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# Emergency call handling agent performance

A consultation on proposed guidelines with respect to the handling of emergency calls and compliance by communication providers with General Condition 4

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## UKCTA Response to Ofcom Consultation

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Submitted to Ofcom: 20<sup>th</sup> February 2013

## **Introduction**

UKCTA is a trade association promoting the interests of competitive fixed-line telecommunications companies competing against BT, as well as each other, in the residential and business markets. Its role is to develop and promote the interests of its members to Ofcom and the Government. Details of membership of UKCTA can be found at [www.ukcta.com](http://www.ukcta.com).

UKCTA welcomes the opportunity to comment on Ofcom's proposed guidelines for the handling of emergency calls and compliance by communication providers with General Condition 4.

## **Response to the consultation**

UKCTA considers that the current arrangements for emergency call handling in the UK are working well for consumers. UKCTA member organisations do not consider that Ofcom has demonstrated, in line with its duties, that there is any tangible evidence of consumer harm which would justify regulatory intervention in this area. Consequently, we do not agree that it is necessary or proportionate for Ofcom to define emergency call handling performance standards that CPs are required to be adhered to. This will result in unnecessary costs to be incurred by all CPs to amend contracts and monitor a function which is, as at today, performing well and in the interests of consumers.

In addition, UKCTA's understanding is that when issues with answering consumer's emergency calls have been experienced often the root cause of the problem is due to the Emergency Authorities' failure to answer calls being forward to them from the CHA. Observed performance is not solely down to the speed of call answering by the CHAs. As Ofcom's performance guidelines only relate to the answering of the emergency call by the CHA they do not address this key issue.

However, UKCTA does recognise that there may be some value in publishing high-level targets that CHAs should aim to satisfy but we are concerned that, if the CHA failed to

comply with the guidance, communications providers (CPs) should not be found to be in breach of General Condition 4 (GC4). Ofcom should clarify that liability will not extend to CPs under GC4. This is particularly important given that UKCTA understands that the number of CHAs offering emergency call handling services to CPs is soon likely to reduce such that the UK will have a single supplier of these services (notwithstanding the arrangements that Level 3 has in place with the rail industry). This being the case, it is not clear what options a CP has if they find that the CHA that they contract their emergency call handling service to does not satisfy the criteria within the performance guidelines. It should not be the case that CPs could be found to be in breach of GC4 and have no recourse available to them to remedy the breach (since there is no alternative CHA provider who they can transfer their emergency call handling service arrangements to).

The fact that there will only be a single supplier for these services also raises a concern around Ofcom's expectation that CPs will make compliance with the guidelines part of their contractual arrangements with the CHA (as stated in paragraph 1.6 of Ofcom's consultation document). If there is only one supplier, CPs will have little or no bargaining power when negotiating the contractual arrangements and, in fact, it is likely the contract will become a standard industry contract with no scope for commercial negotiation. As such, it may not be possible for CPs to meet such expectations and therefore, through having no negotiating power with the CHA, fail to comply with the General Conditions.

There is an additional concern within UKCTA that, as Ofcom recognises in its consultation document at paragraph 2.25, the performance guidelines could result in the CHA seeking to use the changes in order to justify increased costs. The specific concerns are;

- a) The CHA may claim to need to increase the number of staff it employs in order to achieve the performance targets.
- b) CPs may require the CHA to provide enhanced reporting of their service levels in order to confirm that they are performing within the guidelines.

UKCTA believes that the guidelines represent targets which CHAs both measure and operationally achieve today. We expect Ofcom to intervene were CHAs to seek to use these proposals as justification for an increase in prices. We do not recognise these requirements as driving any changes which are not already expected and met or which require information

which is not already part of day to day operation or additional to either that to be supplied to Ofcom or the reporting already provided to the 999 Liaison Committee.

If Ofcom does seek to extend liability to CPs under GC4 it is likely that there *could* be some increased cost, ultimately passed on to consumers, where CPs may feel that it is appropriate to contract an external auditor to confirm that the CHA's performance is within the performance guidelines, but this is external to the CHA operations.

Any costs that might be incurred as a result of the introduction of these guidelines should be justified and proportionate. UKCTA considers that these increased costs are not justified given that the system is currently functioning well and the levels of service required by the guidelines are generally already met.

In addition to the above comments, we have set out below our responses to each of the issues raised in the consultation on which we wish to comment.

**Question 1: Do you agree that guidance regarding the performance of emergency call handling agents is necessary?** UKCTA members do not consider that the guidance is necessary but there may be some benefit in Ofcom stating what they believe to be appropriate service levels as a “best practice” guide but without further regulation.

**Question 2: Do you agree with the scope of this Consultation as set out in Section 4?** UKCTA has no comment on the scope of this consultation except to point out that service issues in relation to the answering of emergency calls can occur at the handover between the CHA and the Emergency Authority – this interface is not the subject of these performance guidelines, nor is it something that CPs have control over.

**Question 3: Do you agree with the guidelines as set out in Section 5? Are there any other performance standards or metrics that you think should be added?** UKCTA considers that the guidelines set out in Section 5 are more than comprehensive and has no suggested additions to the existing proposal.

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