

## How to complain about the PSA's service

### Introduction

We aim for high standards of professional behaviour in all our dealings with people. We recognise that there may be occasions when people wish to complain about the level of service provided by the PSA, including how complaints are handled.

This note is intended to help people to make a complaint about the level of service the PSA has provided to them. It sets out the sort of issues covered by this complaints procedure as well as the sort of issues that are not covered but dealt with in a different way. The procedure is meant to cover complaints about the way we have treated you, including the way in which we have dealt with the concerns or issues that you have reported to us.

### Complaints covered by this procedure

This procedure is meant to cover complaints to us about our level of service, in particular:

- the professionalism and courtesy of our staff
- the accuracy of information or advice given to you
- our failure to act with transparency when dealing with you
- our failure to act in accordance with our contact or complaints handling procedures
- any discriminatory or unfair behaviour towards you in our handling of your complaint or any concerns you raise with us
- the timeliness of our actions.

### Complaints not covered by this procedure

As this procedure is to be used to complain about the level of service we provide to you it cannot be used to complain about our regulatory powers, obligations, regulations, policies or about phone-paid services. This includes how we use our powers, carry out our obligations, set regulations or apply our policies. We have other channels for raising these sorts of issues including those listed below:

- to complain about your experience with a phone-paid service, please see how to report an issue at <https://psauthority.org.uk/for-consumers/report-an-issue>
- if you disagree with how a decision was made by PSA in accordance with its regulatory obligations and/or powers, including which services are investigated and subsequently adjudicated, please write to us using the email address [enquiries@psauthority.org.uk](mailto:enquiries@psauthority.org.uk)

- if you disagree with our published policies or any government or Ofcom policy that we are required to follow, or our application of any of these policies, please also use the email address [enquiries@psauthority.org.uk](mailto:enquiries@psauthority.org.uk)
- if you are a company involved in PRS services (or an employee of such a company), you cannot use this procedure to complain about any matter (such as the outcome of a PRS investigation) for which a separate review process exists in the PSA Code of Practice. Please refer to the “For business” section of our website for more information and guidance.

## Complaints procedure

This procedure has three stages. We hope to resolve complaints first time – at stage 1. If you are not happy with our first response there are two further stages – at stage 2, you may refer your complaint to our CEO and finally at stage 3, we have an Independent Complaints Assessor who will review your complaint.

### Stage 1 – Initial complaint

In the first instance, you should make your complaint about us either

- in writing to [complaintsaboutus@psauthority.org.uk](mailto:complaintsaboutus@psauthority.org.uk) or Phone-paid Services Authority, c/o Ofcom, Riverside House, 2a Southwark Bridge Road, London, SE1 9HA
- by telephone, 0300 30 300 20.

If you make a complaint about us via an alternative route, we will do our best to capture it and include it under this complaints procedure, but cannot guarantee we will do so.

We will consider all eligible complaints that are made within three months of the issue being complained about and will only consider complaints made outside of this time period in exceptional circumstances.

Your complaint should set out:

- the facts of the issue(s) as clearly as possible, ensuring that all important details and dates are included
- how you would best like us to contact you in response.

We will:

- acknowledge receipt of your complaint within 5 working days of receiving it and inform you of our target date for responding to your complaint
- subsequently provide you with a response to your complaint, including any steps we will take to remedy any complaint upheld. You will usually receive a response to your complaint within two weeks of our receiving it. If we cannot give a full reply in this time (including in circumstances where we need further information from you), we will tell you why, and when you are likely to receive it or what further information we require from you. Where you have provided us with sufficient further information, we will provide you with a response to your complaint within two weeks of us receiving the information.

## Stage 2 – Chief Executive review

If you are not satisfied with the response you receive at Stage 1, you should write to our Chief Executive (using one of the contact addresses set out in Stage 1). You should do this within 4 weeks of receiving our Stage 1 response, otherwise the Chief Executive will not be able to consider the matter (unless there are exceptional circumstances as determined by the Chief Executive).

Please ensure that in your Stage 2 letter you tell us:

- what happened
- when it happened
- who dealt with you
- why you think what happened was wrong
- what you would like us to do to put things right
- how you would best like us to contact you with our response.

In certain circumstances, we may treat ongoing correspondence as being in effect an unresolved Stage 1 complaint and move to responding under Stage 2.

A response under this stage will come from the Chief Executive who will:

- acknowledge receipt of your Stage 2 complaint within five working days of receiving it and inform you of our target date for responding to your complaint
- respond fully to your complaint, including setting out any steps we will take to remedy any complaint upheld. You will usually receive a full reply to your complaint within two weeks of our receiving it. If we cannot give a full reply in this time, we will tell you why, and when you are likely to receive it.

## Stage 3 – Independent Complaints Assessor review

If you are not satisfied with the reply you receive from our Chief Executive, you can refer your complaint to our Independent Complaints Assessor, Emma Boothroyd ('the Assessor'). The Assessor's Terms of Reference are available [here](#).

For clarity, the Assessor:

- is an office-holder of the PSA but conducts investigations and makes recommendations independently. The Assessor is unbiased and hears both sides of the complaint. There is no charge to you for using the Assessor.
- has the power to decide whether to investigate a complaint and will provide reasons if they decide not to investigate the complaint. The format of any investigation is for the Assessor to decide and they may seek to settle the complaint informally, rather than completing a formal investigation. The Assessor may ask you or us for information to assist in any investigation.
- may find your complaint to be justified, and if so, will make any necessary recommendations to PSA about action needed to put things right for you, and about how to prevent a similar situation in future. This may include recommendation of a financial payment to reimburse you for any out of pocket expenses you may have incurred arising from the complaint, or a modest payment in recognition of identified failures that have caused you unnecessary trouble or upset, such as significant delay

or time it's taken to resolve your complaint or providing you with wrong information. These financial payments are not general compensation and therefore the Independent Complaints Assessor will not be able to recommend financial payments to you for any other circumstances or perceived losses. The Assessor cannot recommend changes to our legal responsibilities and policies.

- cannot consider complaints that have not previously gone through Stage 1 and 2, unless there is clear evidence that you have tried to follow the correct procedures but have been unable to complete them within a reasonable time because of a failure by us.

You should write to the Assessor within four weeks of receiving our final Stage Two response to your complaint, otherwise the Assessor will not be able to consider the matter (unless there are exceptional circumstances as determined by the Assessor). You should include a copy of the Stage 2 response you received.

The Assessor can be contacted in writing at either [independentassessor@psauthority.org.uk](mailto:independentassessor@psauthority.org.uk) or Emma Boothroyd, PSA Independent Complaints Assessor, c/o Ofcom, Riverside House, 2a Southwark Bridge Road, London, SE1 9HA.

The Assessor will in normal circumstances:

- acknowledge your complaint within five working days
- make a decision on your complaint within three months. The PSA will respond to any recommendations within four weeks of receiving the Assessor's report.

A review by the Assessor is the final stage in our complaints procedure.

### **How we use your personal data when you make a complaint**

As an office-holder of the PSA the Assessor's use of personal data falls within the PSA's data protection governance framework, policies and procedures. The PSA and the Assessor will use your personal information to investigate your complaint. This will normally include, your contact details and any other information you give us about any other persons that are relevant to your complaint.

The lawful basis that the PSA (including the Assessor) relies on to process your personal data is article 6(1)(e) of the GDPR, which allows us to process personal data when this is necessary to perform our public tasks as a regulator.

If the information you provide us in relation to your complaint contains special category data such as health, religious or ethnic information the lawful basis we rely on to process it is article 9(2)(a) of the GDPR which involves us seeking your explicit consent to processing such personal data for the specific purpose of investigating your complaint.

You can refuse or withdraw your consent for us to process your special category data but it may not be possible for us to investigate your complaint without it.

Information on how long we keep your personal data and your rights under data protection

law including who to contact to exercise these rights can be found in our [Privacy Policy](#).