

Title:

Mr

Forename:

Guy

Surname:

Cooper

Representing:

Organisation

Organisation (if applicable):

Qire

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What do you want Ofcom to keep confidential?:

Keep nothing confidential

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

Ofcom should only publish this response after the consultation has ended:

Yes

Additional comments:

The change proposed acts as a catch-all and will catch other services where an agent may not be appropriate. For instance, in the case of an information message, which a consumer may have requested or even pay to receive, they would be unable to receive that message for 24 hours, which may be too late in the case where the message may hold real-time information

such as a share price, a crisis message such as do not drink the water or a sports result. Leaving a message may not be appropriate as the message may contain a need for an interactive response, such as an acknowledgement of receipt in the event of a crisis message or commercial action. Thus this may actually cause consumers health or financial harm against their express preference.

In addition if the answer machine is set to assume human and it plays a message then in the event of an AMD false positive the called party will already receive the human message and no silent call will result. The worst outcome is that the called party will receive a partial message while the detection takes place.

It should be made clear that this regulation should apply only to ACS where the primary purpose is to connect an agent, such as a dialler or power dialler.

Question 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?:

No. This only really applies to the case where the message is via a traditional dialler. In the case of interactive voice messaging, there may not be an operator at all, and the method of answer machine detection used may not offer the possibility of a silent call. If the AMD uses an assume human approach, then in the event that the machine is diagnosed in error, a message will always be left. In this circumstance it is not appropriate that this rule should apply.

However, as AMD technology improves the reason for the 24hr delay declines. There should therefore be a caveat which gives an acceptable level of AMD after which the rule does not apply.

Question 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?:

Yes

Question 3: Has Ofcom provided sufficient clarity on how the abandoned call rate is to be calculated?:

Not really. There is a lot left to the individual discretion of the company, which will potentially create an uneven playing field as different companies make different assumptions or use different testing methodologies and sample sets and generate different results from the same equipment. Successful AMD is highly dependent on many factors including message content, proportions of type of machines, line quality, use of VOIP vs TDM lines and so is difficult to achieve consistent results across different companies.

Question 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?:

Yes

Question 5: Has Ofcom provided sufficient clarity on how AMD users should calculate an abandoned call rate that includes a reasoned estimate of AMD false positives?:

Yes, but I think that there will be a high degree of variation on the same kit. It should be for the manufacturers to provide guidelines as to relevant detection levels at different settings.

Question 6: Has Ofcom provided sufficient clarity on how non-AMD users should calculate an abandoned call rate that includes an estimate of abandoned calls picked up by answer machines? :

Yes

Question 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'?:

Yes

Question 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. This will just add confusion to the user who will have two numbers to note or remember instead of one.

Question 9: Has Ofcom provided sufficient clarity on what constitutes a 'campaign'?:

Yes