

Phone-paid Services Authority Consumer Panel

Meeting Five – 11 December 2019

10:00 – 13:15

Panel Attendees

Rhian Johns

Patrick Bligh-Cheesman

Paul Eaves

Nicola Wilson

Louise Baxter (Conference Call)

Executive Attendees

Simon Towler

Jonathan Levack

Emma Bailey

Gavin Daykin

Alex Littlemore (Agenda Item 2.4)

Angela Wood (minutes)

Other Attendees

Ana-Rosa Broster - (Agenda Item 2.5)

Minutes

Standing Items

Introduction and Apologies

1. The Chair introduced Gavin Daykin to the Panel. Gavin is on secondment from Ofcom to lead the PSA's Code Review.
2. Consumer Panel Member, Louise Baxter dialled in to the meeting via conference call.

Minutes of the last meeting (September)

3. The Minutes were approved with no changes.

Action Log

4. The Panel asked that an action on ADR be added to the Action Log.
5. No other changes were made to the Action Log.

Executive update

6. The Executive confirmed that the PSA Board has approved the Panel as permanent. The Executive also noted:
 - the PSA's new Special conditions for ICSS services come into effect on 20 December 2019
 - the PSA has engaged external consultants to take forward its project on vulnerability and agreed to keep the Panel up to date on the project
 - the Mobile Network operator's (MNOs) Payforit scheme has ceased operating. The Executive noted that the Network operators will continue to meet to discuss market activities and issues
 - the PSA is reviewing its Guidance on due diligence, risk assessment and control, and intends to consult on updated Guidance in Q4. The Executive agreed to send the Panel a link to the consultation once it has been published
 - the PSA intends to publish a consultation on new refunds Guidance, that the Panel inputted into, in January 2020.

Panel update

7. The Panel asked the Executive if the PSA get feedback from other consumer advice services and suggested that this could be useful. For example, the Panel suggested that the Executive could speak with Citizen's Advice to find out whether they collect

information about consumers that contact them to report an issue in relation to a phone-paid service or an issue relating to seeking a refund for a phone-paid service.

8. The Panel suggested that it might be useful for the Head of Investigations and Enforcement come and present to the Panel at a future meeting.

Items for Discussion

PSA Strategic Purpose and 20/21 Business Plan

9. The Executive noted that the PSA's Strategic Purpose has been updated to reflect changes in the market, such as growth in the mobile part of the market, increasing engagement from blue chip providers, an increasingly healthy and compliant market, and a growing consumer base.
10. The Executive asked for comments on the Business Plan, noting that the PSA want to raise market standards, become more proactive and try to prevent harm from occurring. The Executive noted that the PSA's key project is the development of Code 15 (the next item for discussion).
11. The Panel noted the importance of consumers continuing to have a positive experience when engaging with a phone-paid service.
12. The Panel also asked whether it would be helpful for it and the Executive to consider framing the Panel work programme in line with the priority work set out in the Business Plan and Budget.
13. The Executive noted that the consultation on the Business Plan will be published on Monday 16 December 2019 and the Executive can provide further updates on this in due course.

Development of Code 15

14. The Executive explained that its project looking at development of a new Code is in the early stages, and asked the Panel three questions:
 - How can we best ensure that we are fully taking account of the consumer voice and view throughout the Code 15 review process?
 - Does the panel have any initial thoughts as to which issues are most important to consumers that need to be properly reflected in the revised Code?
 - Does the Panel have any initial thoughts about where the PSA's regulatory approach needs to change to enhance consumer trust and ensure better consumer protection, or where the Panel thinks things are working well and there may be no need for change?

15. The Panel:

- suggested that the Executive consider opportunities through the new Code for how the MNOs could have additional obligations / expectations placed on them, such as:
 - having more of a role in providing consumer education about phone-paid services. For example, having information in their shops, directing consumers to the PSA website or putting information into their contracts with consumers
 - sharing data with the PSA about consumers that contact them, the services they experienced issues with, and what the issue was.
- asked that a structured plan be developed for how the Code will take account of consumer interests and needs. The Panel indicated that they would like to provide input into this, and into the project more generally
- suggested that the PSA consider the barriers to entry for the phone-paid services market and ensuring there is a balance between ensuring market standards and allowing for innovation.
- suggested that the Executive look at:
 - how it can take proactive steps to ensure provider compliance, rather than using enforcement once consumer harm has already occurred
 - how it can use standards in a way that enables them to be responsive and updated in response to changes
 - providing for exemptions in the regulatory framework
 - opportunities to use undertakings as part of the enforcement process.

Panel's future priorities

16. The Panel and the Executive discussed the Panel's priorities for the next 12 months, noting that the Panel would continue to provide input into the development of Code 15.

17. The Chair asked the Panel:

- Are there any issues or themes that the Panel would like to focus on over the coming year?

- Having reviewed the PSA's updated Strategic Priorities and Business Plan and Budget for 2020 / 21, are there areas or priorities that the Panel would like to focus on / priorities, including potential themes?

18. The Panel suggested that consumer education could be a focus for a future Panel meeting. This could include thinking about how the PSA can effectively educate consumers and the public more generally about phone-paid services – what they are, how to engage with them, the benefits and what to look out for / be aware of.

19. The Panel is interested in working with the Executive to consider how to share information more widely about the market it regulates, its role as a regulator, and its role in supporting consumers. The Panel indicated that it would be interested in further discussions about the consumer data that the PSA collects and how it uses this information.

Service Checker

20. The Executive gave a presentation on its updated service checker tool. This follows the presentation that the Executive gave to the Panel at its meeting in September 2019.

21. The Executive asked the Panel three questions, as follows:

- Is the Service Checker easy and intuitive to use?
- Do the results make sense?
- What are we missing?

22. The Panel's suggested:

- the search results need further work to ensure it is clear to the consumer which service has charged them, if the search returns multiple results
- it is helpful to put the address of the company in the search results
- the description of the service is useful as it tells the consumer a bit more about the service
- use of the term 'billing identifier' is not clear and the PSA should think about whether there is a better and clearer term to use
- the PSA should add more information about what to do next, once the consumer has worked out what the service is e.g. how to make a complaint
- there is scope to further refine how much information is provided on the page as there is a lot of information for someone to take in.

Receipting

23. A representative attending the Panel meeting on behalf of the mobile Network operators presented on SMS receipts and sought feedback from Panellists on the wording of them. The Panel noted that its input is based on their individual experience and ideas, and that this does not necessarily represent the opinions of all consumers about what it is helpful for a receipt message to contain.

24. The Panel:

- asked whether the Networks have done research using their consumer bases, and recommended all Networks do this (if they have not done so already)
- noted that the term payment receipt might be a useful term to use
- noted that the first few words are very important in a text and may determine whether the consumer engages with the whole message or not
- suggested that looking at how many consumers engage with STOP successfully might be helpful
- noted the risks that consumers see these messages as spam.

AOB

25. The Panel asked for information about the cross-sector Stop Scams work. The Executive explained that Stop Scams is an initiative between relevant sectors to collaborate to stop scams. It is working well with financial institutions and the key will be to turn the discussions into actions.

26. The Executive and the Chair thanked the Panel for its work over the year.