

Title:

Mr

Forename:

Jonty

Surname:

Pearce

Representing:

Organisation

Organisation (if applicable):

Call Centre Helper

What additional details do you want to keep confidential?:

No

If you want part of your response kept confidential, which parts?:

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Additional comments:

Question 1: Should Ofcom's policy on persistent misuse continue to have as its main focus the tackling of silent and abandoned calls?:

No, it should really tackle all nuisance calls.,

Question 2: Have we identified the main causes and effects of silent and abandoned calls, and are there any others we should take into account?:

Yes I think this covers it,

Question 3: Do you agree with the other forms of misuse we propose to include in the policy? :

Yes,

Question 4: Is there any other evidence we should take into account in relation to the causes and effects of the other types of misuse identified (misuse of ACS, misuse of a CLI facility and breaches of the PECRs)? :

The main problem seems to be with Answer Machine Detection and over-dialling. Answer machine detection is a very inexact science. We set up a network based Answer Machine Detection working Party to try and get network based messages, but it proved to be too technically difficult to bring in as a standard. It is probably now time for Ofcom to bring in an outright ban against Answer Machine Detection and end the practice of silent calls., ,

Question 5: Do you have any comments on:

**a) the evidence of consumer harm from the forms of persistent misuse we propose to include in the policy (and on silent and abandoned calls in particular) and
b) our approach to estimating the consumer harm from those forms of misuse?:**

No answer?

Question 6: Do you agree with our provisional view that we need to make changes to the 2010 policy in order to address the causes and effects of persistent misuse in a more effective way? :

Yes,

Question 7: Do our proposed changes target the right forms of persistent misuse and their causes and effects? If not, which forms, causes and effects should we target?:

Yes, but you should also look at automated messages as well as live sales calls., .

Question 8: Do you agree with our proposed definitions of (i) silent calls and (ii) abandoned calls?:

Broadly yes.

Question 9: Do you agree with the proposed policy on silent calls ? that these should be Ofcom?s highest priority for enforcement action, however caused and in whatever number? Do you have any information that would help to quantify further the potential costs and benefits of the proposal?:

Yes,.

**Question 10: Do you agree with the proposed policy on abandoned calls:
a) that cases where a caller?s abandoned call rate is three per cent in any 24**

**hour period or more should represent a higher priority for enforcement and
b) where we take enforcement action, we should take into account all
abandoned calls a caller makes? :**

No. This is too lenient. Three percent allows enough of a loophole for some operators to flout the laws. This should be tightened up.,.

Question 11: Do you have any information that would help to quantify further the potential costs and benefits of this proposal? :

You have already highlighted the number of nuisance calls which cause a lot of distress to the individual. But when they come into a business this interrupts work flow and results in a small, but significant impact on productivity of the person receiving the call. This is particularly problematic for small business and sole traders. It would be fairly easy to work out the direct cost of a nuisance call based on staff cost per hour, but is harder to work out the effects of being interrupted. .

**Question 12: Do you have any comments on our proposed changes to the policy in relation to persistent misuse arising from
a) misuse of ACS
b) misuse of a CLI facility and
c) breaches of the PECRs? :**

No.

Question 13: Do you agree with the way we propose to assess the harm from cases of persistent misuse and prioritise enforcement action? In particular, have we identified the right factors to take into account and do you agree with the way we propose to apply them?:

Broadly yes.

Question 14: Do you have any further comments or views on other aspects of this consultation or the proposed policy set out in Annex 5 which are not covered above?:

No.