kingdom and across the globe. This includes a wide selection of call centre solutions including outbound marketing solutions for a large number of major organisations.

Cable&Wireless Worldwide welcomes the opportunity to comment on Ofcom's continuing measures to prevent the consumer harm caused by silent and abandoned calls. We support the particular timing of the additional clarity provided by the amendments proposed in this consultation, in light of the ongoing moves to increase Ofcom's ability to fine organisations found to be in breach of the persistent misuse of a network regulation up to £2m; a change which Cable&Wireless fully supports.

We fully support all but one of the measures proposed by Ofcom and we welcome the clarity which has been provided via worked examples to what on paper can appear an overly complicated set of regulations.

Cable&Wireless offers a network hosted service called Queue Buster that enables call centres to manage their inbound queues more effectively by offering callers a call back rather than having to queue at busy periods. If a customer calls and there is no agent available, Queue Buster offers the caller the option of a call back once an operator is available. Queue Buster will call the customer back at a predetermined time, based on the configuration applied by the business and when an agent is available.

A Virtual Hold service has also been offered, which works in a similar way, but initiates the return call from the caller end rather than the operator's i.e. it is possible that the return call may trigger a silent call. In such an instance a requirement not to make another return call within 24 hours is actually a hindrance to the customer experience. We request that such systems where the caller has initiated the request for a call back are explicitly excluded from Ofcom's proposed regulation.

This exclusion also needs to apply to the provision of information messages. In the Queue Buster scenario callers have specifically requested a call-back so it would appear logically that there is no requirement to provide a number for the caller to use; firstly because they are expecting to be contacted asking them to call back would remove most of the service value being offered; secondly because they must already know the number and thirdly if they do call again Queue Buster is clever enough to tell them they are already in the queue. A requirement to follow the proposed regulation to the letter would rapidly become very confusing to the caller.

Where we disagree with Ofcom is in respect of the removal of 0845 as a legitimate number to leave in the information message to consumers. We do not believe that there is significant consumer concern about the use of these numbers at present and we do not believe regulation to tackle Silent Calls is the place in which to try to tackle wider MNO tariffing concerns. Instead we refer Ofcom to the ongoing NGCS review, which is not only a more appropriate forum in which to debate the use of 0845, but may also resolve any 0845 pricing concerns which would make any changes here premature but more importantly potentially costly and disproportionate to tackle an issue which by the call volumes Ofcom admits, does not at the moment exist.

We respond to Ofcom's questions in more detail below:

QUESTIONS

1. DO YOU AGREE THAT OFCOM SHOULD LIMIT THE NUMBER OF TIMES A COMPANY CAN CALL AN ANSWER MACHINE WITHOUT GUARANTEEING THE PRESENCE OF A LIVE OPERATOR TO ONCE EVERY 24 HOURS?

Of the five options considered by Ofcom, Cable&Wireless Worldwide favours Ofcom's preferred choice of a requirement to limit the number of times a company can call an answer machine without guaranteeing the presence of a live operator to once every 24 hours represents the most effective balance between consumer protection and efficient industry practice.

It is clear in light of the continuing complaint levels that to do nothing is not an effective option, nor is Cable&Wireless Worldwide able to support the prohibition of AMD technology. The other options considered were: a 24 hour policy, a 24 hour policy with information messages and a 72 hour policy. We agree with Ofcom's assessment that a 24 hour policy with information messages will create its own level of consumer annoyance through the increased number of information messages. We also agree with Ofcom's analysis that the 72 hour policy introduces an unacceptable level of operational inefficiency in comparison to the consumer benefit gains in comparison to the 24 hour policy.

We refer Ofcom to our comments above regarding the impact of this policy upon end-user requested call back services. Such services should be excluded from the regulations.

2. DO YOU AGREE WITH OFCOM THAT A TWO MONTH IMPLEMENTATION PERIOD (FROM PUBLICATION OF OFCOM'S REVISED STATEMENT) WOULD BE AN APPROPRIATE LENGTH OF TIME FOR INDUSTRY STAKEHOLDERS TO ADOPT ANY CHANGES TO COMPLY WITH THE PROPOSED 24 HOUR POLICY?

Cable&Wireless Worldwide is unaware of the precise impact the changes will have on individual call centres and is unable to comment in detail on the reasonableness of a two month implementation period. We do however caution that any implementation period needs to factor in the festive period, both from an available resource perspective and also in terms of this being one of the busiest periods for retail organisations. Care needs to be taken to ensure that changes are not introduced amidst one of the industry's busiest period.

3. HAS OFCOM PROVIDED SUFFICIENT CLARITY ON HOW THE ABANDONED CALL RATE IS TO BE CALCULATED?

Yes, Cable&Wireless Worldwide believes that Ofcom has provided enough clarity regarding how the abandoned call rate is to be calculated. We particularly welcome the worked example which clearly reinforces the calculation to be undertaken and how its components are to be applied.

4. DO YOU AGREE WITH THE FACTORS SET OUT BY OFCOM FOR DETERMINING A REASONED ESTIMATE OF AMD FALSE POSITIVES IN AN ACS USER'S ABANDONED CALL RATE?

Cable&Wireless Worldwide agrees with the factors set out for determining a reasoned estimate of AMD false positives in an ACS user's abandoned call rate.

5. HAS OFCOM PROVIDED SUFFICIENT CLARITY ON HOW NON-AMD USERS SHOULD CALCULATE AN ABANDONED CALL RATE THAT INCLUDES A REASONED ESTIMATE OF AMD FALSE POSITIVES?

Again, we believe that Ofcom's directions as to how to calculate an abandoned call rate and a reasoned estimate of false positives are clear and well explained. Once more the worked example provides welcome clarity to the text.

6. HAS OFCOM PROVIDED SUFFICIENT CLARITY ON HOW NON-AMD USERS SHOULD CALCULATE AN ABANDONED CALL RATE THAT INCLUDES A REASONED ESTIMATE OF ABANDONED CALLS PICKED UP BY ANSWER MACHINES?

Yes, Cable&Wireless Worldwide believes that this has been made sufficiently clear.

7. DO YOU AGREE THAT OFCOM SHOULD NOT AMEND THE EXISTING TWO SECOND POLICY AS SET OUT IN THE 2009 AMENDMENT FROM ‘START OF SALUTATION’ TO ‘END OF SALUTATION’?

Cable&Wireless Worldwide agrees that the two second policy should remain unchanged. We agree that there is likely to be implementation issues involved with any change to moving the timing of when an information message is to be played if this is to be from the ‘end’ of the salutation. We believe, considering the level of potential fines soon to be available to Ofcom for any breach, that it is of primary importance to industry that a common understanding and measurement point is used. We believe that this continues to be from the start of the salutation.

8. DO YOU AGREE WITH OFCOM’S POLICY PROPOSAL THAT COMPANIES PROVIDE A GEOGRAPHIC CONTACT NUMBER (01, 02 OR 03) IN ADDITION TO A FREEPHONE (080) NUMBER IN THE INFORMATION MESSAGE PROVIDED IN THE EVENT OF AN ABANDONED CALL?

No, Cable&Wireless Worldwide does not agree that this is a proportionate or necessary development. Whilst we recognise that mobile users are often charged for 080 and 0845 calls which are not a part of their inclusive bundles, we do not believe that Silent Call regulation is the place to try to tackle the charging policies of the MNOs. Ofcom acknowledges that only 7% of mobile users receive an abandoned call currently. It therefore seems entirely disproportionate to dictate that 0845 numbers should be removed from information messages and replaced with a geographic or 03 number when any potential issue represents such a small fraction of the overall call volumes. Indeed it is much smaller than the 7% indicates as only a fraction will have sought to call the number in question.

We note that Ofcom is currently consulting on a review of non-geographic numbers under the NGCS review. Cable&Wireless Worldwide believes that this review provides the opportunity to tackle any perceived consumer harm caused by the retail pricing of the MNOs, rather than attempting to tackle any concerns through piecemeal regulation. Indeed the costs caused by imposing a change to the information messages now may well become redundant once the review is complete and whilst banning 0845 may appear to be future proofing against an increase in abandoned calls to mobile users it is in fact tackling an issue which will never arise and therefore little more than an unnecessary cost.

We refer Ofcom to our comments above regarding the impact of this policy upon end-user requested call back services. Such services should be excluded from the regulations.

9. HAS OFCOM PROVIDED SUFFICIENT CLARITY ON WHAT CONSTITUTES A 'CAMPAIGN'?

Yes, Cable&Wireless Worldwide believes that adequate clarity has been provided and that the identification of a campaign as being the use of a "single call script to make a proposition to a single target audience" is appropriate.

We refer Ofcom to our comments above regarding the impact of this policy upon end-user requested call back services. Such services should be excluded from the regulations.