

Response to PSA consultation

Q1 – Review objectives and scope of PSA

At present PSA cannot make the case on behalf of individual consumers. Combined with the £4.50/week threshold below which there appear to be minimal requirements imposed on operators, and the fact that the only way for consumers to recover costs is to approach the provider, there is little incentive for consumers to complain to the PSA. Many who have been charged a small amount will simply ignore it and not go to the effort of pursuing it. Others, having read that with persistence it is possible to get a refund through approaching the provider, will do so without involving the PSA. So the volume of complaints received by the PSA does not reflect the level of dissatisfaction.

I for one am deeply uncomfortable with approaching a company about which I know almost nothing and with whom I do not have any sort of business relationship to claim a refund because I have been inadvertently charged. The PSA needs to facilitate some better channel for claiming this.

Either the PSA or Ofcom needs to have some influence over phone networks to ensure that they are transparent in explaining their pricing (to me as a consumer it doesn't matter whether Ofcom delegates a particular piece of regulation to the PSA or not so long as the regulation takes place

Q2 – Regulatory measures which would support growth and protect customers

As a minimum the regulatory measures need to ensure that service comply with:

1. Services need to be genuinely opt-in, so there needs to be either a captcha system or a requirement for the consumer to send a text message with a code (or both) to confirm that they want to join. Sending a text message to notify the consumer that they have joined is an unreliable approach because (a) standard advice for example at <https://www.which.co.uk/consumer-rights/advice/how-to-deal-with-spam-text-messages> is to ignore text messages if you don't know where they come from and (b) if a phone is left unused, or is not used for text messages, these could be sent and unseen for weeks and the consumer would be charged £4.50/week without knowing about it
2. In the event if an error there needs to be a process for claiming a refund either through the phone network or facilitated by the regulator. As mentioned above it should not be necessary to approach the provider
3. There needs to be a mechanism to process refunds through the same channel that the payment is made. So if a payment is inadvertently deducted from a phone bill the norm should be for the refund to be made as a credit to the phone bill
4. There needs to be transparency in phone networks' pricing that these charges can be made: for instance [REDACTED] includes nothing to say that any additional costs would be possible

Q3 – Different responses for different services

In a word, no. The principles that I have listed above should really apply to any subscription service and should be dealt with in the same way by regulators

Q4 – evidence etc

I was inadvertently signed up to such a service around 2 years ago and had endless and often acrimonious discussions with representatives of the phone network which I used at the time. I can't easily locate notes or chat transcripts etc.

I would hope subscription service would go in the direction of a bit more transparency and honesty but can't see this happen without more effective regulation