



**Notification under section 128
of the Communications Act 2003
regarding persistent misuse of an
electronic communications
network or electronic
communications services**

Notice served on
Ultimate Credit Services Limited by the
Office of Communications (“Ofcom”)

Publication date:

6 August 2008

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Section 1

Notification under section 128(1) of the Communications Act 2003

1. This notification is issued to Ultimate Credit Services Limited (“UCS”), registered company number SC272245 and registered address 106 Hope Street, Glasgow, G2 6PH.
2. This notification:
 - a. sets out Ofcom’s determination pursuant to section 128(1) of the Communications Act 2003 (the “Act”);
 - b. specifies the use made of an electronic communications network or electronic communications services by UCS that Ofcom considers constitutes persistent misuse; and
 - c. specifies the period during which UCS has an opportunity to make representations about the matters notified.
3. Words or expressions used in this notification and the accompanying explanatory statement have the same meaning as in the Act, except as defined otherwise.

Section 128 of the Act

4. Section 128(1) of the Act enables Ofcom to issue a notification to a person where Ofcom has determined that there are reasonable grounds for believing that a person has persistently misused an electronic communications network or electronic communications services.
5. Section 128(5) states that “misuse” occurs if the effect or likely effect of use of the network or service is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety or if the network or service is used to engage in conduct the effect or likely effect of which is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety.
6. Section 128(6) defines persistent misuse as any case in which misuse is repeated on a sufficient number of occasions for it to be clear that the misuse represents a pattern of behaviour or practice, or recklessness as to whether persons suffer annoyance, inconvenience or anxiety.

Ofcom’s determination

7. Ofcom hereby determines that there are reasonable grounds for believing that, between 1 October 2006 and 30 April 2007 (the “relevant period”), UCS persistently misused an electronic communications network or electronic communications services on the following basis;
 - a. UCS misused the network or service in accordance with section 128(5)(a) of the Act as the effect or likely effect of its use has been to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety; and

- b. the misuse was persistent as set out in section 128(6)(a) of the Act as it was repeated on a sufficient number of occasions for it to be clear that the misuse represented a pattern of behaviour or practice.
8. The reasons for Ofcom's determination are set out below and further explained in the explanatory statement and annexes accompanying this notification.

The use Ofcom considers to be persistent misuse

9. In making this determination and in accordance with section 131 of the Act, Ofcom has had regard to its *Statement of policy on the persistent misuse of an electronic communications network or service*, published on 1 March 2006 (the "guidelines").¹
10. Accordingly, Ofcom considers that there are reasonable grounds for believing that UCS, by virtue of its use of an automated calling system, has persistently misused an electronic communications network or electronic communications services on the following basis:
- a. Contrary to the guidelines, UCS has made abandoned calls. Ofcom considers that the effect or likely effect of such use of the network or service has been to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety and this use constitutes "misuse" under the Act. As set out in the guidelines, Ofcom considers even a single abandoned call may cause unnecessary annoyance, inconvenience or anxiety.²
 - b. The misuse is "persistent" within the meaning of the Act as it was repeated on a sufficient number of occasions for it to be clear that the misuse represented a pattern of behaviour or practice. The guidelines state that although what constitutes a cycle of repetitive behaviour will need to be determined on a case by case basis, it is likely to require a minimum of three instances of the conduct in question.

In this case, Ofcom considers that UCS's misuse was persistent because:

- UCS made a total of 25,044 abandoned calls during the relevant period; and
- UCS made an excessive number of abandoned calls; and did so in 155 of the 160 x 24 hour periods during the relevant period in which those calls were made.

Representations concerning this notification

11. UCS has until **5pm on Friday 12 September 2008** (the "deadline") to make representations to Ofcom about the matters set out in this notification, as explained in the accompanying explanatory statement, and to take all such steps for securing that the misuse is brought to an end and is not repeated and remedying the consequences of the notified misuse.

Other matters

12. Following expiration of the deadline, if Ofcom is satisfied that UCS has persistently misused an electronic communications network or electronic communications services

¹ <http://www.ofcom.org.uk/consult/condocs/misuse/statement/> and specifically paragraphs 6.11 to 6.16. Ofcom published a consultation on proposed amendments to the guidelines on 17 December 2007. The consultation closed on 1 February 2008 and Ofcom is currently considering responses.

² See the guidelines, paragraph 6.15.

and has not taken all such steps as Ofcom considers appropriate for securing that the misuse is brought to an end and is not repeated and remedying the consequences of the notified misuse then Ofcom may issue to UCS a further notification under section 129 of the Act.

13. If UCS has, in one or more of the ways set out in this notification, persistently misused a network or services, Ofcom may impose a penalty on UCS under section 130 of the Act.

Interpretation

14. "Abandoned call" means a call that is terminated by an ACS after the called person answers it;

"Abandoned call rate" means the proportion of Abandoned Calls to Live Calls over each 24 hour period calculated using the following formula:

$$\frac{\text{Abandoned calls (x)}}{\text{abandoned calls (x) + calls passed to live operator (y)}} \times 100/1$$

"Automated Calling System" ("ACS") means a system which is capable of automatically initiating a sequence of calls to more than one destination in accordance with instructions stored on that system;

"Calling Line Identification" ("CLI"), which is a facility that enables identification of the number from which a call is being made;

"Excessive number of abandoned calls" means, in a 24 hour period, an abandoned call rate of more than 3%;

"Information message" means a very brief recorded information message which is played within two seconds of the call being answered, which contains at least the following information:

- the identity of the company on whose behalf the call was made (which will not necessarily be the same company that is making the call);
- details of a no charge (0800) or Special Services basic rate (0845) number the called person can contact so they have the possibility of declining to receive further calls from that company;
- includes no marketing content and is not used as an opportunity to market to the called person; and

"Live call" means a call which is answered by an individual (the recipient of the call).

Neil Buckley
Director of Investigations

6 August 2008

Section 2

Explanatory statement

Summary

- 2.1 This explanatory statement sets out Ofcom's reasons for its determination in paragraph 10 of the attached notification ("the notification") that Ultimate Credit Services Limited ("UCS") has persistently misused an electronic communications network or electronic communications services.
- 2.2 Abandoned calls can occur when an ACS is used (typically in a call centre) to generate outgoing calls. If a telephone number is dialled by an ACS, the call is answered by the called person but there is no call centre agent available to handle it, the call will be terminated by the ACS and it becomes an abandoned call. When an abandoned call is not accompanied by an information message, the person answering the call may hear nothing. Such calls are commonly known as "silent calls".
- 2.3 Ofcom's *Statement of policy on the persistent misuse of an electronic communications network or service* (the "guidelines")³ sets out Ofcom's policy that repeatedly making abandoned calls constitutes persistent misuse for the purposes of section 128 of the Act.⁴ The guidelines also set out Ofcom's policy on the use of ACS and outline the factors that Ofcom will take into account in deciding in particular cases whether or not to take enforcement action.
- 2.4 On 22 June 2006, Ofcom began an own-initiative programme of monitoring and enforcement of rules preventing annoyance caused to consumers by silent and abandoned calls.
- 2.5 On the basis of evidence gathered during its investigation Ofcom has determined that there are reasonable grounds for believing that, between 1 October 2006 and 30 April 2007 (the "relevant period"), UCS persistently misused an electronic communications network or electronic communications services and has issued the notification.

Legislative framework

- 2.6 The notification is issued under section 128(1) of the Act which enables Ofcom to issue a notification to a person where it has reasonable grounds for believing that a person has persistently misused an electronic communications network or electronic communications services.
- 2.7 Section 128(5) of the Act defines "misuse" as follows:

"(5) For the purposes of this Chapter a person misuses an electronic communications network or electronic communications services if –

- (a) the effect or likely effect of his use of the network or service is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety; or

³ <http://www.ofcom.org.uk/consult/condocs/misuse/statement/>

⁴ See the guidelines, paragraphs 5.1, 5.2 and 6.15.

(b) he uses the network or service to engage in conduct the effect or likely effect of which is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety."

2.8 Section 128(6) defines what constitutes "persistent" misuse as follows:

"(6) For the purposes of this Chapter the cases in which a person is to be treated as persistently misusing a network or service include any case in which his misuse is repeated on a sufficient number of occasions for it to be clear that the misuse represents –

(a) a pattern of behaviour or practice; or

(b) recklessness as to whether persons suffer annoyance, inconvenience or anxiety."

2.9 Section 128(7) provides further guidance on determining whether misuse occurring on a number of different occasions is persistent as follows:

"(7) For the purpose of determining whether misuse on a number of different occasions constitutes persistent misuse for the purposes of this Chapter, each of the following is immaterial –

(a) that the misuse was in relation to a network on some occasions and in relation to a service on others;

(b) that different networks or services were involved on different occasions; and

(c) that the persons who were or were likely to suffer annoyance inconvenience or anxiety were different on different occasions."

2.10 Section 129 provides that Ofcom may issue a further notification (known as an "enforcement notification") in specified circumstances, as follows:

"(1) This section applies where –

(a) a person ("the notified misuser") has been given a notification under section 128;

(b) Ofcom have allowed the notified misuser an opportunity of making representations about the matters notified; and

(c) the period allowed for the making of the representations has expired.

(2) Ofcom may give the notified misuser an enforcement notification if they are satisfied –

(a) that he has, in one or more of the notified respects, persistently misused an electronic communications network or electronic communications service; and

(b) that he has not, since the giving of the notification, taken all such steps as Ofcom consider appropriate for –

(i) securing that his misuse is brought to an end and is not repeated; and

(ii) remedying the consequences of the notified misuse.

(3) An enforcement notification is a notification which imposes a requirement on the notified misuser to take all such steps for –

(a) securing that his misuse is brought to an end and is not repeated, and

(b) remedying the consequences of the notified misuse,

as may be specified in the notification.”

2.11 If the notified misuser fails to comply with the section 129 enforcement notification, then under section 129(6) Ofcom can enforce compliance with the enforcement notification by way of civil proceedings.

2.12 Section 130 provides that Ofcom may also impose penalties for persistent misuse, as follows:

“(1) This section applies (in addition to section 129) where –

(a) a person (“the notified misuser”) has been given a notification under section 128;

(b) Ofcom have allowed the notified misuser an opportunity of making representations about the matters notified; and

(c) the period allowed for the making of representations has expired.

(2) Ofcom may impose a penalty on the notified misuser if he has, in one or more of the notified respects, persistently misused an electronic communications network or electronic communications service.

(3) Ofcom may also impose a penalty on the notified misuser if he has contravened a requirement of an enforcement notification given in respect of the notified misuse.

(4) The amount of penalty imposed is to be such amount not exceeding £50,000⁵ as Ofcom determine to be –

(a) appropriate; and

(b) proportionate to the misuse in respect of which it is imposed.

⁵ Section 130(4) of the Act as amended by the Communications Act 2003 (Maximum Penalty for Persistent Misuse of Network or Service) Order 2006, SI 2006/1032, section 2(1).

(5) In making that determination Ofcom must have regard to –

(a) any representations made to them by the notified misuser;

(b) any steps taken by him for securing that his misuse is brought to an end and is not repeated; and

(c) any steps taken by him for remedying the consequences of the notified misuse."

2.13 Under section 131 Ofcom has a duty to publish a statement of general policy with respect to the exercise of its powers under sections 128 to 130 of the Act. Ofcom must have regard to the statement of general policy when exercising these powers.⁶

Ofcom's policy

2.14 In fulfilment of its duty under section 131, (as noted above) Ofcom has prepared the guidelines and published them on 1 March 2006.

2.15 The guidelines provide examples of the types of behaviour that Ofcom considers may be forms of persistent misuse. One such example is making abandoned calls as a result of the use of ACS. Use of ACS (also known as "power diallers" or "predictive diallers") means that calls can be initiated without the need for human intervention.⁷ If a telephone number is dialled by an ACS, the call is answered by the called person but there is no call centre agent available to handle it, the call will be terminated by the ACS and it becomes an abandoned call.

2.16 As set out in the guidelines, even a single abandoned call may cause unnecessary annoyance, inconvenience or anxiety.⁸ However, in deciding in any case whether to take enforcement action in a particular case, Ofcom will be guided by a sense of administrative priority determined by the level of consumer detriment and will take account of steps taken by call centre operators to reduce the degree of concern that silent or abandoned calls cause. In this context, paragraph 6.16 of the guidelines sets out procedures that companies using ACS can adopt which, taken as a package, will act as mitigating factors in establishing the seriousness of a particular act of misuse. These procedures are:

- a. the abandoned call rate shall be no more than three percent of live calls on each individual campaign over any 24 hour period;
- b. in the event of an abandoned call, a very brief recorded information message is played within two seconds of the call being answered, which contains at least the following information:
 - the identity of the company on whose behalf the call was made (which will not necessarily be the same company that is making the call);
 - details of a no charge (0800) or Special Services basic rate (0845) number the called person can contact so they have the possibility of declining to receive further calls from that company; and

⁶ Communications Act 2003 section 131(4).

⁷ See the Persistent Misuse Guidelines, paragraph 6.4.

⁸ See the Persistent Misuse Guidelines, paragraph 6.15.

- includes no marketing content and is not used as an opportunity to market to the called person;
- c. calls which are not answered must ring for a minimum of 15 seconds before being terminated;
- d. when an abandoned call has been made to a particular number, any repeat calls to that number in the following 72 hours must be made by a live operator;
- e. for each outbound call a CLI number is presented to which a return call may be made which is not charged at a higher rate than the national call rate;
- f. any call made by the called person to the contact number provided shall not be used as an opportunity to market to that person, without that person's consent; and
- g. records are kept for a minimum period of six months that demonstrate compliance with the above procedures.

Ofcom's programme of monitoring and enforcement

- 2.17 On 22 June 2006 Ofcom opened an own-initiative programme of monitoring and enforcement of the rules preventing annoyance to consumers by silent and abandoned calls. The programme has been ongoing since that time.
- 2.18 As part of this monitoring and enforcement programme, Ofcom approached a number of manufacturers of ACS equipment and asked them for details of their customers. This enabled Ofcom to identify a number of users of ACS equipment, which included UCS.
- 2.19 As part of the investigation, Ofcom requested information from UCS on 19 April 2007 (the "information request"). The information request required UCS to provide data on outbound calls made using ACS since October 2006 and information on call centre procedures in relation to outbound calling. Ofcom requested that UCS provide this information by 24 April 2007.
- 2.20 Despite acknowledging receipt of the information request, UCS did not provide the information by the due date of 24 April 2007. Therefore on 9 May 2007 Ofcom wrote to UCS again, repeating its request for the information set out in the information request.⁹ UCS again failed to provide the information.
- 2.21 Ofcom wrote to UCS for a third time on 17 May 2007.¹⁰ Ofcom set out its previous correspondence and repeated its request for UCS to provide the information set out in the information request. Ofcom gave UCS until 21 May 2007 to respond. UCS did not provide the necessary information by this date.
- 2.22 UCS finally responded to the information request on 8 June 2007. It supplied outbound call data but, without explanation, only covering an 8 day period from 1 October 2006 to 8 October 2006. UCS did not supply any of the requested call procedures information. Ofcom was therefore unable to make a full and complete assessment of UCS's compliance relative to the guidelines.

⁹ Email from Beverley Kotey (Ofcom) to Jim Aitken (UCS) on 9 May 2007.

¹⁰ Letter from David Stewart (Ofcom) to Jim Aitken (UCS) on 17 May 2007.

2.23 On 13 June 2007, following discussion with Ofcom, UCS supplied call data which covered the period from 1 October 2006 to 30 April 2007, and the call procedures information. The further information supplied was sufficient for Ofcom to make a full assessment of UCS's compliance during the relevant period.

Ofcom's assessment and decision

2.24 In order to exercise its power under section 128(1) to issue a notification, Ofcom must be satisfied that there are reasonable grounds for believing:

- a. that a person has used an electronic communications network or electronic communications services;
- b. that the effect or likely effect of that use, or of conduct arising from that use, is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety so as to amount to misuse; and
- c. that the misuse is persistent in that it represents either a pattern of behaviour or practice, or recklessness as to whether persons suffer annoyance, inconvenience or anxiety.

2.25 The following section sets out the basis on which Ofcom has decided to issue the notification to UCS, taking into account the elements outlined above.

Use of an electronic communications network or electronic communications services

2.26 The Act defines an "electronic communications network" as:

"(a) a transmission system for the conveyance, by the use of electrical, magnetic or electro-magnetic energy, of signals of any description; and

(b) such of the following as are used, by the person providing the system and in association with it, for the conveyance of the signals –

(i) apparatus comprised in the system;

(ii) apparatus used for the switching or routing of the signals; and

(iii) software and stored data."¹¹

2.27 The Act defines an "electronic communications service" as:

"...a service consisting in, or having as its principal feature, the conveyance by means of an electronic communications network of signals, except so far as it is a content service."¹²

2.28 The Act defines "signal" as including:

¹¹ Section 32(1) of the Act.

¹² Section 32(2) of the Act.

“(a) anything comprising speech, music, sounds, visual images or communications or data of any description; and

(b) signals serving for the impartation of anything between persons, between a person and a thing or between things, or for the actuation or control of any apparatus.”¹³

- 2.29 UCS’s information request response of 13 June 2007 showed that during the relevant period, it made outbound calls using ACS. UCS therefore uses voice telephony to make outbound calls to users of publicly available telephony services. Making these calls comprises the use of an electronic communications network as defined in the Act (the network of UCS’s communications provider) and use of electronic communications services as defined in the Act (the voice telephony service provided to UCS by its communications provider).
- 2.30 Ofcom therefore considers that, for the reasons outlined above, there are reasonable grounds for believing that UCS has used an electronic communications network and electronic communications services as defined in the Act.

Misuse

- 2.31 As stated above, section 128(5) of the Act sets out what constitutes a misuse of an electronic communications network or electronic communications service; that is the effect or likely effect of that use, or of conduct arising from that use, is to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety so as to amount to misuse.
- 2.32 Evidence gathered during Ofcom’s investigation revealed that UCS made abandoned calls during the relevant period. For the reasons set out above at paragraph 2.29, UCS did so by using an electronic communications network and electronic communications services. Ofcom’s guidelines set out Ofcom’s view that even a single abandoned call may cause unnecessary annoyance, inconvenience or anxiety.¹⁴ Ofcom therefore considers that UCS’s use of a network or services in this case constitutes misuse.
- 2.33 Accordingly, Ofcom is of the view that there are reasonable grounds for believing that the effect or likely effect of UCS’s use of an electronic communications network and electronic communications services to make abandoned calls in a way contrary to the Act and the guidelines has been to cause another person unnecessarily to suffer annoyance, inconvenience or anxiety so as to amount to misuse.

The misuse is persistent

- 2.34 As set out in paragraphs 2.8 and 2.9 above, sections 128(6) and 128(7) of the Act set out the basis on which misuse may be considered persistent.
- 2.35 The guidelines set out that properly managed call centres will strive to ensure that they do not generate more calls than they can handle. A persistent failure to do so will constitute an act of persistent misuse and may lead to the issue of a section 128 notification.¹⁵

¹³ Section 32(10) of the Act.

¹⁴ For the reasons set out in paragraphs 6.11 to 6.14 of the guidelines.

¹⁵ Paragraph 6.15 of the guidelines.

- 2.36 The guidelines also set out that misuse becomes persistent when the behaviour in question is repeated often enough to represent a pattern of behaviour or practice or it is clear that the misuse is reckless. Three examples of misuse may be sufficient to constitute sufficient misuse.¹⁶
- 2.37 Ofcom is of the view that there are reasonable grounds for believing that in this case the misuse was repeated often enough to represent a pattern of behaviour or practice. The guidelines state that although what constitutes a cycle of repetitive behaviour will need to be determined on a case by case basis, it is likely to require a minimum of three instances of the conduct in question.
- 2.38 Specifically, Ofcom considers that UCS's misuse was persistent because:
- UCS made a total of 25,044 abandoned calls during the relevant period (see Annex 2); and
 - UCS made an excessive number of abandoned calls – and did so in 155 of the 160 x 24 hour periods during the relevant period in which those calls were made (see Annex 2).¹⁷
- 2.39 Accordingly, Ofcom considers that there are reasonable grounds for believing that the misuse engaged in by UCS was persistent in that it was repeated on a sufficient number of occasions for it to be clear that the misuse represents a pattern of behaviour or practice as set out in section 128(6)(a) of the Act.

Other matters set out in the Notification

- 2.40 UCS has until **5pm on Friday 12 September 2008** (the “deadline”) to make representations to Ofcom about the matters set out in this notification as explained in this explanatory statement and to take all such steps for securing that the misuse is brought to an end and is not repeated and remedying the consequences of the notified misuse.
- 2.41 Following expiration of the deadline, if Ofcom is satisfied that UCS has in one or more of the notified respects persistently misused an electronic communications network or electronic communications services and has not taken all such steps as Ofcom considers appropriate for securing that the misuse is brought to an end and is not repeated and remedying the consequences of the notified misuse then Ofcom may issue to UCS a further notification under section 129 of the Act.
- 2.42 If UCS has, in one or more of the ways set out in this notification, persistently misused a network or services, Ofcom may impose a penalty on UCS under section 130 of the Act and in accordance with the Penalty Guidelines published on 29 December 2003 under section 392 of the Act and the guidelines. The maximum penalty that may be imposed is £50,000.¹⁸

¹⁶ Paragraph 3.5.

¹⁷ Ofcom notes that the guidelines currently suggest that assessment of whether there is an excessive number of abandoned calls should be made “on each individual campaign” (paragraph 6.16). In an email of 22 July 2008 (from Patrick Ross of UCS to Matthew Peake of Ofcom), UCS confirmed that it ran one campaign (debt collection) from one call centre during the relevant period and Ofcom has assessed whether there were an excessive number of abandoned calls on this basis.

¹⁸ The maximum level of penalty in section 130(4) of the Act was increased from £5,000 to £50,000 on 6 April 2006, as a result of an order made by the Secretary of State pursuant to section 130(9) of

Annex 1

Summary of relevant information and evidence

Part 1 – Ultimate Credit Services Limited	
Company	Ultimate Credit Services Limited (“UCS”)
Address	106 Hope Street, Glasgow G2 6PH
Company number	SC272245
Short description	Debt recovery services
Use of ACS	During the relevant period for the notification UCS operated one campaign conducted in one call centre using ACS to make outbound calls
Part 2 - Persistent misuse	
Individual elements considered in Ofcom’s assessment of whether UCS’s conduct during the relevant period amounted to persistent misuse	
Abandoned call rate, per 24 hour period	UCS made a total of 25,044 abandoned calls during the relevant period (Annex 2). UCS made an excessive number of abandoned calls in 155 of the 160 x 24 hour periods during the relevant period in which those calls were made (Annex 2).
Recorded information message	UCS played an information message for the duration of the relevant period.
Length of time calls were left to ring before termination	UCS left calls to ring for 15 seconds before being terminated.
A process in place which ensured that repeat calls which were made within 72 hours of an abandoned call made by a live agent	UCS ensured that a process was in place.
Presentation of a CLI presented to which a return call may be made	UCS presented a CLI.
Retention of adequate records which demonstrated compliance with the above procedures	UCS kept adequate records.
Part 3 - Ofcom’s investigation	
Date programme began	22 June 2006
Why information requested	UCS was identified as having purchased an ACS.
Date of information request	19 April 2007
Date information received	8 June and 13 June 2007

the Act – see *The Communications Act 2003 (Maximum Penalty for Persistent Misuse of Network or Service) Order 2006*, SI 2006/1032

Annex 2**Summary of outbound call data supplied by UCS¹⁹**

Date	Calls passed to live operator	Abandoned calls (excluding calls answered by answering machine)	Abandoned call rate (rounded up or down to 2 decimal places)	Ofcom calculation: abandoned call rate greater than 3%?
02/10/2006	847	135	13.75%	yes
03/10/2006	797	121	13.18%	yes
04/10/2006	263	39	12.91%	yes
05/10/2006	725	152	17.33%	yes
06/10/2006	598	104	14.81%	yes
09/10/2006	1229	252	17.02%	yes
10/10/2006	1215	135	10.00%	yes
11/10/2006	854	79	8.47%	yes
12/10/2006	787	158	16.72%	yes
13/10/2006	641	132	17.08%	yes
14/10/2006	235	32	11.99%	yes
16/10/2006	970	116	10.68%	yes
17/10/2006	234	27	10.34%	yes
18/10/2006	831	93	10.06%	yes
19/10/2006	1042	153	12.80%	yes
20/10/2006	1033	121	10.49%	yes
21/10/2006	247	47	15.99%	yes
23/10/2006	1098	227	17.13%	yes
24/10/2006	913	153	14.35%	yes
25/10/2006	842	151	15.21%	yes
26/10/2006	1218	323	20.96%	yes
27/10/2006	962	83	7.94%	yes
30/10/2006	999	152	13.21%	yes
31/10/2006	920	203	18.08%	yes
01/11/2006	1043	134	11.38%	yes
02/11/2006	1009	115	10.23%	yes
03/11/2006	981	97	9.00%	yes
06/11/2006	1036	156	13.09%	yes
07/11/2006	1070	118	9.93%	yes

¹⁹ 24 hour periods which fall within the relevant period, but during which UCS did not make any calls, have not been included in Ofcom's assessment of UCS's conduct. These 24 hour periods are as follows: 1 October, 7-8 October, 15 October, 22 October, 28-29 October, 4-5 November, 12 November, 19 November, 26 November, 2-3 December, 9-10 December, 16-17 December, 23-26 December and 30-31 December 2006, 1-2 January, 7 January, 13-14 January, 21 January and 27-28 January 2007.

Date	Calls passed to live operator	Abandoned calls (excluding calls answered by answering machine)	Abandoned call rate (rounded up or down to 2 decimal places)	Ofcom calculation: abandoned call rate greater than 3%?
08/11/2006	960	159	14.21%	yes
09/11/2006	950	125	11.63%	yes
10/11/2006	785	93	10.59%	yes
11/11/2006	401	97	19.48%	yes
13/11/2006	876	135	13.35%	yes
14/11/2006	464	126	21.36%	yes
15/11/2006	427	57	11.78%	yes
16/11/2006	772	122	13.65%	yes
17/11/2006	674	159	19.09%	yes
18/11/2006	162	46	22.12%	yes
20/11/2006	752	158	17.36%	yes
21/11/2006	925	162	14.90%	yes
22/11/2006	940	126	11.82%	yes
23/11/2006	958	158	14.16%	yes
24/11/2006	939	127	11.91%	yes
25/11/2006	145	0	0.00%	no
27/11/2006	1212	155	11.34%	yes
28/11/2006	1286	179	12.22%	yes
29/11/2006	709	133	15.80%	yes
30/11/2006	806	87	9.74%	yes
01/12/2006	848	159	15.79%	yes
04/12/2006	949	105	9.96%	yes
05/12/2006	1031	156	13.14%	yes
06/12/2006	962	174	15.32%	yes
07/12/2006	1344	196	12.73%	yes
08/12/2006	1081	188	14.81%	yes
11/12/2006	1739	376	17.78%	yes
12/12/2006	1250	325	20.63%	yes
13/12/2006	1125	181	13.86%	yes
14/12/2006	1364	189	12.17%	yes
15/12/2006	977	142	12.69%	yes
18/12/2006	1553	203	11.56%	yes
19/12/2006	1554	269	14.76%	yes
20/12/2006	1470	255	14.78%	yes
21/12/2006	1391	186	11.79%	yes
22/12/2006	708	93	11.61%	yes
27/12/2006	637	92	12.62%	yes
28/12/2006	630	113	15.21%	yes
29/12/2006	685	108	13.62%	yes
03/01/2007	977	185	15.92%	yes
04/01/2007	732	132	15.28%	yes
05/01/2007	720	127	14.99%	yes

Date	Calls passed to live operator	Abandoned calls (excluding calls answered by answering machine)	Abandoned call rate (rounded up or down to 2 decimal places)	Ofcom calculation: abandoned call rate greater than 3%?
06/01/2007	191	0	0.00%	no
08/01/2007	1325	221	14.29%	yes
09/01/2007	1580	183	10.38%	yes
10/01/2007	986	132	11.81%	yes
11/01/2007	1047	156	12.97%	yes
12/01/2007	643	154	19.32%	yes
15/01/2007	1025	177	14.73%	yes
16/01/2007	1227	252	17.04%	yes
17/01/2007	1196	185	13.40%	yes
18/01/2007	1300	179	12.10%	yes
19/01/2007	1044	185	15.05%	yes
20/01/2007	33	0	0.00%	no
22/01/2007	1167	185	13.68%	yes
23/01/2007	1417	196	12.15%	yes
24/01/2007	1258	227	15.29%	yes
25/01/2007	1212	222	15.48%	yes
26/01/2007	805	161	16.67%	yes
29/01/2007	1286	249	16.22%	yes
30/01/2007	1205	139	10.34%	yes
31/01/2007	968	148	13.26%	yes
01/02/2007	911	147	13.89%	yes
02/02/2007	805	168	17.27%	yes
03/02/2007	251	0	0.00%	no
05/02/2007	1145	182	13.72%	yes
06/02/2007	1604	325	16.85%	yes
07/02/2007	1144	251	17.99%	yes
08/02/2007	877	185	17.42%	yes
09/02/2007	741	142	16.08%	yes
12/02/2007	1078	182	14.44%	yes
13/02/2007	1139	186	14.04%	yes
14/02/2007	1123	138	10.94%	yes
15/02/2007	814	123	13.13%	yes
16/02/2007	672	123	15.47%	yes
17/02/2007	248	89	26.41%	yes
19/02/2007	654	125	16.05%	yes
20/02/2007	743	196	20.87%	yes
21/02/2007	1018	152	12.99%	yes
22/02/2007	997	160	13.83%	yes
23/02/2007	744	96	11.43%	yes
26/02/2007	971	258	20.99%	yes
27/02/2007	1332	485	26.69%	yes
28/02/2007	889	218	19.69%	yes

Date	Calls passed to live operator	Abandoned calls (excluding calls answered by answering machine)	Abandoned call rate (rounded up or down to 2 decimal places)	Ofcom calculation: abandoned call rate greater than 3%?
01/03/2007	978	199	16.91%	yes
02/03/2007	781	129	14.18%	yes
03/03/2007	605	134	18.13%	yes
05/03/2007	919	199	17.80%	yes
06/03/2007	1103	218	16.50%	yes
07/03/2007	839	174	17.18%	yes
08/03/2007	964	188	16.32%	yes
09/03/2007	469	101	17.72%	yes
12/03/2007	491	99	16.78%	yes
13/03/2007	1197	199	14.26%	yes
14/03/2007	980	263	21.16%	yes
15/03/2007	1019	234	18.68%	yes
16/03/2007	719	171	19.21%	yes
17/03/2007	398	71	15.14%	yes
19/03/2007	734	105	12.51%	yes
20/03/2007	638	0	0.00%	no
21/03/2007	1203	194	13.89%	yes
22/03/2007	832	133	13.78%	yes
23/03/2007	718	165	18.69%	yes
26/03/2007	1072	188	14.92%	yes
27/03/2007	1337	185	12.16%	yes
28/03/2007	810	154	15.98%	yes
29/03/2007	698	123	14.98%	yes
30/03/2007	609	97	13.74%	yes
31/03/2007	342	63	15.56%	yes
02/04/2007	1265	288	18.54%	yes
03/04/2007	1305	198	13.17%	yes
04/04/2007	859	158	15.54%	yes
05/04/2007	968	145	13.03%	yes
09/04/2007	1005	183	15.40%	yes
10/04/2007	1247	159	11.31%	yes
11/04/2007	933	152	14.01%	yes
12/04/2007	902	125	12.17%	yes
13/04/2007	889	64	6.72%	yes
14/04/2007	345	47	11.99%	yes
16/04/2007	801	142	15.06%	yes
17/04/2007	1552	238	13.30%	yes
18/04/2007	725	108	12.97%	yes
19/04/2007	1191	189	13.70%	yes
20/04/2007	836	183	17.96%	yes
23/04/2007	929	194	17.28%	yes
24/04/2007	1443	229	13.70%	yes

Date	Calls passed to live operator	Abandoned calls (excluding calls answered by answering machine)	Abandoned call rate (rounded up or down to 2 decimal places)	Ofcom calculation: abandoned call rate greater than 3%?
25/04/2007	1650	283	14.64%	yes
26/04/2007	1561	214	12.06%	yes
27/04/2007	960	168	14.89%	yes
28/04/2007	458	117	20.35%	yes
30/04/2007	1096	226	17.10%	yes
160 x 24 hour periods				155

