



## **Silent Calls**

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***Response by Callmedia to Ofcom Consultation  
on the Revised Statement of Policy on the  
Persistent Misuse of an Electronic  
Communications Network or Service***

## **INTRODUCTION**

*Callmedia* provides software and services to the contact centre industry for inbound, outbound, blended and multimedia operations. *Callmedia* has always provided outbound contact centre solutions which are designed not to breach the best available code of practice in the region in which the contact centre is being deployed.

*Callmedia* is a wholly owned subsidiary of Azzurri Communications Limited whose head office is St Anthony's House, Oxford Square, Oxford Street, Newbury, RG14 1JQ.

## **CONTACT INFORMATION**

Rufus Grig  
Managing Director  
*Callmedia*  
6 Manor Court  
Barnes Wallis Road  
Fareham  
Hampshire  
PO15 5TH

Telephone 01489 553553

## 1 QUESTION 1

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Do you agree that the proposed changes make for a clearer set of rules that enable compliance to be achieved with a greater degree of certainty?

*Callmedia* agrees that the proposed clarifications do, in most cases, improve the clarity of the compliance rules.

However, there are a number of issues which *Callmedia* considers may need some further clarification.

Firstly, the formula in section 1.21.1 will have different interpretations under different circumstances. By taking as a part of the denominator “calls passed to live operator”, the statement is including both live calls passed to a live operator and calls answered by an answering machine where live operators are used to classify answering machines.

If this is Ofcom’s intention then that is welcomed by *Callmedia*. When no AMD technology is being used, then the decision to abandon a call is made prior to the classification of the call and so it is likely that a proportion of calls abandoned would have been answered by answering machines. It is impossible to determine the actual number, but it is statistically likely that the proportion of abandoned calls that were answered by answering machines will be the same proportion of answering machines handled by live agents. Including this in the denominator has the effect of balancing this.

If this is Ofcom’s intent then *Callmedia* urges that this should be detailed explicitly in the statement – currently it is only implied in the formula.

As to the issue of AMD discussed in sections 1.21.2 and 1.21.3, *Callmedia*’s long standing view has been that AMD should not be used. If we are to have a “zero tolerance” approach to “silent calls” i.e. a call where the recipient simply hears silence, then AMD is an anomaly – it will definitely produce silent calls with all the associated anxiety and nuisance discussed during the previous consultation on the subject. Thus *Callmedia* suggest Ofcom ban the use of technology to perform answer machine detection, insisting that calls are put through to live agents for classification.

If AMD is to be allowed, then *Callmedia* urges more clarity on the methods to be used by call centres in determining the accuracy of the AMD technology. *Callmedia* has run experiments analysing the recordings of calls using AMD technology and found varying degrees of accuracy from less than 5% false positives (in artificial and idealised conditions) to over 10%. Environmental factors have a great influence on the outcomes – for example, elderly people frequently answer the phone using longer greetings than younger people, making them more likely to be mis-classified as an answering machine than the young. Calling mobile telephones rather than land-lines and even calling during daytime or the evening can all have a different effect. If the suggested method of turning AMD off and comparing differing connection rates is to be adopted then *Callmedia* suggests that Ofcom specify that this should be done for each campaign and the results kept with the campaign statistics in order to adjust for these variations.

If Ofcom went ahead with the 20% false positives figure, that would have the effect of banning the use of AMD since under almost all circumstances 20% of all answering machine calls is a greater number than 3% of live calls. Thus it would be simpler and clearer if Ofcom simply banned the use of the technology.

## **2 QUESTION 2**

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Do you agree with Ofcom's approach to determining whether the use of automated messages constitutes misuse?

Yes.

## **3 QUESTION 3**

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Do you believe that it is possible to define objective criteria for applying the public interest test?

Yes. An automated message is intrusive and should only be used if a consumers' health or property is at immediate risk – for example, a flood warning or utility outage. In the days of mass mobile-phone ownership, reminders about appointments or deliveries are much less intrusively carried out using SMS and only then when a consumer consents to this communication.

## **4 QUESTION 4**

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Do you believe that outbound call steering should only be used with customers who have given their prior consent?

Yes.

## **5 QUESTION 5**

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Do you agree with Ofcom's clarification that the exploitation of all types of revenue-sharing numbers represents a form of misuse?

Yes.