

**Helping you to
verify and maintain
compliant dialling
campaigns**

rostrvm Prophet

Ofcom dialler compliance review

rostrvm Prophet consulting services are based on focused analysis of an organisation's contact and relationship management capability. rostrvm Prophet is focused on business processes, the technology and the people that need to work with them.

To find out more call us on **0800 6122 192** or visit www.rostrvm.com

© Rostrvm Solutions Limited 2008, rostrvm_Prophet_Ofcom_Compliance_2008.1



Contents

What are the Ofcom Guidelines?	3
Abandoned call rate.....	4
Answer Machine Detect	4
The information message	6
Redialling abandoned calls	7
Call ring time	8
CLI presentation	9
Managing the return call.....	9
Record keeping	10
There's more than Ofcom	11

To find out more call us on **0800 6122 192** or visit **www.rostrvm.com**

rostrvm®, CLIPboard®, Invex®, Switchless®, CallManager®, AdVisor®, **rostrvm** CallGuide®, ScreenPhone®, OutBound®, CallDirector®, **rostrvm** CallBroker®, ControlCentre®, InterAct®, AutoAgent®, ToneType®, **rostrvm** AuditLog®, ReportWriter®, SuperVisor®, and **rostrvm** InterFace® are registered trade marks of Rostrvm Solutions Limited



This review document provides a background to the operational and process issues that should be addressed by any UK based user of automated dialler systems to maintain compliance with Ofcom’s statement of policy.

Topic

What are the Ofcom guidelines?

In summary

Outbound campaigns provide a great opportunity to optimise interaction with customers and prospects.

... but you need to be sure that your activities are in line with best practice.

What are the Ofcom guidelines?

Outbound call centre campaigns that use predictive dialling techniques create a risk of generating ‘nuisance’ calls – that is, there is a possibility that the dialler system will make a call to a customer but no call centre person is immediately available to talk to the customer.

In 2006 Ofcom announced “the implementation of new measures designed to strengthen consumer protection from silent telephone calls”. These guidelines were updated September 2008.

“The new rules provide a consistent and enforceable framework for the responsible use of automated calling systems. Ofcom’s policy aims significantly to reduce the total number of calls abandoned by call centres and to ensure that consumers can clearly identify the source of any abandoned call that they receive.”

The full statement of policy is available at the Ofcom web site - Statement of policy on the persistent misuse of an electronic communications network or service – but, in summary, the policy gives the following specific guidance to automated dialler users.

- the ‘abandoned call’ rate shall be no more than three per cent of ‘live calls’, calculated per campaign (i.e. across call centres) or per call centre (i.e. across campaigns) over any 24 hour period, and shall include a reasoned estimate of Answer Machine Detection (AMD) false positives;
- in the event of an ‘abandoned call’, a very brief recorded information message is played no later than two seconds after the telephone has been picked up, which contains at least the following information:

the identity of the company on whose behalf the call was made (which will not necessarily be the same company that is making the call) ;

details of a no charge (0800) or Special Services basic rate (0845) number the called person can contact so they have the possibility of declining to receive further marketing calls from that company;

includes no marketing content and is not used as an opportunity to market to the called person;

- calls which are not answered must ring for a minimum of 15 seconds before being terminated;
- when an ‘abandoned call’ has been made to a particular number, any repeat calls to that number in the following 72 hours may only be made with the guaranteed presence of a live operator;
- for each outbound call a CLI number is presented to which a return call may be made which is either a geographic number or a non-geographic number adopted as a Presentation Number which satisfies the Ofcom Guide to the use of Presentation Numbers;
- any call made by the called person to the contact number provided shall not be used as an opportunity to market to that person, without that person’s consent;
- Additionally Ofcom expects that where organisations are subject to this statement records are kept for a minimum period of six months that demonstrate compliance with the above rules and procedures.

The 'abandoned call' rate shall be no more than three per cent of 'live calls', calculated per campaign (i.e. across call centres) or per call centre (i.e. across campaigns) over any 24 hour period, and shall include a reasoned estimate of Answer Machine Detection (AMD) false positives

Topic

Abandoned call rate

Answer Machine Detect

Potential Risk

System administrators have the ability to use 'manual tuning' from time-to-time, particularly when 'live' contact rate is low.

This ability must be used with care and, when manual tuning is used, the current and 24-hour nuisance call rate should be carefully monitored using the MIS system

Abandoned call rate

In automated pacing mode the **rostrvm** system automatically manages the abandoned call rate by allowing the administrator to set the 'nuisance call' ceiling on campaigns. The limit should be set at 3% or below.

Answer Machine Detect

Most automated dialler systems, including [rostrvm OutBound](#), support facilities to automatically detect answer machines.

The revised Ofcom guidelines issued in 2008 introduced a requirement to include "a reasoned estimate of Answer Machine Detection (AMD) false positives" when calculating abandoned call rates.

How does this impact predictive dialling campaigns in practice?

To quote Ofcom, no matter which current technology is applied

"...Ofcom recognises that at present, and until accuracy rates improve, it will be very difficult to use AMD technology without breaching the three per cent guideline."

This point is supported by a number of detailed calculations given in Ofcom's statement (pages 5 & 6).

In our view if you want to be sure that your predictive dialling campaign complies with the Ofcom guidelines then do not use automated Answer Machine Detect.

Is this a bad thing?

We know that there may be wails of anguish from the call centre agents suddenly having to handle lots of answer machines. But is removing Answer Machine Detect a bad thing from the business process perspective? Let's look at the possible downsides to using AMD (over and above the risk of breaching the abandoned call percentage).

(i) AMD improves productivity, but it is not perfect. There is the distinct possibility that AMD systems can 'decide' that a live answer is an answering machine and disconnect the call; you have not only run the risk of irritating someone you have also missed an opportunity to make a sale or collect a debt. In an environment where any live contact has a high business value then Answer Machine Detect can have negative impact on the business-effectiveness of your campaign

The 'abandoned call' rate shall be no more than three per cent of 'live calls', calculated per campaign (i.e. across call centres) or per call centre (i.e. across campaigns) over any 24 hour period, and shall include a reasoned estimate of Answer Machine Detection (AMD) false positives

Topic

Abandoned call rate

Answer Machine Detect

Is AMD banned?

No. Ofcom have not banned the use of Answer Machine Detect, but the guidelines are so arcane that continued AMD use requires very significant thought for each call centre and even each campaign within your call centre to understand and mitigate the associated implications and risks

(ii) When a dialler connects the call and AMD is being used there is a short delay between the call being answered and the agent being connected. Whilst the delay is mere milliseconds consumers are very aware of dialler campaigns and there is a growing prevalence of consumers identifying the 'AMD silence' and simply hanging up. Again, in an environment where any live contact has a high business value then you've lost your chance to deliver your message. Answer Machine Detect's short pause may cost you money!

(iii) Answer Machine Detect ignores valuable business information. For example, you may be attempting to contact someone on their office number; listening to the answer machine rather than simply dropping it could give you an invitation to call on a mobile number. You can then make an immediate call and make that sale.

(iv) if AMD is on and the dialling campaign is not dialling aggressively - for example the number of agents on the campaign is low and the campaign is running at a time with high answer machine contact rates such as during the day- then the agent-waiting-time between calls can increase counterbalancing some of the performance gain. Your agents might perceive that the dialler is running slowly when in fact it is working its socks off dealing with answer machines.

How do you conform?

Monitoring compliance

In the event of an 'abandoned call', a very brief recorded information message is played no later than two seconds after the telephone has been picked up.....

Topic

Abandoned call information message

Potential risk

How will you ensure consistent service and process across all functions in your organisation that use diallers?

How will any outsourced services be managed?

The information message

in the event of an 'abandoned call', a very brief recorded information message is played no later than two seconds after the telephone has been picked up, which contains at least the following information:

- the identity of the company on whose behalf the call was made (which will not necessarily be the same company that is making the call) ;
- details of a no charge (0800) or Special Services basic rate (0845) number the called person can contact so they have the possibility of declining to receive further marketing calls from that company;
- includes no marketing content and is not used as an opportunity to market to the called person;

You need to consider...

You should consider some operational issues related to this message. The business needs to establish its process and brand image in this area.

- The content of the message needs to be carefully considered. The message must advise the call recipient that they may "have the possibility of declining to receive further marketing calls from that company". Who is 'that company'?
- If the call recipient places a call to the "no charge (0800) or Special Services basic rate (0845)" number where will it be answered? What will be the process for ensuring that the call is handled correctly and that, if the caller does not want any more calls how will this be achieved technically and how will it apply to anyone calling on your behalf?

How do you conform?

When an 'abandoned call' has been made to a particular number, any repeat calls to that number in the following 72 hours may only be made with the guaranteed presence of a live operator.

Topic

What to do after an abandoned call

Potential risk

Operational processes that overwrite lists can remove the relevant flags. Data management processes that 'refresh' and 'purge' lists generate the potential for repeat abandoned calls.

These practices should be carefully reviewed.

Redialling abandoned calls

When an 'abandoned call' has been made to a particular number, any repeat calls to that number in the following 72 hours may only be made with the guaranteed presence of a live operator. This presents a number of options for compliance:

- If your system supports the facility, ensure that call attempts after an abandoned call are dialled in preview or progressive mode
- Set redial rules so that abandoned calls are not called again for at least 72 Hours

The **rostrvm** predictive dialler supports this feature by ensuring that any account on a dialling list that receives an 'abandoned call' does not receive further abandoned calls.

How do you conform?

Monitoring compliance

Calls which are not answered must ring for a minimum of 15 seconds before being terminated.

Topic

Call ring time

Tip

To reduce the number of connections to BT 1571 'answer machines' set the ring time to be less than 20 seconds (but at least 15 seconds!)

Call ring time

Calls which are not answered must ring for a minimum of 15 seconds before being terminated. Note that this is a minimum time. Experience shows that there can be business outcome benefits from extending this period, particularly during day-time campaigns.

The [rostrvm OutBound](#) predictive dialler supports this requirement by allowing the administrator to set 'minimum ring time' on campaigns.

How do you conform?

For each outbound call a CLI number is presented to which a return call may be made which is either a geographic number or a non-geographic number...

Topic

CLI presentation

Managing the return call

Tip

In some calling environments, such as debt collection, the target customer may learn the CLI and actively avoid taking calls.

In these cases consideration should be given to regularly changing the presented CLI.

CLI presentation

For each outbound call a CLI number is presented to which a return call may be made which is either a geographic number or a non-geographic number adopted as a Presentation Number which satisfies the Ofcom Guide to the use of Presentation Numbers.

Managing the return call

Any call made by the called person to the contact number provided shall not be used as an opportunity to market to that person, without that person's consent.

We recommend that:

- The presented CLI should relate directly to the outbound operation. Do not use a general number
- Call blending should be implemented to support the returned calls ensuring that processes are followed and any resultant sales are credited to the outbound unit.
- Agent support tools (such as [rostrvm CallGuide](#) scripting) together with specific agent training should be implemented to ensure that when the call is answered consistent processes are followed to ensure that the returned call is not "used as an opportunity to market to that person, without that person's consent"

How do you conform?

Ofcom expects that where organisations are subject to this statement records are kept for a minimum period of six months that demonstrate compliance.

Topic

Record keeping

Record keeping

Ofcom expects that where organisations are subject to this statement records are kept for a minimum period of six months that demonstrate compliance with the above rules and procedures.

The **rostrvm** system delivers reporting information to help in demonstrating compliance. We recommend that archive copies of the rostrvm MIS are retained and in addition for each campaign records are kept of each day's activity and nuisance rate

rostrvm records 'snapshots' of Campaign and List activity every 15 minutes. These snapshots include information such as the number of nuisance calls and the active dialler algorithm/ratio. These additional data records are useful for demonstrating compliance.

Tip

You could use this document as a method of recording your processes!

How do you conform?

Outbound contact management is possibly the most regulated area of any call centre. Here's a quick overview of other regulators that might apply to you.

Topic

Ofcom

Telephone Preference Service

The Information Commissioner

Tip

Create a list of 'tame' telephone numbers such as your office and your mobile. Before setting a new campaign live run the campaign against the tame numbers and check that your campaign complies with regulations.

Dial the return call number(s) and make sure that they work.

Telephone Preference Service (TPS)

When calling consumers, you must check that the telephones you are planning to call are not excluded via the Telephone Preference Service (www.tpsonline.org.uk/tps/).

The Telephone Preference Service (TPS) is the central opt out register on which consumers can record a preference not to receive unsolicited sales and marketing telephone calls on home or mobile telephone numbers. It is a legal requirement that all organisations (including charities, voluntary organisations and political parties) do not make calls to numbers registered on the TPS unless they have the consumer's consent to do so.

Similarly, for business-to-business campaigns telephone numbers need to be checked against the Corporate Telephone Preference Service (www.tpsonline.org.uk/ctps/what/)

Automated diallers, such as **rostrvm** OutBound provide facilities to dynamically cross check your data with Telephone Preference Service information.

The Information Commissioner's Office

The Information Commissioner's Office has a range of responsibilities including protection of personal information. This area encompasses the obligations of the [data protection act](#) and, in the specific context of outbound call centre campaigns, provides guidance on opt-in opt-out procedures for consumers.

In late 2006 the Information Commissioner issued "updated guidance on the sending of direct marketing messages by electronic means." The guidelines cover telephone calls as well as faxes, emails and text messages.

The December 2006 updated [guidelines can be accessed here](#)

The Information Commissioner's guidelines are wide ranging but from a call centre perspective cover the opt-in and opt-out procedures you need to consider in all areas of customer contact such as maintenance of Do-Not-Call lists – not to be confused with Telephone Preference Service (TPS).

The latest **rostrvm** software has extended Do-Not-Call functionality to support automated enterprise-wide Do-Not-Call number suppression.

Other regulations and guidelines

Specific industries and outbound campaign types are further regulated by industry bodies and general consumer protection laws.

For example Financial Service Authority (FSA) guidelines and the related Acts are likely to apply to a campaign marketing financial products; debt collection campaigns are subject to Office of Fair Trading (OFT) guidelines as well as a number of Acts protecting consumers from harassment.