

# Office Holders Handbook

## 2022

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## Section 1: PSA remit

### 1.1 About Phone-paid Services Authority

Phone-paid Services Authority (PSA) is the UK regulator for content, goods and services charged to a phone bill. We act in the interests of consumers. Phone-paid services are the goods and services that can be bought by charging the cost to the phone bill or pre-pay account. They include charity donations by text, music streaming, broadcast competitions, directory enquiries, voting on TV talent shows and in-app purchases. In law, phone-paid services are referred to as phone-paid services.

#### Strategic purpose

We build consumer trust in phone-paid services and ensure they are well-served through supporting a healthy market that is innovative and competitive. We do this by:

- establishing standards for the phone-paid services industry
- verifying and supervising organisations and services operating in the market
- gathering intelligence about the market and individual services
- engaging closely with all stakeholders
- enforcing our Code of Practice
- delivering organisational excellence

More details about our strategic purpose are set out at 1.2 below and are also available [here](#).

#### Our Values:

To deliver the best consumer protection and maximise how we further their interests, we need behave consistently. We are committed in all we do as an organisation to the following values:

#### Right Touch

Fair and Proportionate  
Aware of the bigger picture

#### Collaborative

Open  
Decisive

#### Value for Money

Effective and productive  
Professional

### 1.2 Regulatory Purpose and Responsibilities

PSA seeks to build consumer trust in phone-paid services and ensure they are well-served through supporting a healthy market that is innovative and competitive. It does this by:

- 1. Establishing regulatory standards for the phone-paid services industry:** It sets standards to ensure that consumers who charge a purchase to their phone bill do so knowingly and willingly and receive good customer service. These standards are designed to ensure all consumers have a similar positive experience of phone-paid services, including consumers who may be considered vulnerable. The PSA's standards are clearly set out in our Code of Practice ("the Code"). They deliver the necessary technical and operational protections in the market and are aligned with consumer expectations, including those based on experiences with other payment mechanisms. The PSA evolves these standards in response to industry best practice, advances in technology, risk, and consumer behaviour and expectations. The Code standards are supported by guidance, free compliance advice, and examples of best practice.
- 2. Verifying and supervising organisations and services operating in the market:** Consumers should be able to trust that they are dealing with genuine service providers. The PSA requires all organisations operating in the phone-paid services market to register comprehensive details about themselves and the services they provide. The PSA supports consumers to access this information easily, helping them to have sufficient details to be able to resolve any individual issues. The PSA requires all parties in the phone-paid services industry to check the credentials and behaviour of who they work with, and to have systems in place to identify and deal quickly with issues affecting consumers. The PSA works with networks and intermediaries to ensure they meet our requirements around due diligence, risk assessment and control. The PSA does this by actively monitoring and regularly auditing for compliance with the Code.
- 3. Gathering intelligence about consumers, the market and individual services:** The PSA invests in research and its expert monitoring capabilities to improve its understanding of market trends, consumer behaviour, experience and expectations, and use this to inform and enforce the standards its set. The PSA continually receives and assesses information about individual services, including complaints. The PSA engages directly with consumers to understand the issues they are raising, it undertakes detailed monitoring of individual services, and it asks service providers for further information when necessary. The PSA actively monitors the wider market to identify potential consumer harm, address issues early and share information.
- 4. Engaging closely with all stakeholders:** The PSA engages with all stakeholders - consumers, industry, government and other regulators, and the media - to inform and facilitate its regulatory approach. The PSA supports industry to understand what its regulatory approach means for them in practice. This support is driven by its desire for consumers to be able to access services that they want, in a market that competes on price, product innovation, quality and customer service. Where service providers have successfully applied for an exemption on behalf of the merchants they represent (e.g. App stores), then only that service provider needs to Register. The PSA works to identify and remedy any instances where its approach may unnecessarily hinder consumers who knowingly and willingly want to charge a purchase to their phone bill from doing so. The PSA promotes consumer choice by enabling credible organisations to enter the market with ease and by creating the conditions where providers can

innovate safely and invest with confidence. The PSA communicates with consumers to improve understanding and awareness of phone payment, and the various ways consumers can charge content, goods or services to their phone bill. The PSA works with Ofcom, DCMS and other regulators to ensure that consumer interests are best served through a co-ordinated approach to regulation.

5. **Enforcing our Code of Practice:** Where apparent breaches of the Code are committed, the PSA investigates and enforces where appropriate in the most efficient and effective way possible. The PSA aims to eliminate sharp practices, negligent behaviour and the deliberate use of phone payment as a mechanic to exploit consumers. The PSA ensures it is fair and proportionate, with enforcement delivered through the appropriate means. The PSA will always be transparent in its decision-making, and its approach to investigations and sanctioning, including fines and ordering consumer redress, is detailed in the Supporting Procedures to the Code of Practice. Where the PSA's remit and sanctions are unable to wholly or partially hold to account those providers causing consumer harm, it will refer them to the relevant enforcement authorities.
6. **Delivering organisational excellence:** As a regulator, the PSA is committed to acting in accordance with the principles of good regulation by being transparent, accountable, proportionate, consistent and targeted manner in everything it does. The PSA upholds high standards in its governance, legal, finance, human resources, information systems, and customer service functions.

### 1.3 Scope of the Code - Legal Framework

The regulatory powers of PSA derive from the Communications Act 2003 ('the Act'), specifically sections 120-124 dealing with the regulation of premium rate services. The Act provides Ofcom with the power to approve a Code for the purposes of regulating premium rate services and Ofcom has approved the PSA Code under Section 121 of the Act.

Certain providers of premium rate services are obliged, pursuant to the premium rate service condition ('the Condition') set by Ofcom under Section 120(3) of the Act, to comply with the Code and directions given by PSA in accordance with the Code. The Condition set by Ofcom applies to controlled premium rate services, the definition of which is contained within the Code (paragraph D.1.2)

PSA regulates through the imposition of Standards and Requirements on providers of premium rate services. Three categories of providers comprise the PRS value chain: network operators, intermediary providers and merchant providers. These are defined at paragraphs D.1.3-D.1.9 of the Code. A PRS provider may fall into more than one of these categories.

Under section 6 of the Human Rights Act 1998, there is a duty on PSA (as a public authority) to ensure that it does not act in a way that is incompatible with the European Convention on Human Rights ("the Convention"). Article 6 of the Convention provides for the right to a fair trial, which may not occur at Code Adjudication Panel Tribunal hearings where the respondent is not present. However, respondents are able to request an oral hearing, and to seek a review

of a Tribunal decision and both of these ensure that Article 6 of the Convention is complied with.

Article 10 of the Convention provides for the right to freedom of expression. It encompasses the right to “impart information and ideas” and also the right to “receive information and ideas without interference by public authority”. Such rights may only be restricted if the restrictions are “*prescribed in law and necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health and morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence or for maintaining the authority and impartiality of the judiciary*” (Article 10(2) of the Convention).

PSA must exercise its duty in light of these rights and not interfere with the exercise of these rights in phone-paid services unless it is satisfied that the restrictions it seeks to apply are required by law and necessary in order to achieve a legitimate aim.

### **The Code of Practice (15<sup>th</sup> edition)**

The 15<sup>th</sup> edition of the Code (“15<sup>th</sup> Code”) came into force on 5 April 2022. Following extensive consultation, the key changes introduced in the 15<sup>th</sup> Code are summarised as follows:

- Standards and Requirements have been introduced to provide clarity for industry and ensure necessary protection for consumers, especially vulnerable consumers.
- The 15<sup>th</sup> Code is designed to prevent harm before it occurs and introduces new tools and processes to do so including Supervision (part 4 of the Code) and Engagement and Enforcement (part 5).

The 15<sup>th</sup> Code is underpinned by Procedures which are available on our website.

### **1.4 Relationship with Ofcom**

Ofcom is the statutory regulator responsible for regulating the UK communications market. The Communications Act 2003, which conferred functions and powers on Ofcom, makes provision for the regulation of premium rate services (PRS) as set out under s120-124 of the Act.

PSA is responsible for the exercise of regulatory, governance and operational functions in respect of the application and enforcement of the Code. Save where PSA refers a person’s failure to comply with a direction to Ofcom, Ofcom has no role in relation to the application and enforcement of the Code. However, Ofcom has the powers set out in the Communications Act and may, amongst other things, withdraw its approval from the Code in accordance with section 121 of the 2003 Act.

PSA’s relationship with Ofcom is governed by a [Memorandum of Understanding \(MoU\)](#). The most recent version, agreed in March 2015, can be found on the link above or through the PSA’s website under the publication scheme.

Ofcom and PSA have, for the purposes of managing the relationship between their organisations in accordance with the relevant statutory provisions and as set out in the MoU, agreed the following arrangements:

- A senior Ofcom officer, “the Sponsor”, will be appointed and acts as an interface between the two organisations. The Sponsor is entitled to attend PSA Board meetings as an observer. PSA will provide information reasonably required by the Sponsor.
- PSA will consult with Ofcom on the decision’s PSA proposes to make in relation to the recruitment (or re-appointment) of its Board and Chief Executive and will invite an Ofcom representative to sit on the appointment (and re-appointment) panels. All such appointments and re-appointments will be subject to approval by Ofcom.
- PSA and Ofcom will agree annual and medium-term objectives, strategies and related funding arrangements. Final decisions on these matters rest with Ofcom but will be informed by recommendations from the Board based on their knowledge of the sector and relevant trends.
- PSA will consult on an annual basis with Ofcom in relation to PSA’s proposed budget plan, which shall include its operational and policy plans and targets and its budget. The PSA budget and business plan will be subject to approval by Ofcom on an annual basis and shall be set within the framework of the PSA strategic plan. In addition, PSA will provide Ofcom with regular updates in relation to its business plan and budget. PSA will keep under review the PRS market and the appropriateness of Code provisions and consult with Ofcom where regulatory intervention is required and/or there are proposals for amending the Code.
- As part of any consultation in respect of decisions it proposes to take, PSA will have due regard to any views expressed by Ofcom as part of any consultation and in accordance with the terms as set out in the MoU between PSA and Ofcom.

Notwithstanding the above arrangements Ofcom has confirmed that it will not act in any way that obstructs PSA directors from acting in accordance with their legal responsibilities. It should also be noted that the MoU has no legal basis underpinning it.

### **1.5 Relationship with Department for Digital Culture, Media and Sport (DCMS)**

PSA is classified by the Office for National Statistics as a Central Government body. While this classification remains in place, PSA is an Arms-Length Body (ALB) of DCMS on the basis that PSA is independent of Ofcom and its finances and other matters are not consolidated into those of Ofcom.

DCMS expects PSA to follow the standards, rules, guidance, and advice in Managing Public Money to the extent that they are relevant and appropriate for PSA. There will always be instances where it is not appropriate for a specific body to follow general government guidance. PSA recognises that DCMS, as its sponsor department, has a legitimate interest in understanding which elements of that guidance are not relevant or appropriate for PSA to follow and, in its judgement as an independent body, it believes the public interest is best



served by taking a different approach. As such PSA agrees to notify DCMS where such instances arise.

The Permanent Secretary is the Accounting Officer for DCMS. PSA will provide such information and assistance as the Permanent Secretary may reasonably require in relation to the financial and management controls that PSA has in place to ensure the proper performance of its duties, appropriate assessment of risk, and the escalation of concerns to the PSA Board as appropriate.

PSA's relationship with DCMS is governed by a Framework Agreement. The most recent

## **Section 2: Code of Conduct**

### **2.1 Principles**

This Code of Conduct sets out the standard of conduct expected of all Office Holders in the performance of their duties, with the objective of maintaining the highest levels of integrity, impartiality, and objectivity and of promoting the effectiveness with which they perform their role. These standards follow the [Seven Principles of Public Life](#).

Office Holders must identify for themselves any possible conflicts of interest which may arise and be aware of the appropriate action they should take. Office Holders are expected to commit themselves to the spirit of this Code of Conduct as well as to its specific provisions. On appointment, and following any revisions made to the handbook (as appropriate), members will be asked to sign an [undertaking](#) that they will comply with this handbook.

### **2.2 Standards in Public Life**

Office Holders must be committed to the strategic purpose of PSA and be accountable to its stakeholders, who include funders, the industry, Ofcom and DCMS. Office Holders are expected to observe the highest standards of propriety, including impartiality, integrity, and objectivity, in relation to the exercise of their office, and to follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life.

Office Holders should comply with this Handbook in all their PSA duties, and ensure that they understand their duties, rights and responsibilities, and the functions and role of the PSA.

When engaging in any political activities, Office Holders should exercise proper discretion. They are free to engage in political activities but where they do so they should take all reasonable care that they do not do or say anything that would suggest or imply that PSA is anything other than a non-political and independent regulatory body acting under the authority of, and in conjunction with, Ofcom (in case of doubt, seek advice from the Chief Executive or Chair of the Board).

Office Holders must not misuse information gained in the course of their service to PSA for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses, or other organisations.

Office Holders should not speak on a public platform or in the media and present themselves as a representative of PSA, unless and until that has been agreed by the Chair of the Board.

### **2.3 Overriding General Duty**

The overriding duty of an Office Holder is to act independently and fairly and in the best interests of PSA, and not pursuant to any other business, group, or personal interest.

A conflict of interest arises where an individual with a responsibility to act as an impartial Office Holder may be affected or may be *perceived* by an independent observer to be affected, in that action by a personal interest or association. Such a conflict may involve a direct or indirect financial interest but may also be non-financial for example, a present or past business or personal association or relationship.

An Office Holder is required to disclose direct or indirect financial interests which might give rise to a conflict of interest relating to their PSA duties. Disclosure is also required of any non-financial interest (such as kinship or a past, present, or prospective business relationship) which might influence their judgement as an Office Holder.

Office Holders must declare their relevant interests in issues to be discussed at PSA meetings. The interest should be declared in advance of the meeting, and again prior to discussion of the relevant agenda item at the meeting usually under the standing declaration agenda item at the start of the meeting.

After the Office Holder has fully explained the nature of their interests the Chair, or the Board/Panel collectively such as in the case of a declaration from the Chair, will decide whether and to what extent the member should participate in the discussion and determination of the issue. If it is decided that the member should leave the meeting, the Chair, or the Board/Panel collectively such as in the case of a declaration from the Chair, may first allow them to make a statement on the item under discussion.

Where the Chair has a relevant interest and leaves the meeting, another Board/Panel Member, usually in the case of the Board, the Senior Independent Director, will chair the discussion of the relevant agenda item.

### **2.4 Standing Declaration of Interest**

On appointment each Office Holder is required to complete a confidential [standing declaration of interest form](#). If there are material changes to the declaration, then a new one should be completed. All Office Holders will be asked to complete a new declaration annually.

This declaration should list any material financial interest, including investments, employment, consultancies, directorships, or commissions held either personally, as a trustee or as effective controller of a company (whether or not this is achieved by a majority interest). “Material” means any interest which could reasonably be perceived as sufficient to place a Board/Panel Member in the position of having a potential conflict of interest and/or which may have an influence over financial management. Any changes in these interests must also be declared as and when they occur.

This declaration should also cover the interests of the Office Holder's close family members<sup>1</sup> in the same way as they cover the interests of the Office Holder.

In respect of the standing declarations of the Chair, the same procedures as those for other Board/Panel Members will be followed. The declarations will be reviewed by another Board Member, such as the Senior Independent Director, nominated jointly by the Chief Executive Officer ("CEO") and the Company Secretary of PSA Limited.

In doubtful or borderline cases, Board/Panel Members should disclose their interest or seek advice from the Chair. Should any doubt arise, the Chair will consider what guidance should be given to the Member concerned, or what other action, if any, should be taken. If the Member refuses to accept the Chair's guidance, the Chair may disclose to the Board/Panel that a doubt has arisen, and that the Member has refused to accept the Chair's guidance. The issue will then be a matter for the Board/Panel as a whole.

Board and CAP Members are not permitted to have any commercial interest in phone-paid services. Under this handbook this preclusion will extend to all other Office Holders (i.e., Consumer Panel ("CP") Members and the Independent Complaints Assessor ("ICA")). Any Office Holder whose close family member acquires a direct phone-paid services interest must notify the Chair and the CEO or a member of the Leadership Team, who will in turn notify the Board/Panel.

Annually the Company Secretary will provide Office Holders with a record of declared interests. Office Holders will consider, amend, and return the record. The Company Secretary will keep a file of all the declarations.

The content of standing declarations of interest is made publicly available through the PSA website.

## **2.5 Specific Disclosure of Conflict of Interest (Bribery Act 2010)**

In discharging PSA business, all Office Holders need to be aware of actual, potential, or perceived conflicts that might arise between their private interests and their role responsibilities. This is particularly important given the wide-reaching application of the Bribery Act 2010, which is covered in depth in the PSA Anti Bribery Policy. The policy is available upon request.

A conflict of interest arises where an Office Holder has a private interest that might influence that person's judgement in some way when carrying out their normal day to day duties in their role. Such a conflict may involve a direct or indirect financial and/or non-financial interest, for example a present or past business or personal association or relationship. Office Holders are required to disclose all interests that actually or potentially could be perceived as a conflict with their obligation to act in the best interests of PSA. The Office Holder concerned should declare these interests to the Chair.

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<sup>1</sup> As defined in the standing declarations of interest form

Actual, potential or perceived conflicts of interest may arise in connection with, for example: personal relationships (which includes close friendships and family relationships); employee relationships; friendships on social media; procurement of services; business meetings; use of PSA premises, equipment and materials; external activities and public comment; gifts and hospitality relating to work; use of confidential information; fellowships, trusteeships and/or memberships; indirect support or sponsorships; memberships of clubs, trade bodies; public appointments, financial interests; an expectation of future interest in any of the above. The list is non-exhaustive.

In exceptional cases where disclosure of the nature of the possible conflict of interest might involve a breach of other duties (of confidentiality, for example), the Member may withdraw from consideration of the matter without specifying the nature of the possible conflict of interest. In such cases, the Office Holder's continuing membership must be discussed with the Chair, who will in turn notify the PSA Leadership Team.

Where a possible conflict of interest can be anticipated, the Office Holder should declare that there is a potential conflict to the Chair and exclude themselves from distribution of documents or attendance at the meeting and withdraw from any decision making in which the conflict may become material and for the agenda item concerned.

To this end all meetings will commence with a "standing declarations" agenda item where any Member can record any meeting agenda items where they have a standing or specific conflict which may have been already registered or previously raised with the Chair.

## **2.6 Confidential Information and Data Protection**

Office Holders must not disclose confidential information and/or personal data to the media or the public or use such information or data for their own financial or other advantage. Office Holders should be aware of, and abide by, PSA's policies and procedures notably the [Acceptable Use Policy](#) and [Confidential Information Policy](#).

All Office Holders will be assigned a PSA device to use for PSA business. The use of personal devices to undertake PSA business is generally prohibited. Where exceptions to use personal devices are agreed, the requirements on the use of personal devices are set out in the [Bring Your Own Device Policy](#).

All papers provided to Office Holders by PSA should be treated as confidential and, where they contain personal data, as subject to the provisions of the General Data Protection Regulation and Data Protection Act 2018, unless otherwise advised. Office Holders should not discuss the content of CAP Tribunals with others outside the PSA. Office Holders must undertake to store and dispose of papers in accordance with the Security Policy governing the use of the PSA's Systems and Technology and Handling of Paper Document.

Office Holders must not speak on a public platform or to the media, nor present themselves as a representative of PSA unless and until this has been agreed by the Chair of the Board. Where Office Holders are speaking on public platforms in other capacities, they should ensure there is no reasonable possibility that their comments could be seen to be attributed to PSA and/or be perceived to represent a PSA viewpoint.

## 2.7 Insider Dealing

Office Holders must not acquire or dispose of investments if they hold any information relevant to such investments through their involvement with PSA if such information is unpublished price-sensitive information.

Price-sensitive information means any specific information which would be liable to affect the price of a company's security. Price-sensitive information includes, but is not necessarily limited to:

- any proposed take-over or merger.
- any potential company insolvency.
- unpublished information as to company profits or losses.
- any unannounced decision by a company in relation to dividend payments.
- any unannounced decision by a company about changes to the price levels or structures of its services.
- any unannounced decisions by a company to enter a new market or leave an existing market.
- any relevant PSA investigation or impending sanction.

In case of doubt, unpublished and confidential information should be treated as being price sensitive.

These provisions on confidential information and insider dealing continue to apply without time limit after an Office Holder's appointment has finished.

## 2.8 Gifts and Hospitality

To avoid the possibility that the integrity or objectivity of Office Holders may be put at risk, or be considered at risk, the offer or receipt of any relevant personal gift or hospitality from a member of the phone-paid services industry must be recorded online and reported to the Chair if its monetary value is greater than £25. Office Holders should not accept or offer a gift, hospitality or some other benefit as a reward, either for doing or not doing something in their capacity as an Office Holder, or for showing advantage to someone or to an organisation. Gifts of cash should always be refused.

If an Office Holder is aware in advance of the possibility that a gift or hospitality worth more than £25 may be offered, clearance should be obtained from the Chair.

Isolated gifts of a trivial nature or minor seasonal items such as calendars or diaries may be accepted. Offers of conventional hospitality (such as a working lunch, working dinner or refreshments during meetings) may be accepted from individuals and organisations external to PSA where it is normal and reasonable in the circumstances.

## 2.9 Failure to observe the Code of Conduct

Office Holders failing to perform the duties required of them in line with the general standards expected in public life or the specific provisions of this Code of Conduct, or being unfit to perform these duties, will be judged as failing to carry out the duties of their office.

Such failure may result in their removal from office. This will be a decision of the relevant Chair (in consultation with the Board in respect of Board Members, or in consultation with the CEO in respect of the CAP and CP). For the ICA the decision will be by the Chair of the Board in consultation with the CEO. If such failure applies to the Chair of the Board, the decision will be made by the Board and any action will be following consultation with Ofcom. If such failure applies to the Chair of the CAP or CP, the decision will be made by the Chair of the Board in consultation with the CEO and any action subsequently notified to Ofcom for information.

## 2.10 Tax Evasion/Facilitation of Tax Evasion

All Office Holders are responsible for preventing, detecting, and reporting tax evasion and foreign tax evasion, and the facilitation of the same, when performing their duties.

Tax evasion involves deliberately and dishonestly cheating the public revenue or fraudulently evading tax, and the facilitation of tax evasion involves knowingly being concerned in, or taking steps with a view to, the fraudulent evasion of tax by another person, or aiding, abetting, counselling, or procuring the commission of tax evasion.

Office Holders should be aware of, and abide by, the PSA's policy on the [Anti-facilitation of Tax Evasion](#).

Office Holders must notify the Board Chair and the PSA Leadership Team as soon as possible if they believe or suspect that a breach of the anti-facilitation of tax evasion policy has occurred or may occur in the future.

## Section 3: The role of the Board of Directors

### 3.1 Board of Directors

The PSA Board is responsible for governance and setting the policies and strategies of PSA. The Board consists of a part-time Chair (a non-Executive Director), up to five part-time remunerated Members (non-Executive Directors) and the Chief Executive of PSA. One Member is appointed by the Chair as the Senior Independent Director ('SID'). The Board does not exercise any adjudicatory functions within PSA.

The main functions of Board Members involve:

1. Within the context of the MoU with Ofcom, formulating PSA policies and strategies, including the development and enforcement of the Code.
2. Setting and reviewing the strategy and annual business plan.
3. Supervising the work of the Executive, which is accountable to the Board for ensuring the provision of an effective and efficient regulatory service.

4. Reviewing the effectiveness of the Code Adjudication Panel which undertakes all adjudications (paper and oral, and including imposition of interim measures), and reviews under the Code.

Board Members are Directors of PSA Limited, a non-profit making company limited by guarantee, and in this capacity their responsibilities include:

1. Preparing accounts for each financial year which represents a true and fair view of the state of affairs of the company and of its financial results for that period.
2. In preparing these accounts, the Directors of PSA are required to:
  - select suitable accounting policies and then apply them consistently.
  - make judgements and estimates that are reasonable and prudent.
  - state whether applicable accounting standards have been followed, subject to any material departures disclosed and explained in the accounts.
  - prepare the accounts of the company based on a going concern unless it is inappropriate to presume that the company will continue in business.
3. Keeping proper accounting records which disclose with reasonable accuracy at any time the financial position of the Company and enable them to ensure that the accounts comply with the relevant provisions of the Companies Act 2006.
4. Taking such steps as are reasonably open to them, such as through effective risk management plans, to safeguard the assets of the Company and to prevent and detect fraud and other irregularities.

Board Members are responsible for fulfilling these accounting responsibilities as well as for fulfilling their statutory duties as Directors of PSA - set out in full [here](#)

Although Board Members receive payments from PSA as non-executive Directors, they are officers and not employees of PSA Ltd.

The powers of the Board are as set out [here](#).

### **3.2 Board Members' Activities**

The work of Board Members involves attendance at meetings. These usually comprise of four Board meetings a year of two to five hours' duration, as well as standing sub-Committee meetings and ad hoc working groups in an advisory capacity as well as up to two planning days per annum.

Other aspects of the work are carried out from each Board Member's home/office, including reading and preparing for meetings of the Board and relevant sub-Committees and working groups.

There is also a wide range of other activities in which Board Members may be involved, including meetings with industry or other interested bodies, attendance and participation in PSA Forums and key stakeholder engagement.

The time commitment of a Board Member depends on the number of sub-Committees and working groups participated in and could be up to 15 hours a month. It is not possible to quantify this precisely as it will in any case depend partly upon the availability of Board Members.

To assist the Board in carrying out its duties, PSA has established two Sub-Committees and their terms of reference are set out [here](#).

### **3.3 Board Meetings**

The setting of quorum for board meetings is a matter for the Board to decide from time to time; the current quorum is two Directors.

### **3.4 Independence**

Independence is as described in the 15<sup>th</sup> Code, (paragraph 1.4):

- 1.4.1 The PSA operates independently from the industry. All members of the PSA's Board are appointed in their individual capacities. No member of the Board may have any current commercial interest in PRS but Board Members may be appointed on the basis of their contemporary industry knowledge.
- 1.4.2 Board Members do not sit on PSA Code Adjudication Tribunals (Tribunals) which adjudicate on allegations of non-compliance with the Code. Tribunals are made up of members of the PSA's Code Adjudication Panel (CAP), the composition and function of which is set out at paragraphs 6.3.1-6.3.3.

### **3.5 The role of the Chair of PSA**

The Chair of the Board (Chair) is expected to be beyond reproach on the question of independence and is expected to ensure that the duties and responsibilities of members are observed. The Chair also has responsibility for:

- ensuring the Board holds the CEO and senior team to account.
- acting as an industry facing ambassador representing PSA with key industry stakeholders.
- representing PSA in dealing with Ministers, Ofcom and providing effective leadership in meetings of the Board and its members with key external stakeholders.
- directing, supporting, and managing the Chief Executive and the PSA Executive and ensuring that systems and procedures are in place for plans and targets set by the Board to be met.
- ensuring that the Board meets at regular intervals throughout the year, and that the minutes of meetings and any reports accurately record the decisions taken and, where appropriate, the views of individual members.
- ensuring that new members, when taking up office, are fully briefed on the terms of their appointment and on their duties, rights, and responsibilities,



- providing an assessment of members' performance on request as outlined in 9.2.
- ensuring that all new members are aware of the rules on conflicts of interest (and register of interests) and that they are bound by this Code of Conduct, reminding all members of these rules at regular intervals.
- taking steps to remind members always to declare relevant interests and, if requested, to withdraw from any discussions where the independence of their advice might be called into question or where there is a real or perceived conflict of interest.
- ensuring that any declared conflict of interest is recorded in the minutes.
- making appointments of members to PSA sub-Committees and other working groups. The Chair may also sit on sub-Committees and working groups but shall not be a member of, nor shall chair, the Audit, Risk and Corporate Governance Committee of PSA.
- Appointing a Senior Independent Director and ensuring the continuity of the Board through effective succession planning and appointment and reappointment of Board Members subject to approval from Ofcom.

The Chair works with the Chief Executive and the Board to ensure proper co-ordination of PSA's media activities, and to set the public persona of PSA and its internal culture. The Chair ensures that the internal organisation of PSA is effective, and that the Board formulates strategy for discharging the statutory duties of PSA.

The full job statement for the [Chair of the Board](#) is available.

### **3.6 The role of the Senior Independent Director (SID)**

One of the non-Executive Directors is appointed by the Chair to be the Senior Independent Director (SID).

The SID will act, where necessary, as a sounding board for the Chair, providing support for the Chair in the delivery of their objectives, and leading the evaluation of the Chair on behalf of the other directors.

The SID will also act as an intermediary for other directors as and when necessary, to convey views to the Chair. The SID will chair an annual session of the non-executive members to review the Chair's performance. The SID will be available to other non-executives (and key stakeholders such as Ofcom) to address any concerns or issues they feel have not been adequately dealt with through usual channels of communication. The SID will chair the Nomination Committee when it is considering succession to the role of Chair.

The SID's term of office runs concurrently with their general term of office set out in the [Terms of Reference](#).

## Section 4: The role of the Code Adjudication Panel (CAP)

### 4.1 The Code Adjudication Panel (CAP)

The CAP undertakes adjudicatory activity and decision making in relation to Code enforcement on behalf of PSA. Its functions and powers are set out in section 5.7 and 6.3 of the 15<sup>th</sup> Code. The CAP advises the PSA Board on its activities but is constituted separately from the Board.

The Code Adjudication Panel is constituted as set out in the 15<sup>th</sup> Code, (paragraphs 6.3.1-6.3.3):

- 6.3.1 PSA has established a CAP consisting of a minimum of nine and a maximum of 17 members. Throughout the entire duration of their membership, CAP Members must not have any commercial interest in the PRS sector. The CAP will comprise:
- (a) a Chair of the CAP, who shall be a qualified barrister or solicitor with not less than 15 year's relevant experience;
  - (b) up to three but no less than two legally qualified members who are qualified barristers or solicitors with not less than 10 years relevant experience; and
  - (c) up to 13 but no less than six lay members with adjudicatory and relevant marketing, technical, operational, consumer-based or other experience.
- 6.3.2 The Chair of the CAP is appointed by the Board and shall advise the Board as required on Tribunal activity, trends, and related matters. The legally qualified members and lay members are appointed by the Board in consultation with the Chair of the CAP.
- 6.3.3 The Board has delegated to the CAP the functions of adjudicating alleged breaches of the Code and reviewing determinations made by PSA in relation to prior permission, including the imposition of conditions upon which prior permission is granted.

Full job statements setting out the separate roles and responsibilities for [Legal Member of the CAP](#) and [Lay Member of the CAP](#) are available.

### 4.2 The CAP Relationship with the Board

The PSA Board and Executive provide support and general advice to the CAP to ensure it meets its objectives.

The CAP is the body to which the Board delegates its adjudicatory function (paragraph 6.3.3). The relationship between the CAP and the Board is characterised by six principles.

1. The CAP is responsible for undertaking all adjudications (paper and oral, and including imposition of interim measures), and reviews under the Code.
2. The Board is responsible for determining all policy issues.
3. The CAP is accountable to the Board for its performance but not its decisions.
4. The Board and CAP maintain an on-going, two-way dialogue on policy issues.

5. The Board may issue guidance to the CAP on general or specific policies/strategies and/or issue Code Guidance to the industry. The CAP will have full regard to the Board's Guidance in its application of the Code and consideration of the facts of the individual cases.
6. In the event of conflict between the Board's Guidance and the Code/Procedures, the CAP will apply the Code/Procedures.

The Chair of the CAP will be appointed by the Board and will advise the Board as required on Tribunal activity, trends, and related matters. The legally qualified members and lay members will be appointed by the Board in consultation with the Chair of the CAP (paragraph 6.3.2).

### **4.3 The Relationship between the Chair of PSA and the Code Adjudication Panel**

The relationship between the Chair of PSA and the CAP is mainly characterized by their ordinary exclusion from the Tribunal process.

PSA has an obligation to ensure that Tribunal hearings are conducted properly, fairly and in accordance with good practice and the relevant law. Each case must therefore be dealt with in the most expeditious manner compatible with the interests of justice and in accordance with the provisions of the Human Rights Act 1998.

The Chair of PSA, as a member of the Board, is not involved in any part of the Tribunal process (as required by paragraph 1.4.2 of the 15<sup>th</sup> Code), nor does the Chair have any right to influence the Tribunal process in any way. The Chair (and other Office Holders) may however from time to time attend Tribunals and any other ad hoc CAP meetings as an observer.

### **4.4 CAP Responsibilities**

The CAP consists of members with professional and other relevant skills necessary to assure the quality and timeliness of work at CAP Tribunals. CAP Tribunals will always be chaired by a legally qualified CAP member and its members are drawn from the CAP. In certain circumstances a legally qualified CAP member may sit alone to consider a case rather than a Tribunal (paragraph 5.4.8 of the 15<sup>th</sup> Code).

Members of the CAP have the following responsibilities:

1. Attend CAP Forums to review approaches to Tribunal and adjudication decision-making (to ensure consistency of outcomes) and partake in various training sessions and updates provided by the PSA.
2. Provide effective feedback and mentoring to members of the Executive on process and other matters relating to the effective operation of the CAP.
3. Provide feedback to the CAP Chair on hearings, reviews, and decisions, and to other members to ensure their effective performance and contribution to hearings.
4. Read and assimilate case papers before the hearing commences, including on occasions the study of substantial amounts of complex, and sometimes technical,

documentary evidence. For cases involving interim measures this may need to be done at short notice.

5. When sitting on Tribunals or as a single legally qualified CAP Member, hear and determine cases by considering facts, and applying the relevant provisions of the Code on the basis of reasoned interpretation.
6. Consider the Code, Interim Warning Notices and/or Enforcement Notices issued by PSA (or settlements reached by both parties) and determine the interim measures to be imposed, or breaches to be upheld and sanctions to be imposed, having regard to the Code and PSA's Procedures, as well as any relevant Board policy.

There is also an obligation, in conjunction with other members, to ensure that Tribunal hearings/adjudications are conducted properly, fairly and in accordance with good practice and the relevant law. Each case must therefore be dealt with in the most expeditious manner compatible with the interests of justice and in accordance with the provisions of the Human Rights Act 1998.

Above all, CAP Members should take responsibility for maintaining the authority and dignity of the Code, and CAP proceedings. CAP Members should help resolve issues of procedure and interpretation of the Code as they arise during hearings.

CAP Members will be expected to undertake appropriate training to keep abreast of developments within the Phone-paid services market.

### **Legal Members**

Legally qualified members (including the Chair of the CAP) are called upon to chair Tribunals via a listings approach, based upon their relevant expertise and availability and take the lead on the resolution of issues of procedure and Code interpretation during hearings. Additionally, they can be called upon to determine the merits of applications for permission to review an adjudication under the Code, and to determine whether applications to review interim measures are frivolous or vexatious. They can also be called on to be the single decision-maker in certain types of cases under paragraph 5.4.8 of the 15<sup>th</sup> Code

The CAP Tribunal Chair or single legally qualified CAP Member's responsibilities are, to ensure that a decision is reached at the end of the hearing in summary; and that the proceedings at the hearing are fully and correctly recorded; and, that a final judgement with reasons is ready to be delivered to the parties, within the timeframe determined by the PSA and may be set out in Procedures published from time to time.

### **Chair of the CAP**

The Chair of the CAP (Chair) communicates with the Chair of PSA on a regular basis to report on the activities and decisions of the CAP, discuss Tribunal reports, and highlight emerging issues and trends for further policy consideration. The Chair also comments on areas of the Code which might usefully be clarified further in light of decisions and interpretations made by CAP Members when hearing cases.

The Chair of the CAP has the following additional specific responsibilities:

1. Acting as a conduit to the Board on Code compliance matters.
2. Coordinating meetings with all CAP Members and relevant members of the Executive to review decisions and ensure consistency of outcomes.
3. Considering oral hearing applications and appointing the Tribunal members and clerk.
4. Discussing Code Guidance with the Executive, and contributing to the development and updating of the Code.
5. Ensuring that CAP Members are effectively performance managed and directed to training where it is felt desirable or necessary.

The full job statement setting out the separate roles and responsibilities for the [Chair of the CAP](#) is available.

The CAP has a range of adjudicatory powers at its disposal. These are set out fully in section 5 of the 15<sup>th</sup> Code.

## **Section 5: The role of the Consumer Panel**

### **5.1 The Consumer Panel**

The Consumer Panel supports the PSA to deliver PSA's strategic purpose. The Consumer Panel supports and enhances the interests of consumers engaging with phone-paid services through provision of independent advice and challenge on aspects of the PSA's work. The Consumer Panel's [Terms of Reference](#) are available.

### **5.2 The Consumer Panel Relationship with the Board**

The PSA Board and Executive provide support and general advice to the Consumer Panel to ensure it meets its objectives.

Minutes of meetings form the basis of updates to the Leadership and Board. The Executive also meets regularly with the Consumer Panel and Consumer Panel meetings take place quarterly.

Each year, the Chair of the Consumer Panel provides an annual report to the Board on the Consumer Panel's undertakings.

## Section 6: The role of the Independent Complaints Assessor

### 6.1 The Independent Complaints Assessor

The Independent Complaints Assessor (ICA) is responsible for ensuring, through a transparent and defined process, the timely resolution of complaints about PSA's level of service, ensuring that they are dealt with fairly and impartially.

On the rare occasions when complainants may take issue with the level of service provide by the PSA, the PSA seeks to ensure that their concerns are fairly and proportionately dealt with and has therefore provided a procedure through which their complaints can be dealt with, culminating in a review by an Independent Complaints Assessor. The role of the Independent Complaints Assessor will be to:

- Provide clarity on the complaints process and what complainants can expect.
- Read and assimilate all information provided by the complainant and PSA and review the case in a fresh and impartial manner.
- Provide objective and well-reasoned decisions to complainants and PSA in a timely manner.
- Undertake such activities as may be necessary to keep abreast of developments in PSA policy and procedures.

The Complaints Procedure which sets out the process for dealing with complaints can be viewed [here](#).

The ICA's terms of reference are available [here](#).

### 6.2 Data protection

Whilst the ICA operates independently to the PSA in respect of reviewing complaints, for the purposes of compliance with data protection legislation, the ICA is deemed to be part of the PSA.

There is further information available about how the ICA uses personal data on the intranet and PSA website.

### 6.3 Independence

The ICA acts independently from the PSA and reviews complaints independently on a case-by-case basis.

To preserve the ICA's independence, the ICA will receive no assistance from the PSA Executive in reviewing complaints that have been referred to them. Where required and directed by the ICA, the PSA will prepare a bundle of any documents for consideration by the ICA as part of the review.

Each year, the ICA will provide a full report to the Board of PSA on that year's activity.

PSA's website and/or annual report will include details of where the PSA has not followed the ICA's recommendations and the reasoning behind such a decision.

## **Section 7: Liability**

### **7.1 Liability**

Any legal proceedings initiated by a third party are likely to be brought against PSA Limited as an incorporated company. In exceptional cases proceedings might be brought against individuals acting for the company, including Office Holders. In such cases Office Holders will normally be covered by PSA's company indemnity.

PSA will provide an indemnity to every Office Holders under the following terms:

Subject to the discretion of the Board in each case, and in the absence of any finding of failure to perform duties or any behaviour which may bring PSA into disrepute (as set out in performance reviews), every Office Holder shall be indemnified by PSA against any liability incurred by them in defending any proceedings, whether civil or criminal, in which judgment is given in their favour or in which they are acquitted or in connection with any application in which relief is granted to them by the Court from liability for negligence, default, breach of duty or breach of trust in relation to the affairs of the Company, and against all costs, charges, losses, expenses or liabilities incurred by them in the execution and discharge (or in relation thereof) of their duties.

Office Holders are also provided with professional indemnity insurance cover (subject to various exclusions) against claims for negligence and other usual risks. A copy of the policy is available for inspection upon request.

## **Section 8: Appointments**

### **8.1 Office Holder procedures for appointment**

Office Holder vacancies will usually be advertised or publicly notified. However, the field of potential candidates being considered will not necessarily be limited to those responding to an advertisement. Others may be informed of vacancies by PSA on the basis of suggestions by, existing Board Members, Office Holders or other stakeholders.

Any conflicts of interest candidates may have will be assessed as part of the selection process. The PSA will consider whether these conflicts can be suitably managed to allow the individual to make a meaningful contribution. Where conflicts cannot be appropriately managed, candidates will be informed of such and will be withdrawn from the process.

PSA will produce an application pack, setting out the relevant information about the criteria for selection and how to make an application for the position. The pack will be made available to all potential candidates.

PSA is required to consult with Ofcom on its proposed decisions for the shortlisting, interviewing, and appointing and re-appointing of Board Members (and a representative from Ofcom will sit on the selection panel) in accordance with the agreed MoU.

In respect of Board Member vacancies, a selection panel, appointed by PSA Board and in consultation with Ofcom, will prepare a shortlist of candidates. Neither the Chief Executive nor any other staff member will take part in any decision on the appointment of a Board Member, though they may be called on for advice or guidance, or to observe the process. The decision on whom to appoint will be a matter for the full Board following a recommendation from the panel. All appointments will be subject to Ofcom approval, as per the agreed MoU. The relevant Government Minister will normally be advised as to the proposed appointment.

In respect of a vacancy for the Chair, the Board will agree, at the time of the recruitment of a new Chair, the detailed process to be followed which will usually broadly follow the above arrangements. When considering succession to the role of the Chair, the Senior Independent Director will set up and chair a Nominations Committee. Ofcom will be represented on such a committee in line with the current MoU. The Committee will make a recommendation to the Board on the appointment and in turn the Board will make a recommendation to Ofcom to appoint. Appointment will be subject to Ofcom approval.

In respect of the appointment of a Senior Independent Director, such a person will be appointed by the Chair from among serving Board Members. The Senior Independent Director's term of office runs concurrently with their general terms of office.

## **8.2 Induction and Training**

PSA is committed to the training and development of its Office Holders to enable them to carry out their role efficiently and effectively.

All new Office Holders will complete an induction programme and ongoing training developed by the PSA to suit individual needs. This will include familiarisation with the Executive's role, PSAs adjudicatory processes (where applicable), and may include visits to phone-paid service providers or other relevant stakeholders both from within and outside industry.

## **Section 9: Terms of office**

### **9.1 Terms of office for Board Members**

The term of office for a Board Member is fixed at three years but this may be varied where it:

- benefits the overall continuity of membership going forward, or;
- for succession planning purposes.

While there is provision for Board Members to be re-appointed by the Chair for a second (and final) term (usually of three years unless some different period would benefit the overall continuity of the Board), reappointment is not automatic and will be decided by the Chair and following consultation with, and final approval by, Ofcom.

The Chair may be re-appointed for a second and final term (usually of three years each unless some different period would benefit the overall continuity of the Board). The decision to do this is a matter for the full Board following consultation with, and final approval by, Ofcom.



## **9.2 Board Member Performance Reviews**

The performance of a new Board Member will normally be reviewed by the Chair by way of a discussion with the member after the first three months and annually thereafter.

The performance review of the Chair shall be undertaken collectively by the Board Members on an annual basis and will be coordinated by the Senior Independent Director.

Where a Member's or the Chair's conduct or performance is unsatisfactory, misaligned with the conduct expected of the office, or brings the PSA into disrepute, their ongoing appointment shall be a matter for the PSA Board (which may be through a Nominations Committee) and may be terminated without notice.

## **9.3 Terms of office for Code Adjudication Panel**

The initial term of office for Members and Chair will be one year, which may lead to a further reappointment of the first term of up to three years. A further and final second term of reappointment may then follow of up to four years. Re-appointment for terms is not automatic and will be dependent upon satisfactory performance in office, as well as the needs and continuity requirements of the CAP.

The overall term of office for CAP members will not ordinarily exceed eight years.

### **Code Adjudication Panel Availability**

As part of CAP members ongoing responsibility and commitment, members should make themselves available for hearings (including interim measures hearings convened at short notice) and notify the Executive as soon as possible of periods of unavailability in advance (e.g. holiday dates) or otherwise as soon as they become known. Tribunals will normally be listed depending on the urgency of the matter and availability of members.

Lay members may be required to sit once a month, with legal Chair members potentially required to sit up to twice a month.

Attendance will also be required for discussion and training forums for all CAP members which are usually held up to three times a year.

## **9.4 Performance Reviews and Misconduct**

The performance of a new member will normally be reviewed by the CAP Chair by way of a discussion after six months. Thereafter, performance reviews will take place, at the discretion of the Chair, anywhere between 12 to 18 months, depending on member sittings.

The performance of the CAP Chair will be reviewed by the Chair (or SID) of the Board after six months, and annually thereafter.

Where a Member's or the Chair's conduct or performance is unsatisfactory, misaligned with the conduct expected of the office, or brings the PSA into disrepute, their ongoing

appointment shall be a matter for the PSA Board (which may be through a Nominations Committee) and may be terminated without notice.

### **9.5 Terms of office for Consumer Panel**

The initial term of office for members and the Chair of the Consumer Panel will be up to one year. Subject to successful performance, this may be extended by a further two years.

A second and final term of up to three years may also be available subject to the requirement and smooth running of the Consumer Panel. Re-appointment for a second term is not automatic and will be dependent upon satisfactory performance in office, as well as the needs and continuity requirements of the Consumer Panel and the PSA.

The overall term of office for Consumer Panel members will not ordinarily exceed six years.

#### **Consumer Panel Availability**

As part of Consumer Panel members' ongoing responsibility and commitment, the PSA requests that members make themselves available for Consumer Panel meetings, these usually take place three to four times a year.

### **9.6 Consumer Panel Performance Reviews**

The performance of a new member will normally be reviewed by the Chair of the Consumer Panel by way of a discussion after six months. The performance review of the Chair shall be undertaken by the Chair of the Board on an annual basis.

The Consumer Panel will evaluate its own effectiveness on an on-going basis through a feedback loop with the Executive, with a formal evaluation review presented on an annual basis to the Board.

Where a Member's or the Chair's conduct or performance is unsatisfactory, misaligned with the conduct expected of the office, or brings the PSA into disrepute, their ongoing appointment shall be a matter for the PSA Board (which may be through a Nominations Committee) and may be terminated without notice.

### **9.7 Terms of office for Independent Complaints Assessor**

The ICA's initial term of office will be one year. Subject to satisfactory performance, the ICA may be offered a second term of up to 3 years, followed by a third term of up to 2 years. Re-appointment for terms is not automatic and will be dependent upon satisfactory performance in office, as well as the needs and continuity requirements for the role of an ICA.

The overall term of office for the ICA will not ordinarily exceed six years.

### **9.8 Independent Complaints Assessor Performance Reviews**

The performance of the ICA will normally be reviewed by the Chair of the Board.

Where a Member's or the Chair's conduct or performance is unsatisfactory, misaligned with the conduct expected of the office, or brings the PSA into disrepute, their ongoing appointment shall be a matter for the PSA Board (which may be through a Nominations Committee) and may be terminated without notice.

## **Section 10: Payments and Expenses**

### **10.1 Board Member Voluntary Payments**

Board Members will be remunerated by way of honorarium and will receive a monthly voluntary payment in recognition of work undertaken. Board Members' voluntary payments policy is approved by the Resources Committee. The policy is included in the annual budget setting process, which itself includes consultation and approval by Ofcom. Ofcom will be notified of revisions to Board Member voluntary payments via the customary channels of communication between Ofcom and PSA.

Fixed voluntary payments will be made to Board Members on an annual basis which will cover attendance at Board, sub committees and ad hoc attendance, for example, at Industry Forums as required, including any preparation for all meetings and related PSA work. The current fixed payments are notified to all Board Members as and when they change. The Executive will automatically credit members with a fixed amount each month.

Fixed voluntary amounts are reviewed annually following a review by the Resources Committee as formally ratified by the Board.

Board Members are Office Holders and not employees of PSA and are therefore responsible for their own tax records. Tax and National Insurance deductions are however deducted at source as part of the usual payroll run.

Board Members are not eligible to join the PSA pension scheme and no pension scheme contributions are payable.

### **10.2 CAP Members Voluntary Payments**

CAP Members will be remunerated by way of honorarium and will receive voluntary payments for work undertaken. Due to the nature of the CAP, the flexibility required and the need for short notice availability, members will be paid fixed voluntary payments consisting of an annual retainer of five days as well as an attendance voluntary payment on a basis that is separately notified, and which is reviewed annually.

Members will be entitled to voluntary payment at the same rate for time spent in training and for attendance at meetings which they are required to attend by reason of their membership of the CAP (as circumscribed in the voluntary annual retainer payment). For any additional work undertaken voluntary payments will be based on half/full day rates.

The process for time recording is as follows:

- Claim forms should be submitted for the time spent on PSA business on a 'half day' and/or 'full day' based principle. Time spent will be rounded up or down to either half a

day or a full day to fairly record that time. Generally reading the papers and preparation for members will be half a day, in addition to time for sitting. (For Tribunal Chairs / single legally qualified members usually an extra half day will be required to accommodate for post hearing decision making.)

- Where there are exceptions to the usual time spent on specific activities, this should be discussed with the members and the Chair directly after the hearing has taken place. As appropriate, a note of explanation should be included in the timesheet under exceptional circumstances.
- Each member is responsible for submitting their own timesheet and expense form to the Executive.

The CAP voluntary payments policy is proposed by the Resources Committee and agreed by the full Board. The policy is included in the annual budget setting process, which itself includes consultation and approval by Ofcom.

Claims should be made via the online Cascade system using personal login details. Claims are required to be received by the 10th day of the following month (this may be earlier in December), for the claim to be processed in that month's payroll on or around the 26th of each month.

PSA reserves the right to allow claims to be authorised only by the CAP Chair or the PSA Chair, or SID, of the Board.

Members of the CAP are Office Holders and not employees of PSA, and are therefore responsible for their own tax records. Tax and National Insurance deductions are however deducted at source as part of the usual payroll run.

CAP Members are not eligible to join the PSA pension scheme or to receive other benefits or contributions to a personal pension scheme.

### **10.3 Consumer Panel Members Voluntary Payments**

Members of the Consumer Panel will be remunerated by way of honorarium and will receive a voluntary payment, the same rate for time spent in training and for attendance at meetings which they are required to attend by reason of their membership. Due to the nature of the Consumer Panel, members will additionally receive a quarterly stipend payment, at the equivalent rate of one sitting, in arrears, in recognition of the reading and preparation work which members are required to undertake between meetings.

For work undertaken, voluntary payments will be made based on a per sitting rate for each committee meeting they attend. This rate will be reviewed annually

The Consumer Panel voluntary payments policy is approved by the Resources Committee. The policy is included in the annual budget setting process, which itself includes consultation and approval by Ofcom.

Claims should be made using the expense claim form and timesheet. Claims should be received by the Executive by the 10<sup>th</sup> day of the following month (this may be earlier in December), for the claim to be processed in that month's payroll on or around the 26<sup>th</sup> of each month. Each member is responsible for submitting their own timesheet.

PSA reserves the right to allow claims to be authorised by the Head of Research & Communications or Director of Policy & External Relations, or in their absence, another member of the PSA's Leadership Team.

Members of the Consumer Panel are not employees of PSA and are appointed as Office Holders. Although Tax and National Insurance deductions are deducted at source as part of the usual payroll run, members are responsible for their own tax records.

Consumer Panel Members are not eligible to join PSA's pension scheme or to receive other benefits or contributions to a personal pension scheme.

#### **10.4 Independent Complaints Assessor Voluntary payments**

The ICA will be remunerated by way of honorarium and will receive voluntary payment for their attendance at training and for complaints assessed.

The ICA's voluntary payments policy is approved by the Resources Committee. The policy is included in the annual budget setting process, which itself includes consultation and approval by Ofcom.

The ICA will be paid an ex-gratia retainer annually equivalent to the value of five days in advance in April each year, pro-rated accordingly. This is paid to cover introduction to and keeping up to date with Phone-paid Services Authority (PSA) activities and annual reporting arrangements.

For work undertaken voluntary payments will be based on half/full day rates. The ICA may claim up to a maximum of 3 days for each complaint assessed. Where a case is particularly complex and requires further time to properly manage, approval should be sought from the Chief Executive at the earliest opportunity.

The ICA is responsible for submitting their timesheet and expense form to the Executive. Claims should be via the PSA's online Cascade system for which the ICA will receive personal login details from the PSA Human Resources Team. Claims are required to be received by the Executive by the 10<sup>th</sup> working day of the following month (this may be earlier in December), in order to be processed in that month's payroll on or around the 26<sup>th</sup> of each month.

The ICA is an Office Holder and not an employee of PSA and is therefore responsible for their own tax records. Tax and National Insurance deductions are however deducted at source as part of the usual payroll run, as is usual for Office Holder positions.

The ICA is not eligible to join the PSA pension scheme or to receive any other benefits or contributions to a personal pension scheme.

## 10.5 Travel Expenses

Office Holders may reclaim travel expenses, and where appropriate subsistence, which are incurred wholly and necessarily in the discharge of their duties as Office Holders as set out in the [Office Holder Expenses Policy](#).

Claims for expenses should be submitted on a monthly expenses form and supported by full receipts and vouchers via the online Cascade system using personal login details. The exception to this is circumstances where receipts are not available, e.g. London Underground travel using an Oyster card for payment and car mileage.

PSA has entered into a Settlement Agreement with HM Revenue & Customs with respect to travel from home to PSA. The effect of this is that PSA will pay the tax and NI for affected office holders on such travel expenses to PSA. The dispensation covers business travel and subsistence expenses, provided those expenses are reasonable.

PSA, like many organisations has a dispensation relating to other expenses. This means that specified expenses need not appear on form P11D. A copy of the letter of dispensation provided by HMRC is available to all Office Holders. PSA submits an annual P11D return to the Inland Revenue for each Office Holder, stating the amount paid in expenses covering travel from the Member's home or office to and from PSA. Office holders may be liable to pay income tax on these amounts.