

Response from Sytel

to Consultation Questions
contained in the Ofcom document

**“Review of how we use our
persistent misuse powers
(Focus on silent and abandoned calls)”**

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1. Introduction

Sytel has been a supplier to the contact centre market since the 1990s and its products, including its dialler, are used in over 50 countries around the world. We have always believed that a healthy outbound market requires suppliers and call centres alike to ensure that their products do not abuse consumers. We campaign for what we believe in and for many years Sytel has had a long history of working with regulators and national marketing organisations all over the world to help frame effective rules to prevent nuisance calls.¹ Much of the detail of rules in the UK and elsewhere, such as the minimum ring time for live calls, stem directly from recommendations made by Sytel. We welcome Ofcom's initiative in reviewing the issues raised in their December 2015 consultation paper. Our comments are in respect of just two issues.

2. Is there a case for Abandoned Calls?

Sytel has been making the case for responsible predictive dialling for the last two decades. But this has to be balanced with consumers' rights. With this in mind, as long ago as 1996 we argued that anyone not wishing to receive outbound calls or be exposed to nuisance calls of any kind² should have the right to join a TPS database and opt out.³ This is still our position today.

The very high volumes of nuisance calls, in particular silent and abandoned calls, are obscuring this balance. But what if Ofcom can eliminate all silent calls, as it intends? And what if it enforces its current policy, of limiting abandoned calls to 3%?

Well, the impact on consumers would be dramatic. There would be very few abandoned calls, and those consumers who didn't want to receive any at all, have the right to join the TPS.

¹ See for example "The Elimination of Silent Calls" A paper prepared for Ofcom in 2004 at sytel.com/knowledge/compliance.

² Defined in this paper as abandoned and silent calls

³ See TeleProfessional International Sep/Oct 1996 and also footnote 1 above.

Unless Ofcom sees compliance with TPS as being a major problem, then this scenario not only protects the rights of consumers but allows industry to reap productivity gains from continued use of predictive dialling.

Given the foregoing, it is reasonable to consider what the benefits to industry are of using predictive diallers at different levels of abandoned calls. And it is perhaps worth stating at the outset, that there has never been any serious consideration in the UK given to the level(s) of abandoned calls at which predictive diallers are effective, or ineffective, as the case may be.

The relevant baseline for measuring predictive dialler performance is progressive dialling. What happens in progressive dialling is that a dialler launches a single call on behalf of a specific agent. A typical situation might be that only one in five (say) call attempts is successful. So in this scenario an agent might expect to spend as much as 25-30 minutes in the hour talking to a consumer, but very rarely more.

In considering the benefits that predictive diallers bring, some commentators (still) make comparisons with manual dialling and talk about percentage increases in productivity (using say talk time per agent hour as a measure) of 300-400%. This is quite misleading. Progressive dialling is straight forward technology, accessible to all outbound centres at very affordable pricing and this, not manual dialling, is the right comparator or fallback option, if predictive dialling is not available.

It is also worth noting that there are many different designs for predictive diallers, leading to widely differing levels of performance in real life.

So with these matters in mind, what might we expect the advantages of a predictive dialler to be, compared with progressive dialling, at the following levels of abandoned calls?

At 3% - The Current Maximum Rate mandated by Ofcom

We would expect that a well-designed predictive dialler could generate as much as 15 minutes (occasionally more, but this is very much the exception) extra talk time per agent hour, dependent on agent numbers and other variables.

At 1%

Most diallers were simply not designed to provide good productivity at such a maximum level of abandoned calls. Even well-designed diallers may struggle to provide material productivity benefits (compared with progressive dialling) on typical outbound campaigns.

For large campaigns, say 40 agents more, the laws of mathematics are kinder to diallers and material productivity benefits can be significant for optimised designs, but such campaigns are very much in the minority.

So what would happen if Ofcom lowered the maximum rate for abandoned calls to 1%, or just banned predictive dialling completely? In our view two things would happen:

- Widespread non-compliance, that would be hard to police
- Outbound campaigns would move offshore

We realise that in the current climate it can be an easy choice to just ban predictive dialling. This might resonate strongly with public opinion. But we believe that there is very adequate consumer protection with the current 3% rule (the availability of the TPS and the current rule on playing of messages prior to call abandonment). And we are very concerned about both the possibility of ongoing non-compliance and also outbound operations moving offshore.

Our recommendation is to leave the 3% rule on abandoned calls unchanged.

3. Answering Machine Detection (AMD) and Silent Calls

In previous submissions to Ofcom in 2006, 2008 and 2014⁴, Sytel has consistently argued that the use of AMD is incompatible with Ofcom's rules for predictive dialling. See sytel.com/knowledge/compliance.

In Para 1.3 of its consultation document dated 2 December 2015, Ofcom make it clear that it is now determined to put a stop to all silent calls. This means no more AMD.

In paras 4.168 – 4.179 Ofcom reviews its policy on how long an answered call may be held before it is transferred to a live agent, or a message is played. It concludes that there should no change to its current policy, which as set out in Para 4.168 defines the waiting period maximum as "no later than two seconds after the phone has been picked up, or the recipient begins to speak."

This previous policy was specifically targeted at users of AMD who, until now, have made the case that this technology was not necessarily incompatible with Ofcom's rules for predictive diallers. But if Ofcom now rejects this (a decision that is long overdue), as seems clear from this latest consultation document, then this maximum waiting period should be reviewed. Not to do so might be seen as a signal by some users to still persist with the use of AMD, if they believe they can work within the two second maximum and also manage to avoid false positives.

Quite apart from the arguments we have made in previous responses to Ofcom, the world of SIP that we now live in has further undermined the case for AMD, given Ofcom's rules for diallers. The high level of ISUP-SIP interworking in the PSTN and end-to-end sip calls is such that signaling of call connects is significantly delayed. This is a natural consequence of SIP signaling traversing gateways and Session Border Controllers. The delay on connect may be as much as one second on average, compared to heterogeneous ISDN networks.

With the foregoing points in mind, if Ofcom is now determined to eliminate all silent calls, it needs a way of stopping the use of AMD that is quite unequivocal. Sytel recommends as follows

⁴ See [Sytel.com/knowledge/compliance](http://sytel.com/knowledge/compliance)

The waiting period maximum for answered calls should be the lesser of either the point at which a connect signal is received by the dialling equipment or one second from the commencement of the greeting