Ofcom Compliance: The Essentials for Contact Centres

A practical guide to reducing your risk

Hostcomm

Business VoIP Solutions

Contents

About the Author

Chris Key, CEO, Hostcomm

Chris is founder and Managing Director of hosted telephony provider Hostcomm. The business was one of the first of its kind in the UK and today offers an unrivalled VoIP network infrastructure. Chris's 20 years' experience in voice and data networking and pursuit of innovative new technologies ensure Hostcomm's services are stable, cost-effective and continuously evolving.

How Ofcom affects your contact centre

Every contact centre manager is aware of Ofcom's strict regulations on calling – but are you doing everything you can to maintain your compliance?

While the news is full of stories about large-scale nuisance calling and – worse – serious cases of fraud, every business and contact centre can fall foul of the rules. From dropping calls to inadvertently calling numbers registered with the Telephone Preference Service (TPS), there is no margin for error and no acceptable level of inconvenience to consumers.

The consequences can be severe.

Non-compliant businesses can be subject to considerable fines and, with recent changes, company directors can also be held personally responsible to the tune of £500,000 each.

The impact of an Ofcom breach on your reputation and customer confidence could be, quite simply, irreversible.

In this guide, you'll get simple, actionable advice across three key areas:

1. **Keeping up with the latest regulations that affect your business**

2. **Creating internal processes that support your efforts to maintain Ofcom compliance**

3. **Using your technology to ensure you are calling in a compliant way**

Keeping up with Ofcom regulations

Ofcom requirements are nothing new – but the organisation's specific guidelines and approach to enforcement is constantly evolving.
For example, while the Information Commissioner's Office once reserved fines for cases with proof of 'substantial damage or distress', these requirements no longer exist.

As a result, it's essential that you stay on top of your changing obligations and engage fully with Ofcom's guidance and documentation.

One effective way to do this is to register for Ofcom updates, available on the Ofcom website (www.ofcom.org.uk).

This allows you receive detailed guidance whenever things change or a new Ofcom policy is established.

You can also play a more active role in how compliance standards evolve by taking advantage of your opportunity to air your views in Ofcom consultations. Consultations are designed to gather feedback and assess the impact of changes on businesses, so your input is valuable and could inform the way requirements are put into practice.

What Ofcom considers persistent misuse

In December 2016, Ofcom issued a 22-page statement on the Persistent Misuse of Dialler Technology, listing various types of misuse:

1 Silent calls

2 Abandoned calls

3 Scams and intentional fraud, including those using premium rate numbers

4 Misuse of Calling Line Identification (CLI)

5 Breaches of Personal Electronic Communications Regulations including:

   ⊕ Failure to identify yourself on a call

   ⊕ Making calls to people on the TPS

   ⊕ Withholding your CLI

6 Giving people long wait times without the information necessary to make an informed choice about whether to stay on hold

7 Misuse of allocated telephone numbers - anything inconsistent with the National Numbering Plan, like presenting personal mobile numbers for outbound commercial calling

8 Number scanning and 'pinging' numbers to find out whether they are active

For most contact centres, five of these areas need special consideration: silent calls, abandoned calls, the TPS and right to opt out, CLI misuse and misleading display numbers.

Minimising silent calls

A silent call is any instance where a consumer is not successfully connected to an agent – typically the result of a dialler making outbound calls only to find no agent is available to take them.

As a result:

cRecipients hear silence when they answer

- ➕ The call is disconnected as soon as recipients answer
- ➕ Recipients hear nothing except background noise

Ofcom believes that silent calls are the most serious form of nuisance calling and treats them with great severity. However, they are easily avoided.

We recommend:

- ✔ Creating a recorded message to be used if a call can not be connected
- ✔ Avoiding Answer Machine Detection, which often incorrectly disconnects consumers
- ✔ Allow agents to manually detect and disconnect answering machines, which in turn means you can dial more aggressively
- ✔ Ensure your system connects calls within 2 seconds (as per specific Ofcom policies)

Eliminating abandoned calls

An abandoned or 'dropped' call occurs when an agent is not available, so consumers are played an automated message before the call is disconnected. Alternatively, recipients may disconnect the call themselves before they hear the pre-recorded message.

In many cases, calls are dropped because a dialler calls multiple leads for each agent to guarantee that at least one call can be connected – a natural part of achieving successful campaigns. Ofcom once established a 3% 'limit' for abandoned calls, this no longer applies. Instead, you'll need to carefully monitor your abandoned call rate (ACR) on an ongoing basis.

OFCOM will only pursue the worst offenders. However, there is no safe level of abandoned call. Persistent misuse will be measured over a 6-12 week period.

You can calculate your ACR quickly and easily. Just divide your number of abandoned calls in a day by the sum of all abandoned and live calls.

$$\frac{\text{Abandoned Calls}}{\text{Abandoned Calls} + \text{Live Calls}} = \text{Abandoned Call Rate (ACR)}$$

We recommend:

✔ Monitoring your call abandon rate regularly – ideally every single day

✔ Ensuring outbound calls ring for at least 15 seconds

✔ Enforcing a 72 hour rule to not retry any numbers which resulted in abandoned calls (unless you can guarantee an agent will be available)

Giving consumers the right to opt out

Ofcom states that consumers should always have the right to opt out from unsolicited calls. As a contact centre, it's your responsibility to make this process as swift and seamless as possible.
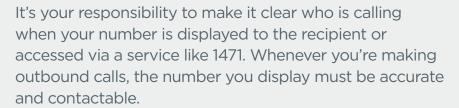
Many of your customers may have already 'opted out' from all unsolicited calls using the Telephone Preference Service (TPS) or Corporate Telephone Preference Service (CTPS). Whenever your source new data for your campaigns, you'll need to check all leads against these databases and remove those individuals who do not wish to be contacted.

In addition, your agents may speak to people who want to exercise their right to opt out. Ofcom guidelines explain that this should be an immediate process that can take place over the phone without the need for written contact, and the customer should under no circumstances be called again.

Within your outbound dialler, you should be sure to include '**Do Not Call (DNC)**' as a disposition option. That way, your agents can ensure numbers are not called from the moment the call ends.

We recommend:

✓ Screening all data against the TPS and CTPS databases

✓ Using DNC call dispositions for customers to opt-out

✓ Screening data at the last possible moment to allow for the most recent changes to opt-in/opt-out

✓ Screening all data at least every 28 days

✓ Being able to demonstrate clearly when 'opt-in' data is used

Ensuring proper use of calling line idenitification

It's your responsibility to make it clear who is calling when your number is displayed to the recipient or accessed via a service like 1471. Whenever you're making outbound calls, the number you display must be accurate and contactable.
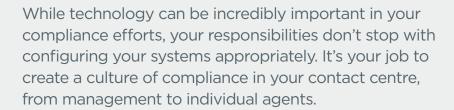
Ofcom specifically identifies the following misuses of CLI:

- A CLI that is not authentic or valid, such as using a random string of numbers
- Displaying a CLI that is unreturnable and does not connect to an agent or recorded message
- Using CLI to avoid detection or complaints to the regulators
- Where a person calls a CLI and is connected to an agent or message, but no information is provided about the organisation, no opt out is permitted, or the call is used as an opportunity to market
- Using different CLIs in order to mislead the recipient or encourage them to answer a call they would not typically answer

The guidelines clearly state that mobile numbers and geographical numbers that misrepresent the caller's location should not be used under any circumstances. Of course, premium rate numbers are also disallowed.

We recommend:

- Displaying accurate geographical numbers
- Only using alternative geographical numbers if your business operates in that area code
- Establishing an answering service for inbound calls when an agent is not available to receive them

Creating an Ofcom-compliant contact centre

While technology can be incredibly important in your compliance efforts, your responsibilities don't stop with configuring your systems appropriately. It's your job to create a culture of compliance in your contact centre, from management to individual agents.

For the most part, this is an exercise in awareness that begins with creating and documenting an Ofcom compliance policy.

This will summarise every aspect of your work towards maintaining compliance, including:

- **How your dialler will be configured to avoid silent and abandoned calls**
- **How data will be screened including at which intervals**
- **The process for your agents to follow if a consumer asks to opt-out**
- **How regularly you will monitor your Abandoned Call Rate and check against the TPS/CTPS database**
- **How you will maintain calling records** – Ofcom insists on a minimum duration of six months

You can then assign responsibility to individuals in your contact centre for each aspect of your compliance policy, as well as identifying an individual that will be ultimately responsible for compliance.

Understand how technology impacts your Ofcom compliance

The right contact centre technology should empower you to run outbound campaigns in a responsible, risk-free and Ofcom-compliant fashion. But the reality is that misconfigured or poorly managed automated diallers are often the cause of the issues that frustrate consumers.

That's why it's essential that you find a dialler and a service provider that will ensure compliance. Your dialler should be:

Easy to monitor

A large part of your compliance is about understanding – you need to constantly assess your performance in terms of compliance in order to make informed decisions.

Look for a dialler that makes it easy to monitor your calling data and abandoned calls – ideally in real-time – and even present this information on wallboards to keep every team member informed.

Highly configurable

As you put your Ofcom compliance policy into practice, you may need to change settings in your dialler. You may also need to make changes at short notice, such as reducing your dialling rate if your abandoned call rate is growing.

The right dialler can give you complete control in a convenient, highly intuitive interface.

In addition, the right outbound dialler will come with the advantage of your service provider's own expertise around Ofcom compliance. When you choose a supplier with practical experience working closely with contact centres, they will understand the complex challenges you face – and how technology can help.

About Hostcomm

Hostcomm was formed in 2004 to provide hosted telephony and contact centre services based on Voice over Internet Protocol (VoIP) technologies. We specialise in delivering hosted predictive diallers and hosted VoIP PBXs. This enables business of any size to gain the benefits of modern telephony technology, with no large capital expenses to pay.

Our experience in IP communications, security and networking enables us to deliver a comprehensive, high quality, cost effective service.Hostcomm is situated in the United Kingdom where it has 6 offices and data centres, the United States where it has a data centre and office in New York and a data centre in northern France.

Our main strengths are the ability to select the right technology based on a client's needs and provide a low cost, reliable service, which delivers tangible business benefits. All Hostcomm services are supported by a team of engineers who provide expert technical support, monitoring, consultancy and training.

Get the Advantage of a VoIP Cloud Contact Service with Hostcomm

Contact one of our Account Managers now to create the right solution for your business:

📞 0808 168 4400 / 0203 372 8420   in linkedin.com/company/hostcomm-ltd

✉ sales@hostcomm.co.uk   twitter.com/Hostcomm

🔍 www.hostcomm.co.uk   G+ Google+

Hostcomm
Business VoIP Solutions