

Title:

Mr

Forename:

Robert

Surname:

Clegg

Representing:

Organisation

Organisation (if applicable):

Capita Customer Management

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?:

Silent and abandoned calls cause consumer harm and CCM agrees that Ofcom's policy on persistent misuse should continue to focus on these areas.

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?:

CCM agrees with Ofcom's assessment that misuse of automated calling systems (ACS) and answer machine detection technology results in silent and abandoned calls; responsible organisations like CCM can manage their dialler programs to minimise consumer harm.

The current policy provides sufficient protection for consumers against silent and abandoned calls whilst allowing organisations to run their diallers efficiently; it is important that Ofcom deals with the organisations who aren't adhering to the existing rules, for example offshore operators, before extending the scope of the regulations.

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

CCM agrees that using multiple CLI's on a campaign could cause consumer harm, but believes there are legitimate reasons for using this approach in certain circumstances, for example when attempting to contact a customer with outstanding debt.

With regard to agent conduct, CCM is authorised the Financial Conduct Authority (FCA); it is part of our culture to ensure that agents are competent and treat customers fairly.

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)? :

In relation to misuse of CLI's, CCM believes that there are legitimate circumstances when multiple CLI's should be employed by an organisation during a campaign, such as debt collection activities. As an FCA regulated business, CCM has a duty of care towards customers in financial difficulties; where customers are ignoring a debt it is important that they are contacted and set up a solution to prevent the situation from escalating.

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?:**

CCM has no comments to make regarding evidence of or approach to estimating consumer harm.

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? :

CCM believes that the current policy in place around silent calls and abandon calls is sufficient to provide protection for consumers; we believe that the organisations not adhering to these rules should be identified and dealt with as a priority before Ofcom considers extending the scope of the regulation.

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?:

The new policy extends the scope to encompass misuse caused by agent behaviour as well as that caused by call centre technology; this has the potential to reduce harm to consumers but also may be difficult for organisations to provide assurance that agents are adhering to the rules.

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

CCM agrees with Ofcom's definitions:

When the call recipient experiences one of the following, we consider that they have received a "silent call", or a call equivalent to a silent call and which we are likely to treat as such:

- they hear nothing on answering the phone (silence);⁴
- they are disconnected by the calling party as soon as or shortly after they pick up the phone;
- they hear background or distant noise, whether spoken or otherwise, such as chatter (but the conversation is not directed at the call recipient), breathing or electronic beeps;
- they hear something else which falls short of a message (whether spoken or otherwise) directed at the call recipient; or
- they experience a combination of the above, such as a short period of silence followed by disconnection by the calling party (known as a short duration call).

Abandoned calls are another example of misuse, which may be persistent misuse. They are commonly referred to in the call centre industry as "dropped calls". An abandoned call occurs when a party makes a call with a view to the recipient speaking to a live agent but, instead of being connected to an agent or experiencing a silent call, the recipient hears a message (usually an information message),⁵ or would do but for the call recipient disconnecting the call themselves.

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?:

Whilst CCM agrees that silent calls should be a high priority for Ofcom, one of the definitions of silent calls states that silence can be caused by the caller hanging up the phone; a business cannot monitor every agent in real time to ensure that the caller does not terminate the call, which will make it difficult for any firm to assure compliance with the policy.

By implementing the right controls, such as speech analytics and timely feedback, organisations will be able to keep these instances of poor agent conduct to a minimum but we do not believe it will be possible to ensure consumers receive zero silent calls.

Implementing controls to reduce the number of silent calls to a realistic level will involve a significant investment in speech recognition technology or additional resources to manage outbound dialling. In order to ensure that a live agent is available to take calls will mean that

predictive dialling cannot be used, this will mean a larger number of agents would be needed per campaign to make the same number of connections.

**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? :**

CCM agrees that Ofcom should prioritise organisations with an abandoned call rate of above 3% as this is in line with the current rules.

CCM would like Ofcom to clarify its definition of "persistent"; it is stated in section 4.97 on page 54 of the consultation document that anyone making over 3 abandoned calls could be liable to action, but your resources will focus on those over 3%. We would like clarification on how Ofcom will identify organisations with an abandoned rate of above 3% without first conducting an investigation; will this be identified through complaints made to Ofcom?

The previous guidance clearly defined a 3% abandoned call level for organisations to adhere to; we are unclear if Ofcom is proposing that organisations aim to make no more than 3 calls across individual campaigns. It would be very difficult for organisations to maintain this level of compliance through the use of automated calling systems, and would mean that use of a predictive dialler would almost certainly lead to an organisations non-compliance with the rules, due to the volume of calls made across campaigns. It would make it more productive for organisations to dial manually or in progressive mode, rendering predictive dialling obsolete

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

CCM expects that if the changes proposed by Ofcom are implemented it would have an impact on the staffing levels required to manage an outbound campaign; it would be too risky to utilise predictive dialling, therefore more agents would be required to call customers manually or via a progressive dialler. CCM would need to do more research in order to calculate the actual cost that this would entail.

**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? :**

Alternating a CLI to help increase a connect rate on an outbound campaign such as a Collection campaign, where consumers are purposely avoiding taking the call, is a method commonly used to help improve an organisations debt position. If this is no longer possible then this could have a negatively impact to consumers who have financial difficulties or are in debt. This could also impact organisations revenue, because they will be unable to speak to as many consumers and in turn they will collect fewer arrears.

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?:

CCM does not agree with Ofcom's definition of "persistent" as more than three occasions and believe that a specified abandoned rate, such as the previously set 3%, would be more helpful as a guide for organisations. It would be difficult for organisations to monitor and maintain adherence with the policy, especially for campaigns where large volumes of calls are made.

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?:

CCM has no further comments regarding the proposed changes.