

Overview of new Ofcom Regulations on Silent Calls in Outbound Campaigns

CCT, October 2006

complex communications **made simple**

Ofcom Regulations – Protecting the consumer

In March 2006, Ofcom released new measures for consumer protection against silent telephone calls.

Silent calls are a significant area of inconvenience and anxiety for thousands of people every month. Most silent calls are not generated with malicious intent but occur when call centres using automated calling systems generate more calls than their available agents can deal with. When the person called answers the telephone, there is no agent available, resulting in silence on the line.

This document has been produced to identify the framework for the responsible use of automated calling systems.

Prior to March 2006

The Communications Act 2003 and the 'Ofcom Statement of policy on the persistent misuse of an electronic communication network or electronic communications service' (14th May 2004) gave Ofcom the right to investigate any misuse of a communication network within the UK.

However, there were no rules governing how an automated calling system should be used. Companies using automated diallers were considered to be working to a best practice figure of "a maximum of 5% of all outbound calls presented as silent calls".

Key DMA regulations before March 2006

As Europe's largest trade association in the marketing and communications sector, the DMA promotes best practice and industry standards through the DMA code of practice. They also manage programmes that protect consumers against bad practice and increase consumer trust.

Accordingly, the DMA had already produced their own set of best practice guidelines around silent calls:

1. Automated dialling systems dial out: a calling line identification (CLI) must be presented to identify the caller;
2. The customer can then ring the CLI number and the call must either be routed to a live agent or a recorded message stating the name of organisation, the purpose of the call and providing an option to unsubscribe from the campaign;
3. If a call is deemed to be "abandoned", then the number must not be dialled again for 72 hours

Ofcom Investigations

During 2004 & 2005, Ofcom investigated a number of firms with silent or abandoned call rates of over 3%. During these investigations Ofcom found that the majority were found to have rates well above this limit. Ofcom informed these firms they would now be required to reduce their abandoned call rates to below 3% and provide monthly reports to the watchdog.

Following on from this investigation, and a public consultation in October 2005, Ofcom has subsequently introduced a new policy for persistent misuse of communications networks and communications services around silent or abandoned calls.

Publication of Ofcom Regulations – March 2006

On the 1st March 2006, Ofcom announced the publication of new measures designed to increase consumer protection from silent telephone calls. These new rules were required to be implemented with immediate effect and are detailed below:

1. “Abandoned or silent calls” shall be no more than 3% of ‘live calls’ on each individual campaign over any 24 hour period
2. In the event of an “abandoned or silent call”, a very brief recorded information message must be played within 2 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
 - A CLI number which must provide an option to decline to receive further calls
 - No marketing information
3. Every outgoing call must ring for a minimum of 15 seconds before the call can be terminated.
4. For any abandoned call the recipient must not be contacted for 72 hours unless done so by a human operator
5. A CLI number must be presented for any outbound call to which a return call is not charged at a higher rate than a national rate call. There must be no attempt to market to the caller during the return call to this number.
6. Records must be kept for a minimum period of six months to demonstrate compliance

Penalties and Investigations

Ofcom has indicated that they will take action to enforce these new rules, including investigation of UK-based organisations using offshore call centres found to be in breach of specific requirements.

Organisations are required to keep records for a minimum of six months to demonstrate their compliance. Ofcom plans to review the policy after 12 months to assess whether further changes are necessary.

The Government has also now confirmed that the maximum fine Ofcom can impose has now been increased from £5,000 to £50,000 for each breach of the rules.

For Further Information

As one of Avaya’s leading UK Platinum Business Partners, CCT can offer advice and guidance about the implications of these new Ofcom regulations to your business. We are able to recommend steps that will help ensure that your business is unlikely to be the subject of an Ofcom investigation, or indeed a fine of up to £50,000. Contact the CCT team on 0117 311 5757 or visit www.cctonline.co.uk

Ofcom official site - www.ofcom.org.uk

About CCT

CCT specialises in the design and support of complex business communications solutions. A Deloitte Technology Fast Track 50 Company for the last three years, we are also winners of the Channel Network Awards 'Call Centre Solution of the Year' award for both 2004 and 2005. CCT is proud to be one of a handful of Avaya Platinum Business Partners.