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## **Voluntary Outbound Calling Code of Practice**

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The intention of this code is to prevent telephone subscribers from receiving silent calls whilst ensuring that productivity gains from automated diallers can still be realised. From November 2005, silent calls are deemed a misuse of the telecommunications network and are therefore illegal.

## 1 Terminology

### "Call"

Refers to an attempt to make communication via the telephone network, where the subscriber's number has been dialled in its entirety.

### "Live Call"

A call that has been answered by either a human or an answering machine.

### "NAA"

"No Agent Available" refers to a call which is generated by automated dialling equipment but has no operator or agent available when it becomes live.

### "Dropped call"

A call that is terminated without any discussion or message being played to the called party.

### "IVR"

"Interactive voice response" in this context is any branching or change of call treatment that occurs through use of touch tone or voice recognition.

## 2 General Overview

All organisations who partake in outbound dialling must be aware of their obligations under the relevant legislation and take responsibility for their calling actions. Specific attention should be paid to:

- The Data Protection Act 1999
- The Privacy and Electronic Communications (EC Directive) Regulations 2003
- Telecommunications (Data Protection and Privacy) Regulations 1999

Common courtesy should be observed by all agents when making outbound telephone calls, even if this is not returned by the called party.

## 3 The Direct Marketing Association's code of practice

Except where there is conflict with this code, the DMA's code of practice for telemarketing should be adopted regardless of the purpose the calls are made for, or whether or not the method used for making the call was automated.

## 4 Dropped calls

Regardless of whether the call was manually or automatically dialled, once call setup is completed and a ring tone is received a call must be completed either by live agent or recorded message. The only exception to this rule is where the call is unanswered, as defined by a minimum ring period of 15 seconds (See DMA code of practice item 21.25).



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For example, it is not acceptable to drop the call upon realisation that the wrong number has been dialled or the targeted individual has not answered the call. In this instance the error must be explained to the called party before the call is terminated.

## 5 Automated Dialling

### 5.1 The NAA message.

If no agent is available when the call becomes live then the following message must be played to the called party:

*“You were called today by <insert company name here>. Unfortunately, we did not have any operators available to speak to you at the time. This was a non urgent call and there is no need for you to call us back. We will attempt to call you again in the near future. However, should you wish to contact us to request that we do not call you again you can do so on <insert telephone number here>”.*

This message should be played twice before the line is disconnected.

The company name must be the trading name of the organisation making the call, or the name of the company on whose behalf the call was being made. Except for where it is the same as the trading name, no product name or information should be included. A company description, motto or tag line is not permitted. Any deviation from this message may prove to be contrary to regulation 19 of the Privacy and Electronic Communications (EC Directive) Regulations 2003.

It would not be acceptable if mid-way through the message being played to the customer, an agent was connected (i.e., this message is used to “queue” callers). No form of IVR may be offered to the caller.

### 5.2 Quantity of NAA Calls

The number of NAA calls must not exceed 3% of the total number of dialled calls on each line over any 24 hour period.

### 5.3 Time to connection & answering machine detection

The time from when the called party answering the phone to either an agent being connected or an NAA being played must be less than one second. Answering machine detection must not be used if it is unable to connect the call to an agent within this time.

If an answering machine is detected the call may be treated as either a live agent or a NAA call, but it is not acceptable for this call to be dropped.

### 5.4 Frequency of calls

Once a NAA call has been made to a number, that line should be excluded from receiving another NAA call within 72 hours. It is permissible to call the number using a dedicated agent.

### 5.5 Cost of return calls

Special attention should be paid to the DMA code of practice regulations on Caller Line Identification (Points 21.31, 21.32, 21.33.)

The cost of calling return telephone numbers (either left by CLI or the NAA message) must be equivalent, or less than, a national rate call.



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## 6 Compliant Diallers

For an automated dialling system to be considered compliant with this code, it must have a setting which allows senior management to run the system in “compliance mode”. It must be possible to make this change by modifying a single setting.

When the system is in this mode, no action of users should allow the dialler to break the conditions of either this code or the DMA’s code of practice without the system being removed from “compliance mode”.

Such a setting will allow UK users to operate the equipment without fear of causing a nuisance.

An organisation does not have to use a compliant dialler in order to be compliant with this code.