

Vodafone's response to Ofcom's consultation

"Emergency call handling agent performance"

February 2013

Non-confidential version

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Summary and conclusions

Vodafone welcomes the opportunity to respond to Ofcom's consultation "Emergency call handling performance" and its proposed guidelines with respect to the handling of emergency calls. With the acquisition of Cable&Wireless Worldwide, Vodafone now has a breadth of experience in this arena; from both the perspectives of mobile and fixed-line Communications Provider (CP) and most pertinently as an emergency Call Handling Agency (CHA).

Ofcom was cognisant that prior to the publication of this consultation Vodafone had taken the decision to exit the market for emergency call handling during 2013; although provision of support for the 101 and 111 non-emergency services will continue. We are aware that Ofcom reviewed its proposals in light of this information and determined that they remained appropriate. Vodafone believes this to be largely the case¹, although it has weakened the consultation's underlying structure of non-statutory guidelines providing a performance benchmark for CP's to leverage in order to drive competitive improvements from their chosen CHA. With only a single major CHA in the market the onus lies upon Ofcom, through its competition and consumer protection duties, even more than the CPs, to ensure that performance is benchmarked against appropriate proxies² and action taken to remedy weaknesses which will no longer be mitigated by competition.

The intention behind Ofcom's proposals is to enshrine pre-existing CHA practices in a documented form. This is intended to help define the CHA's role in the provision of Emergency Call connection and provides transparency as to the roles of the delivery partners, although ultimate regulatory responsibility remains with the CP maintaining the contractual relationship with the caller. Undoubtedly the proposals also allow the regulator a stronger hook with which to tackle any failings in said provision. However these hooks appear somewhat indirect as the legal mechanism requires regulatory powers to be exercised via the CP in order to address CHA performance.

Ofcom has sought to introduce its non-statutory guidelines by a linkage to CP responsibilities under General Condition 4 (GC4). Much is made of the need to refer to the guidelines contractually. We agree contractual referral is a more expedient and proportionate mechanism than amending GC4 which is likely to be legally problematic in the absence of evidence of consumer harm. However we do question how a failure to meet non-statutory guidelines by a CHA can be enforced, whether by Ofcom or a CP? We discuss the structural and legal basis of the proposals further in Section 1.

¹ With the exception of the proposal for CHA's to route calls between each other in the event of issues.

² Vodafone is aware of The Commission's 2013, 112 Implementation report in which the UK's emergency provisions appear robust alongside some other EU members. Our comments are driven by local operational experience and experience from the recently reformed 999 Liaison Committee.

Whilst recognising merit to the proposals, they offer nothing to enhance the end to end call delivery or to improve the levels of consumer protection to callers, perhaps because at inception they were reliant upon competition to maintain high standards of performance. Ofcom refers to the “critical nature of emergency call handling”, but today there exists a lack of holistic government ownership or clearly defined responsibility for the end to end process. Reference is made to “all aspects of the chain need[ing] to function at extremely high levels of performance, as poor performance in one aspect can have detrimental consequences to the end-to-end performance”³. Yet Ofcom fails to measure or in any way address current weaknesses in the performance of the Emergency Authorities and in its call handling proposal the metric would actually lower CHA performance levels from where they are today. Section 2 contains more detailed consideration of performance issues.

Section 3 contains comments on the proposed guidelines and metrics, most notably our significant objection to the proposal to exclude all abandoned calls lasting under five seconds and the omission of average call waiting times from the proposed measures, despite from experience Ofcom identifying it as a key metric of consumer experience. The former is a significant dilution of today’s performance measures which Vodafone does not support.

Vodafone agrees that the proposals largely reflect current CHA procedures hence their adoption does not justify any form of increase to charges by the remaining major CHA.

³http://stakeholders.ofcom.org.uk/binaries/consultations/emergency-call-handling/summary/cha_condoc.pdf paragraph 2.7

Section 1: Structure and legal basis of proposals

Ofcom consults upon three options as part of its Impact Assessment; to summarise:

1. Maintenance of the status quo with no new guidance
2. Introduction of statutory requirements via GC4
3. Introduction of non-statutory guidance supporting PECs.

Vodafone agrees that there is merit in clarifying the roles of the various parties involved in the delivery of an Emergency call and that the current regulatory void beneath CHA activity can be unhelpful to the resolution of issues. Vodafone's CHA experience over the last few years in the resolution of discrepancy calls⁴ has demonstrated that operational and contractual pressure by the CHA to resolve issues can unfortunately sometimes be ineffective without the attentions of Ofcom to encourage CPs to take data integrity issues seriously.

Accordingly we have some concerns about the expectation that contractual reference to CHA guidance will serve to remedy these issues. In the future when there is a single CHA it is difficult to see what contractual remedies a CP could bring to bear on BT as a CHA in the event of poor performance. It is our understanding that BT will seek to implement the requirements through a generic external reference from the SIA. This would ultimately allow referral of any dispute about performance to Ofcom or indeed Ofcom could seek to exercise competition or consumer protection intervention. However typically none of these remedies are particularly quick nor does a generic clause represent a commercial or contractual lever by which individual CPs can seek to improve performance.

Unfortunately the onus on the CP in the proposed guidance does not assist the CHA either to the degree envisaged, and in some cases may actually serve to make the CHA's position untenable and drive otherwise avoidable costs. To date CHAs have largely dictated to the CP the data formats and procedures necessary to meet the Emergency Authorities' requirements for Caller Location Information, call management and to discharge the CP's obligations under GC4. CPs have been expected to meet the requirements determined by the CHA which were based upon a combination of GC4 and the "Code of Practice for the Public Emergency Call Service between Communications Providers and the Emergency Services" (PECs) and to a greater or lesser extent this has served industry well. Ofcom however has shifted this balance and now expects the CPs to satisfy for themselves whether the CHA is providing a service which allows them to remain compliant.

⁴ A discrepancy call is where a call has been received by the CHA without the corresponding address information being present in the CHA's 999 database.

What is portrayed as providing transparency is in fact causing a shift in existing relationships. Where previously the CHA set out contractual terms and conditions in conjunction with the EAs the CP was expected to meet in order to access the Emergency Authorities, now the CP is de facto able to determine how the CHA behaves in order to satisfy its compliance requirements. The most obvious example is in relation to major incidents where Ofcom states that CPs should satisfy themselves that in instances where CHAs are unable to follow the PECs guide for any reason the “CHAs adopt their own measures (such as automated announcements)”. This can make the position of the CHA entirely untenable.

The CHA works within the confines of the PECs guidance as this document determines the relationship of the CHA with each of the EAs. We have direct experience of the difficulties that can be experienced in the provision of the services during times of stress. ✂

Under Ofcom’s proposals a repeat scenario raises problematic questions of liability. The PECs guide requires EA agreement in order to implement call queuing, but the new guidelines require CPs to satisfy themselves that CHAs will act outside of PECs. Consider for a moment if the worst were to occur. A similar event leads to the CHA unilaterally deploying its own form of call queuing which is ultimately found to have potentially delayed call connection leading to a fatality. The CHA’s position is untenable; it is either seen to be overriding the will of the EA (often regarded as the expert agency in this scenario) by taking action or it has acted against the regulatory expectations of the CP if it complies with the EA’s directions.

It must be remembered that the call handling agents are not in a position to offer callers emergency assistance. They are a call connection facility, they are neither able nor trained to offer triage assistance. It can at times be a stressful role and whilst the proposed metrics reflect the CHAs role as a call connection service, Ofcom should demonstrate a clear holistic approach to such events in conjunction with the EAs rather than seek to encourage CHAs to act unilaterally at times of stress.

Similarly Vodafone as a CP should not be held accountable under GC4 for the failings of parts of the delivery chain over which it has no control e.g. if the failure of EAs to answer calls in a timely manner impacts the ability of Vodafone’s chosen CHA to meet its call handling target. We expect such occurrences to be addressed robustly by the CHAs, Ofcom and industry via the 999 Liaison Committee in order to drive improved performance.

Vodafone is aware that management of the EAs is problematic ✂ However Ofcom needs to encourage government to improve co-ordination of end to end procedures and to address areas of performance weakness. We accept that Ofcom’s powers do not extend beyond the telecoms arena, but in order to be effective the clarification Ofcom seeks should extend beyond its own backyard and include all members in the delivery chain, not just those where implementation is most convenient.

Vodafone agrees that at this stage Ofcom does not need to formally amend GC4 in order to incorporate the CHAs specifically. Ofcom discusses the matter in terms of proportionality of both regulation and the exercise of its powers. Vodafone suggests that in the absence of clear consumer harm it is difficult to identify how such powers could be exercised, particularly as the CHAs are not bodies recognised under European law. We are however satisfied that the metric expectations set out by Ofcom are largely consistent with the aspirations and service levels to which CHAs already operate. To this end there is no material additional burden to the CHAs concerned and certainly nothing under these proposals which justifies the imposition of additional costs by the CHAs upon CPs; our concerns relate entirely to the disjointed approach being applied to such a critical service.

Section 2: End to end performance

Increased transparency for the role of the CHAs is advantageous where the aim is to foster greater competition between competing parties. However, with respect to Level 3's narrow operations, the UK will soon be faced with a single major CHA supplier in the shape of BT. Vodafone as a CP has the same expectations of BT's service with or without Ofcom's guidance. It is our expectation that today's current high levels of availability and call handling performance will be maintained and indeed over time improved, irrespective of the absence of a rival CHA.

Ofcom's guidelines do not however guarantee the apparent high levels of service for End-users any more than their absence today encourages poor performance nor will greater engagement by CPs automatically serve to improve performance. When an End-user makes an emergency call he or she is reliant upon three separate stages: i) the originating mobile or fixed network providing access to the CHA; ii) the CHA answering the call and connecting through to the correct EA and finally iii) the EA answering the call and passing details through to dispatch the correct emergency appliance.

Vodafone considers there to be key metrics at each of these stages and that these are respectively: i) average caller call wait time and time to answer by the CHA; ii) service resiliency and iii) EA time to connect. Ofcom seeks to codify performance against i) through the pre-existing target of 95% of calls answered within 5 seconds and against ii) with a target system availability of 99.999%, again the current industry standard. Ofcom does not seek to measure iii) and the time taken for the EAs to answer.

Ofcom recognises that emergency call handling times are dependent on all parts of the chain functioning effectively, but whilst it seeks average call handling times on a regular basis from CHAs it has missed the opportunity to also record the performance of the EAs. ✂

Ofcom is seeking to measure CHA performance against a target of 95% of calls answered in five seconds. Vodafone agrees that this is a target which reflects the criticality of the service. ✂ This is further evidence of the need for Ofcom to co-ordinate performance ownership with government. It was made clear in the aftermath of August 2011's riots and more recently with the flooding affecting NE England in 2012, that Ofcom quite rightly regards any deterioration in performance from the CHA as being unacceptable. However the CHA is entirely reliant upon the ability of the EA to receive the calls it is seeking to connect. ✂

Vodafone notes that the service availability figure makes allowance for 'force majeure' but there is no indication as to what these events include nor does the Comreg document from which these have been borrowed elaborate upon the subject. We would welcome further clarity as to the events Ofcom intends to constitute 'force majeure' in order to ensure comparability between the reporting CHAs. It also seems advisable to remove any such periods from the metrics recording call answering performance with an accompanying indicator.

It should be remembered however that in the same way that call handling times focusing on the CHA do not capture the full end to end performance of call handling, nor will such a similar approach in terms of availability. The CHA is in a position to control the reliability of its platform, but it may not have any contractual responsibility or relationship with the connections provided to each EA and obviously has little control over the reliability of the originating CP's network. Again Ofcom's measures are limited in the overall scope of call delivery and should be viewed in conjunction with corresponding statistics from the EAs.

Section 3: Proposed Guidelines

Vodafone disagrees strongly with the proposal to remove all abandoned calls from the measurement of calls answered within five seconds, irrespective of any comments we have made regarding performance levels elsewhere in the delivery chain. A CHA's raison d'être is to answer and onward connect calls in the shortest possible time and accordingly to provide staffing levels to enable this to be achieved. Any suggestion that performance levels can be lessened e.g. by not answering calls of very short duration, will ultimately lead to a reduction in the levels of resource deployed to deliver 95% of calls in five seconds. Ultimately this impacts the ability of CHAs to cope with unexpected peak traffic events.

To a caller five seconds whilst in a situation of need is not inconsiderable and whilst it may not, in the abstract seem a long delay, it is worth noting that Vodafone's CHA on average answers calls at a little over 0.5 seconds. To ignore abandoned calls disincentivises such high levels of response and would encourage CHAs to reduce staff to lower response times closer to the 5 second target.

Vodafone has discussed previously with Ofcom the issue of short duration calls. These are typically calls lasting under a second. Typically these calls are received from mobile networks and CHAs have recently seen a dramatic increase as greater numbers of consumers adopt smart phones. The current industry understanding is that short duration calls represent misdialled calls which have been terminated by the caller. When answered they usually manifest as silent calls. We had suggested to Ofcom that calls below 0.5s might be removed from the call handling calculation as they represented calls terminating before completion of the platform's call set up phase and as such could never have been answered by the operator and due to our CHA customer profile only served to skew performance figures.

We are aware of differences in the treatment of abandoned calls between CHAs and have discussed this previously with Ofcom. CWW measures its call handling performance by including abandoned calls:

Calls answered in 5s
All calls

✂

Clearly there is benefit from standardising the different approaches, however we do not believe that the answer is to simply remove all abandoned calls from the calculation as to do so is to ignore the call handling activity the CHA is required to do in order to answer these calls.

Annex 3 contains ✂ It is clear from a cursory glance that performance excluding calls abandoned under five seconds is an entirely worthless measure as performance is almost universally 100% of calls answered in five seconds.

In our opinion only short duration calls of 0.5s should be removed from the statistics. Although we would accept the removal of calls under 1s in duration, as being a proportionate alternative, if other CHAs required system development in order to provide such granularity.

Vodafone has some concerns as to how CPs are expected to determine whether their CHA's "organisation and operation are managed and performed to considerably higher

standards than would be associated with conventional call centre activities”.⁵ From a CHA perspective this represents standard practice and does not generate additional requirements, but for the majority of CPs this will be an entirely subjective view and may require external audit resource to inspect the CHA so as to reach a valued judgement. Ultimately it is likely consumers will be passed the additional costs faced by CPs in conducting this exercise; although Vodafone looks forward to discussing its experience in this area with its new CHA provider.

⁵ http://stakeholders.ofcom.org.uk/binaries/consultations/emergency-call-handling/summary/cha_condoc.pdf paragraph 5.2

Annex 1: Consultation Questions

Question 1: Do you agree that expectations regarding CHA performance could and should be published?

Vodafone agrees that there is some benefit to be gained from the introduction of non-binding guidelines designed to promote clarity of the relationship of CHAs in the handling of emergency calls. However an end to end consideration of performance is required which is not achieved through the proposed guidelines.

Question2: Do you agree with the scope of this Consultation as set out in Section 4?

Ofcom's attempt to limit the scope of the consultation to localised or wide-scale events affecting the CHA directly and more general events increasing the demand on Emergency Services more generally reflects recent experience. However with the latter in particular it fails to recognise the role of the EA's in the management of emergency calls. It is the CHA's role to ensure timely call connection to the appropriate emergency authority, it is not the CHA's role to co-ordinate how the EAs manage their call load.

By seeking to limit its scope Ofcom threatens to encourage CHAs to operate unilaterally which may not always be in the best interests of emergency co-ordination or ultimately the caller.

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?

Vodafone does not agree with the proposal to dilute the current call handling performance by removing abandoned calls. We believe that 95% of calls answered in five seconds should include all calls other than those of a very short duration (0.5s) which abandon before call set up has completed. We do recognise that removal of abandoned calls with a duration of less than a second may be more proportionate if system development is required.

Ofcom should pay close attention in the information it receives to average call handling durations as increases are the first symptom of underlying issues with EA response. Ofcom must be prepared to take a more proactive role in order to drive EA performance at a government level if it wishes to see improved performance at times of peak calls.

The proposed measures typical of the metrics required for managing an effective CHA. Current market activity suggests that published CHA prices are more than adequate to support pre-existing performance and operational reporting requirements. Vodafone suggests that this should also include a robust measurement of EA performance by the CHAs and again that this is achievable at no extra cost to industry.

Annex 2: ✂

✂

Annex 3: ✂

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