

**Title:**

**Forename:**

**Surname:**

**Representing:**

**Organisation (if applicable):**

**Email:**

**What do you want Ofcom to keep confidential?:**

Keep name 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:**

**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?:**

We strongly disagree that this is a solution. It is felt that there should be differentiation based on the reason for the call and rules and regulation should differ.

If the call is a sales call it is perfectly reasonable to enforce this rule, particularly if the customer does not have an existing relationship with the company.

If the call is a sales call is to an existing customer there is an argument to state that the same rule could be applied as the customer may not want to receive calls trying to sell upgrades and new products.

If the call relates to a bank notification as stipulated in your examples. This call is of benefit to the customer and therefore multiple attempts should be encouraged. A company cannot leave information on an answer phone due to DPA restrictions. The rule should stipulate that there is no more than 1 attempts in a far smaller window; perhaps 4hrs rather than 24hrs.

If the call relates to collections efforts, the customer will most likely not want to receive the

call and would classify this as a nuisance. One attempt per day would have a detrimental impact on the company and may also accelerate collections activity having a detrimental impact on the customer. Restrictions should be imposed but it is suggested that there should be a 4hr timeframe rather than 24hr suggested.

Segmentation of the various industries and the purpose of the call is the logical starting point for regulation requirements with differentiation built in based on the purpose of the call and the relationship between the customer and the company.

An additional form of segmentation that should be taken into account is the source of the contact details. If the phone number is supplied by the customer, the rules should differ from contact details obtained via other sources.

**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?:**

Changes can be made to the dialler builds in a very short space of time. Two month is sufficient however the ramifications on how this will impact business performance will take far longer to calculate.

The timeframe for implementation will rely heavily on Ofcom ensuring that all companies have been duly informed and liaised with. The communication of new rules and regulations needs to be driven through and it would be prudent to have a dedicated resource who can offer guidance and support.

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

There is a lot of inconsistency in our industry. We have seen evidence that there are differences of opinion between various collections agencies and banks. Some are confident that they are performing the correct calculations however a conversation between two dialler managers will ordinarily generate differences in opinion. This suggests that it is not transparent and further guidance is required. Significant investment by Ofcom is required to contact and discuss protocols and calculations with each company using a dialler system. An example of this is clear in the documentation Tackling abandoned and silent calls consultation date 1st June in which there are multiple calculations shown and without reading through the document in full there are 3 various calculations shown in the same format and font.

There needs to be a link with a page dedicated for ACS users that shows the formula and a step by step breakdown of the factors included. This would be a proactive step.

It is suggested that when imposing regulation with significant fines there should be no dubiety in the calculations and there should certainly be no referral to estimates.

**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?:**

We do not agree that there is clarity on this matter. Various tests have been trialled internally each yielding differing results. The tests are normally smaller than necessary to get a truly accurate picture.

Regulation needs to be imposed on the providers of the technology not the end user. Our dialler manufacturer has worked with BT and other organisations to establish the manufacturers accuracy claims; It is felt that Ofcom could work closer with manufacturers so that these figures can be adopted by the end user and calculations are based on manufacturers accuracy claims; rather than internal trials.

Section 4.45 states: at this stage, Ofcom is not inclined to prescribe testing methodologies to be used by all ACS users when producing a reasoned estimate of AMD false positives. Therefore proving that there is no clarity on how calculations should be made. This will leave many confused and at risk from new regulation.

**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?:**

This is clear from this document.

**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? :**

This is clear from this document.

**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'?:**

The debate on whether the two second rule should start at the start or end is well debated and tackled in the document. Allowing more time would be advantageous as it would allow more time for the AMD technology make an accurate assessment. Further pressure needs to be applied to AMD manufacturers to ensure that technology continues to improve.

**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?:**

It is claimed that the cost of including two contact numbers would be negligible depends on the volume placed. It is felt that by leaving two numbers will may add confusion and result in fewer return calls. This will in turn promote a greater number of outbound attempts.

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

Yes