

Response from The Market Research Society (MRS)

Revised statement of policy on the persistent misuse of an electronic communications network or electronic communications service

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* 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.
- MRS enables its members and Company Partners to be very well-informed through the provision of a wide range of publications, information services and conferences.
- MRS offers many opportunities for meeting, communicating and networking across sectors and disciplines, as well as within specialisms.

- As 'the voice of market research', MRS defends and promotes research in its advocacy and representational efforts.
- Through its media relations and public affairs activities, MRS aims to create the widest possible understanding of the process and value of market, social and opinion research, and to achieve the most favourable climate of opinion and legislative environment for research.

Introduction

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 believes that the existing provisions are working well and that no changes are required to the existing policy requirements set out in the Revised Statement of Policy 2008

MRS has elected to only respond to questions 6 and 7 of the consultation but has made some additional comments in regard to its own regulations in this area.

MRS confirms that the contents of this paper can be attributed to MRS.

Response to Consultation Questions

1. *Question 6: Has Ofcom provided sufficient clarity on how non-AMD users should calculate an abandoned call rate that includes an estimate of abandoned calls picked up by answer machines*
 - 1.1. MRS understands that most if not all research 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.
 - 1.2. MRS is concerned that the statement of policy provides that where call centres that do not use AMD, a reasoned estimate of calls abandoned to answer machines should be deducted from the total number of abandoned calls recorded.
 - 1.3. As there is no specific guidance on how a reasoned estimate should be calculated, there is an inherent risk for organisations that their estimate may be later adjudged to be unsound.

- 1.4. Further, as Ofcom itself recognises in the consultation document, the deduction of a reasoned estimate of calls abandoned to answer machines may lead to an increased number of abandoned calls.
 - 1.5. MRS recognises that the calculation of the abandoned call rate only applies to live calls and that calls abandoned to answering machines are not true abandoned calls. However in the case of call centres that do not use AMD, treating all abandoned calls in the same way has the effect of reducing that the number true abandoned calls (i.e. those that may cause distress to members of the public) to well below the current 3% limit.
 - 1.6. MRS therefore recommends that Ofcom provide that non-AMD users **may** deduct a reasoned estimate of calls abandoned to answer machines, rather than providing that they **should** do so. This will encourage non-AMD users to continue to limit the number of abandoned calls made by their call centres and will avoid a possible increase in abandoned calls received by the public.
2. *Question 7: Do you agree that Ofcom should not amend the existing two second policy as set out in the 2009 Amendment from "start of salutation" to "end of salutation"?*
- 2.1. MRS agrees that no changes should be made to the current two second policy.
 - 2.2. In 2008 MRS expressed concern at proposed change to "within two seconds of an individual beginning to speak". MRS believed that this revision would have placed an additional burden on call centre operators to upgrade their equipment, while simultaneously *increasing* the number of silent calls received by individuals.
 - 2.3. MRS believes the current choice of "no later than two seconds after the telephone has been picked up" or "no later than two seconds after an individual begins to speak" is an adequate solution.

3 Other Comments from MRS

- 3.1. In March 2006 following the revision of the Statement of Policy, MRS introduced its *Regulations of the Use of Predictive Diallers*. These regulations, currently based on the Statement of Policy of September 2008, 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.

- 3.2. 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 proposed revisions on the MRS regulations if Ofcom were to introduce revisions as a consequence of this consultation.

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