

Response from The Market Research Society (MRS) to the revised statement of policy on the persistent misuse of an electronic communications network or electronic communications service

1. Preamble

With members in more than 70 countries, MRS is the world's largest association serving all those with professional equity in provision or use of market, social and opinion research, and in business intelligence, market analysis, customer insight and consultancy.

MRS has a diverse membership of individuals at all levels of experience and seniority within agencies, consultancies, support services, client-side organisations, the public sector and the academic community.

It also serves MRS Company Partners agencies, suppliers of support services, buyers and end-users – of all types and scale who are committed throughout their organisations to supporting the core MRS values of professionalism, research excellence and business effectiveness.

In consultation with its individual members and Company Partners, MRS supports best practice by setting and enforcing industry standards. The commitment to uphold the MRS Code of Conduct and its associated Regulations is supported by the Codeline service and a wide range of specialist guidelines.

MRS contributes significantly to the enhancement of skills and knowledge by offering various qualifications and membership grades, as well as training and professional development resources.

2. Introduction

2.1. MRS welcomes the possibility offered by Ofcom to respond to the consultation on the revised statement of policy on the persistent misuse of an electronic communications network or electronic communications service. MRS has elected to only respond to question 1 of the consultation but has made some additional comments in regard to its own regulations in this area.

2.2. MRS confirms that the contents of this paper are not confidential and can be attributed to MRS.

3. Response to Consultation Questions

3.1. **Question 1: Do you agree that the proposed changes make for a clearer set of rules that enable compliance to be achieved with a greater set of certainty?**

3.2. MRS expresses concern at the revision proposed in section 1.22 of the consultation document whereby “within two seconds of the call being answered” is replaced with “within two seconds of an individual beginning to speak”. MRS believes that this revision will place an additional burden on call centre operators to upgrade their equipment, while simultaneously *increasing* the number of silent calls received by individuals.

3.3. A large number of call centres do not deploy AMD or any other form of voice recognition technology, due to the expense of purchasing such technology and concerns as to its reliability.

3.4. It is current practice to play an informative message in the absence of an available agent within two seconds of the call being answered, whether that call is answered by a live individual or by some form of answering service. As call centre operators cannot distinguish between live individuals and answering machines, all such events are treated as silent calls in calculating the 3% rate. This has the net effect of reducing the total number of true silent calls to well below this upper limit.

3.5. For example, a call centre makes 1000 live calls, of which 30 were abandoned calls. However in reality 10 calls were answered by an answering service. (Note that calls connected to an agent that are answered by an answering service do not count toward the live call total, as this can be manually coded by the agent) This reduces the true figures to 990 and 20 respectively, giving an actual rate of 2.02%, as opposed to the calculated rate of 3%.

3.6. Requiring call centres to deploy technology to establish the presence of a live individual before playing an informative message (within two seconds of the start of the salutation), can only serve to increase the number of silent calls currently received by individuals, as well as obliging call centres to use technology about which they have legitimate concerns in regard to cost, effectiveness and reliability.

3.7. MRS therefore recommends that this part of the Ofcom statement remains unchanged.

3.8. MRS also notes that Ofcom does not propose any changes to the 15 second minimum ring time, outlined in section 1.23. MRS notes that Ofcom's own consumer research, cited in section 1.15 of the consultation document, found that people over 65 were particularly disturbed by silent calls. MRS believes that 15 seconds is too short a ring time for elderly people or people with physical disabilities to reach the telephone.

3.9. MRS therefore recommends that Ofcom consider extending the minimum ring time to 20 seconds.

4. Other Comments from MRS

4.1. In March 2006 following the revision of the Statement of Policy, MRS introduced its *Regulations of the Use of Predictive Diallers*. These regulations, based on the Statement of Policy, are binding on MRS members and MRS Company Partners and are enforced by MRS' disciplinary framework. The regulations represent an agreed approach amongst research organisations to reduce silent calls to the lowest level.

4.2. In light of Ofcom's proposed revision of the Statement of Policy, MRS would welcome the opportunity to discuss with Ofcom the impact of the revisions on the MRS regulations.

5. Further Information

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