

About Me

I have been in the Audiotext business since its inception both as a Service Provider (SP) and as a Terminating Network Operator (TNO). This is my response to the consultation as an individual rather than as Chairman of that Network, the company is making a separate response.

I am making this submission taking into consideration the following when looking at the proposed code amendments:

- reduce detriment associated with consumer misunderstanding
- limit detriment caused by high call costs
- reduce the risk of forced cut-offs that result in consumer detriment.

The reason there is a market for ICSS type services is the fact that major brands and govt departments are averse to using live operators to answer customer service calls resulting in high levels of consumer dissatisfaction. The consumer is of the opinion that if they can speak live to an operator from the company, then they will resolve whatever problem they have faster than any other method of communication.

The added value of an ICSS service should be that they can connect the consumer through to that brand's live operator and somehow reduce the IVR responses needed or avoid messages pushing the consumer to website, AI, Chat bots methods for resolving their problems. See attachments for examples in support of this position, Power Companies average hold times, FOI request reply from DVLA showing large variation in call volumes.

My proposal is that the PSA should utilise Prior Permission (PP) as a means of regulating the ICSS market, I noted that in Code 15 Section 2.7 the PSA reinstated the use of PP having been dropped in code 13 (?). I am presuming that it was brought back to the 15th code with the intention of using it.

*2.7.1 The PSA may require that particular categories of service must not be provided without its prior written permission (**prior permission**). The PSA will give reasonable notice of any such requirement and the category of service to which it applies, and will publish a full list of such service categories on its website from time to time.*

It is therefore within the remit of the PSA under Code 15 to categorise ICSS as requiring PP.

I always considered PP as a success in the market especially with what were deemed problem services such as Dialer Services, Subscription Services, it was less successful for Multi Party Chat, which was being brought back from a long absence and the reason was there was no longer a major demand for such services.

Once a service provider had PP for their service it was defended and actioned upon if challenged, it was considered a badge of honour, the SP's were proud to be on the list of providers.

With ICSS the advertising channels of Google, Bing, META, Twitter could refer to the list of providers with PP for the acceptance of advertising. Thus preventing entry into the market of non compliant advertising. One of the advantages of PP is it is fast moving and can adopt the Yellow Card/Red Card principle, so successfully adopted by the Mobile Network Operators (MNO). This is where the party has to “right” something about their service within a given period of time or possibly lose their PP status. This would be so more immediate and effective than a 3 year investigation period, from transgression to tribunal finding.

From the thematic review data I did think that complaint levels were relatively low as taking the other market sectors as a benchmark.

The best way forward I think is to setup through AIMM a working party in conjunction with the PSA to look at the specific practicalities of implementing the proposals for the industry. This must include Originating networks, Terminating networks and BT (transit network) otherwise the dangers are that something is agreed that cannot be implemented or does not have the desired effect.

Q1. Do you agree with our proposal to require a positive opt-in prior to connection by the ICSS provider to the sought organisation?

Ans: Yes, the principle is okay, but the practice needs to be worked through along with how it would be reported as having occurred, if challenged. Such as a consumer complaining “I never opted in” the onus would be on the service provider and network to give such proof.

PP can cover this.

Q2. Do you agree with the information that we propose be required to be included in the consumer alert prior to opt-in to ensure transparency and consumer awareness?

Yes - it would be fine to state the fact that you are ringing a call connection services

No - reading the destination number would be confusing for the consumer as they are engaged in the call and to quit out and dial the other number just would not happen.

PP can cover this.

Q3. Do you have any information that would inform our assessment of the impact and especially the financial costs and benefits of our proposals in relation to Requirement

3.2.10?

I am not sure I fully understand the question.

If you are asking for a free to caller announcement and the addition of an auditable IVR setup would reduce revenues and add costs to the Service Provider then the answer is "Yes".

PP can cover this.

Q4. We welcome input on whether there are any other measures that could support consumer understanding of ICSS. We would like to understand if all network operators are able to provide free pre-call announcements and whether these can be applied to specific service types. It would also be helpful to understand what other technology is available to support free alerts upon connection to ICSS.

There is as far as I am aware only one 09 tariff that has a free element to it and that is SC073, not all TNO's will have SC073 but can make applications to BT/Ofcom for them, this would take approx 60 days to complete. Similarly a committee could be formed to make applications to create fresh tariffs reporting into Ofcom, however my understanding is there is only provision for 100 tariffs so some others would need to be sacrificed. If the PSA lent support to this process it would be successful.

You have to bear in mind that it is not the TNO that bills the consumer, we don't know with complete accuracy what the ONO will charge the consumer. Will the access charge still be in place for the first free minute, it is ridiculous that the MNO's have been allowed to set access charges as high as 60+ppm, without any regulation?

As a TNO we could stop billing at any amount, billing is done by TNO's at the end of the calendar month, however even if we stop billing it will not affect what the consumer pays as he is billed by the ONO.

Q5. Do you agree with us that it is appropriate and proportionate to cap the service charge of all ICSS calls at £40? Should a lower figure be Considered?

No, I don't agree that call capping at all. If it is imposed on TNO's and their SP's this can only be done by means of forced disconnection. With forced disconnect it is likely the consumer would be mid-conversation with the end organisation. This action creates the unnecessary risk

of the consumer making repeat calls that they would not otherwise have to make which could result in a large unnecessary bill from their ONO.

It is a shame that repeat call data was not provided with the Thematic Review

Q6. Do you agree that consumers should be informed before onward connection that calls will be terminated once a maximum charge of £40 (inclusive of VAT) is reached?

No, as I don't think they should be forced disconnected; it is detrimental to the consumer.

Q7. Do you have any information that would further inform our analysis of the costs and benefits of our proposals in respect of caps on service charges?

Only allowing ICSS to use lower tariffs should definitely be considered and will obviate bill shock issues, for example a SCO78 £1.50 + £1.50 would mean according to the data provided under the Thematic Review that 99.2% of all callers would remain under a £40 phone charge. Further data research would allow us to optimise the best practice retail rate ceiling this could be helped with the data from the second Thematic Review. This will allow longer calls and would be beneficial for the market.

Drop charges should also be used or allowed to be used.

The market is driven by Google/Social Media costs and if someone is running at a high tariff then they will always be able to pay more for google keywords it becomes a race to the top. Lower the rate that can be used and make it universal.

This needs a working group and from my understanding these would have to be implemented by Ofcom, the only other example of something similar happening that I can think of was DQ being limited to a £3 charge for 90 secs.

The first thematic review stated that the 6 largest merchants accounted for 80% of calls and consumer spend, having spoken to most of those 6. I honestly believe those merchants would be able to agree a code of practice encompassing a lot of the points that I have made. Such a code of practice could feed into a Prior Permission regime and the merchants would be very supportive if the PSA were to take on this route.

I urge the PSA to consider applying Prior Permission in the ICSS market.

