

Consultation response form

Consultation on changes to regulatory framework for Information, Connection and Signposting Services (ICSS)

Please complete this form in full and return by email to consultations@psauthority.org.uk or by post to Sarah-Louise Prouse, Phone-paid Services Authority, 40 Bank Street, London, E14 5NR.

Full name	██████████
Contact phone number	██████████
Representing	Organisation (delete as appropriate)
Organisation name	aimm – Association for Interactive Media and Micropayments
Email address	██████████

If you wish to send your response with your company logo, please paste it here:



We plan to publish the outcome of this consultation and to make available all responses received. If you want all or part of your submission to remain confidential, please clearly identify where this applies along with your reasons for doing so.

Personal data, such as your name and contact details, that you give/have given to the PSA is used, stored and otherwise processed, so that the PSA can obtain opinions of members of the public and representatives of organisations or companies about the PSA's subscriptions review and publish the findings.

Further information about the personal data you give to the PSA, including who to complain to, can be found at psauthority.org.uk/privacy-policy.

Confidentiality

We ask for your contact details along with your response so that we can engage with you on this consultation. For further information about how the PSA handles your personal information and your corresponding rights, please see our Privacy policy at psaauthority.org.uk/privacy-policy.

Your details: We will keep your contact number and email address confidential. Is there anything else you want to keep confidential?	Delete as appropriate: No
Your response: Please indicate how much of your response you want to keep confidential.	Delete as appropriate: N/A
For confidential responses, can the PSA refer to the contents of your response in any statement or other publication? Your identity will remain confidential.	Yes/No (delete as appropriate) N/A

Your response

aimm welcomes the opportunity to respond to the Phone-paid Services Authority (PSA) consultation on changes to the regulatory framework for Information, Connection and Signposting Services (ICSS).

To assist aimm in providing a comprehensive input to the Phone-paid Services Authority, aimm communicated with its Members in the following manner;

- Written input from Members
- One-to-one discussions

Information gathered from all those who submitted feedback is presented below.

aimm Members who operate in the Phone Paid Services markets are broadly split into seven categories although there is some overlap inside individual Members' businesses.

Fixed Line Networks who are often Fixed line L1

Mobile Networks,

Mobile L1 aggregators,

L2 providers of traditional PRS services (fixed line, PSMS, and DCB),

Broadcasters (who are often L2 providers),

Charities and Charity enablers (who are often L2 providers) and

Industry Support companies

aimm sought responses from Members across areas of industry affected by the proposals in this consultation and in this paper varying views are represented.

Some of aimm's Members may input their response directly to the PSA through their regulatory staff or regulatory representatives. Wherever possible, we have sought to ensure that views of members made through independent responses are in synergy with aimm's collective views.

As our response is guided and supported by Members input, some views may be expressed that are not necessarily those of the aimm Executive or aimm's Board of Directors

Please enter your response to each of the consultation questions in the appropriate box below.

Consultation questions	Your response
<p>Q1. Do you agree with revised wording of ICSS1 as being outcome based and inclusion of the reference to the appearance of organic search engine results including map-based results? If not, why not? Please provide evidence to support your reasons.</p>	<p>Confidential? No</p> <p>Members consulted believe that whilst ICSS1 seems to be outcomes based, there is a disproportionate degree of regulation within it and that by restricting search engine marketing in this way, consumers are being kept away from the product before being told what it is. These Members feel that there is little harm in consumers clicking on the search results link to find out more, before making a decision to call or not – as they will make the decision to call off the back of the website, rather than the marketing. These Members also point out that in no other PRS service are providers asked to try and put-off consumers before they engage.</p> <p>Some Members believe that the map-based results are a quirk of particular search engines (enabling false listings or the ability to edit existing listings) and as such this should be regulated <u>by</u> the search engines not the PSA as this peculiarity can only be fixed by them.</p> <p>Members consulted believe that if all the proposed Special Conditions are adopted, it will discourage those</p>

	<p>trying to operate compliant services in this space. They state that there is a polarisation between honest businesses and those that are operating against regulation, and believe that the PSA should focus on locating and eradicating the trouble makers responsible for bad business practices in this area.</p>
<p>Q2. Do you agree with the proposed amended wording of ICSS2? If not, why not? Please provide evidence which supports your reasoning.</p>	<p>Confidential? No</p> <p>Members consulted suggest that the web logic used in creating these services means that it is natural for the brand name to be included. A fictional example of this would be mytelephonedirectory/sky – since in this example, Sky is the service which the number is pointing to.</p> <p>Further, it can be argued that any consumer who explicitly considers the contents of the URL will understand the meaning of the different components. As a result, the inclusion of the target brand (in this example, Sky) after the slash is a strong indicator that this is NOT a Sky domain. Replacing this text with an unintelligible code may only serve to confuse consumers. It is also worth noting that non ICSS providers use brand names in URL's to direct consumers in this way, i.e. https://www.comparethemarket.com/broadband/providers/sky/</p> <p>These Members also suggest that as they are restricted on ways of promotion, this can act as a further pointer to assist consumers find what they are looking for.</p> <p>Finally, the name of the target company does (legitimately) appear elsewhere during the promotional process. (After all, how else can someone describe connection to Sky (for example) customer services)? Therefore, it is unlikely that this change will achieve the desired outcome.</p>
<p>Q3. Do you agree with the proposal to require the specific information listed in ICSS3 to be above the call to action? If not, why not? Please provide any evidence you might have which supports your answer.</p>	<p>Confidential? No</p> <p>Whilst Members understand the research and reasoning behind this Condition, they would point out that in no other fixed line service would you find Terms and Conditions displayed above the number.</p> <p>The Internet standard is to put terms beneath buttons. This is where consumers expect to find them. Putting terms in an unfamiliar place will confuse consumers. Some will skip over the terms in the new positions, not realising that there are any</p>

	<p>terms. Others will incorrectly interpret the absence of terms beneath the button as indicating an unprofessional website. All these reactions have the potential to dramatically put consumers off legitimate services or to confuse consumers.</p> <p>Given these risks, it is suggested that this is disproportionate by way of remedy.</p> <p>Additionally, evidence provided to support the ICSS3 proposals states that call recording should be classed as ICSS. Members suggest that call recording is a service which, while it has to connect to another number to provide the service isn't specifically about call connection. Some call recording services in fact direct callers who do not want their call recorded to hang up and call the brand directly.</p>
<p>Q4. Do you agree with the proposal to combine ICSS4 and ICSS5 as both conditions are relevant to the same issue and potential for harm?</p>	<p>Confidential? No</p> <p>Members consulted generally agreed with this proposal.</p>
<p>Q5. Do you agree that the amended condition should prohibit the use of official logos and marks, as well as imitative logos, marks and other promotional aspects?</p>	<p>Confidential? No</p> <p>Some Members believe that recognisable logos act as signposts to direct consumers to the ICSS service that they are looking for and as such can be a helpful tool in this respect. However, Members consulted generally agree that those operating services in a compliant way do not currently utilise logos, so are not expecting this to change with the implementation of any new ICSS Special Conditions.</p>
<p>Q6. Do you agree that the pricing information requirement in this condition should cover those ICSS which have per call tariffs? Do you also agree with the clarification as to the cost and opportunity to refuse being given before a charge is incurred? If not, why not?</p>	<p>Confidential? No</p> <p>Some Members believe that per call tariffs have been utilised in this area because of the regulations applied to per minute tariffs. In fact the overall cost per call is generally less than per minute services, even if the one off cost seems on the face of it to be higher.</p> <p>However, there would appear to be two potential solutions.</p> <p>First, the ability to play out a free (it is assumed that</p>

	<p>this message is to have no charge as tariffs cannot be flipped from per minute to per call) message prior to connection is technically only possible on limited call handling platforms, one being BT Ride. This puts restrictions on the number of platforms that can be used for ICSS services. Technically, on these certain platforms, there is an option of ‘pre-charge announcements’ which can be applied to a service and played out free of charge to the consumer allowing them to make a decision on completing the call before being charged. These pre-charge announcements use ring tone time – so play out to the caller instead of the ringing they would usually hear before a call is picked up. The technical solution described above is not industry standard. Requiring it will reduce competition and innovation as merchants will have greatly reduced options and functionality, and may have to increase prices as a result.</p> <p>It is unclear how the various originating networks deal with this non-standard “solution”. They may be using for another purpose the allotted ‘ring tone’ time before answering the call, meaning that only some of the message may get heard prior to connection.</p> <p>The likely result is an inconsistent experience for consumers between originating carriers, terminating carriers, and merchants. The resulting confusion is likely to generate significant consumer harm without achieving the desired regulatory outcome.</p> <p>Those platforms that can operate this free to caller pre-announcement - are generally those designed for mass call handling and as such may not have the extra functionalities that providers want to offer with their ICSS service.</p> <p>Second, if a provider is not using a platform that can play out a pre-announcement free of charge, there are limited options available. On looking through the availability of tariffs, there is one that could service this function; SCO73, which charges 0p for 60 seconds then £2.50 per minute after that. This option – with the associated per minute charge – would create unnecessarily large charges for callers using these services that are not associated with the utilisation of a per call tariff.</p>
Q7. Do you agree with the proposal	Confidential? No

<p>to retain ICSS8, ICSS9 and ICSS10 and the amendments made to ensure consistency with the GDPR and DPA 2018? If no, please provide reasons to support your answer.</p>	<p>Members consulted generally agreed with this proposal.</p>
<p>Q8. Do you agree that alerts at the start of an ICSS call should clearly state the cost of using the service regardless of the call tariff type? If not, why not?</p>	<p>Confidential? No</p> <p>There is some confusion with ICSS11 as – on a pence per call tariff – the full cost of the Service Charge is billed immediately upon connection. An alert at the start of the call will not mitigate the Service charge being applied. However, signposting the cost at the start of the call may be misleading as the consumer may believe that if they terminate the call this charge will not be made. In this instance the consumer may then hang up and will not only not experience the service which they chose to make, but will have been charged for the few seconds they have been on the line.</p> <p>Additionally, it is widely believed that the Access charge portion of any call cost is a complete unknown to the consumer, can make up a substantial part of the call charge, and therefore this solution cannot assist them in making a decision on cost.</p> <p>Whilst in ICSS11 (i) it is suggested that the caller will be informed of the cost of the service “plus your phone company’s access charge” it has recently been published in an Ofcom consultation that:</p> <p>“Awareness and understanding of Access Charges and Service Charges were particularly poor”*</p> <p>and</p> <p>“Consumers were concerned that they were unable to determine the costs of such calls. This is based on not understanding their own phone company’s Access Charges and an expectation that they could not control the length of the call”**</p> <p><i>*4.19 Ofcom: Future of telephone numbers, First consultation</i></p> <p><i>**4.20 Ofcom: Future of telephone numbers, First consultation</i></p> <p>As such, this message may cause confusion to the</p>

	<p>consumer upon discovering that the service attracts one clearly stated Service charge per call but an Access charge that is applied is per minute.</p> <p>(As an aside, if the cost of the call is a low pence per minute charge, the Access charge may well be multiple times higher – which is likely to lead to bill shock). If the consumer is to be told about the cost of the call, they should have enough information to enable them to make a decision. Telling the consumer a part of the price to make the call is unhelpful and in some cases could be misleading where the Access charge is higher than the Service charge (and charged per minute on a per call tariff).</p> <p>Given the requirements of ICSS3 about location, clarity and prominence of key information, Members suggest that ICSS11 should be held back until a full investigation into the technology available and the behaviour of inter-network connections has been carried out and only imposed if ICSS3 hasn't solved the problem by giving the consumer increased information BEFORE dialling.</p>
<p>Q9. Do you agree with the assessment of current condition ICSS12 and the proposal to remove it? If not, please provide reasons to support your answer.</p>	<p>Confidential? No</p> <p>Members consulted generally agreed with this proposal.</p>
<p>Q10. Do you agree with the modification of this condition and the requirement to register all web domains on the PSA Service checker? If not, why not.</p>	<p>Confidential? No</p> <p>Members consulted generally accept this requirement however question why this is not currently a requirement of all other service types – only this one.</p> <p>The PSA registration process is undergoing changes and it may be that web domains need to be registered going forwards. If so, this may make it difficult to make changes to existing services once they are registered.</p>
<p>Q11. Do you agree that the proposed additional condition (the new ICSS5), will help to prevent consumers from calling ICSS when they do not intend to? If no, please provide evidence to</p>	<p>Confidential? Yes/No (delete as appropriate)</p> <p>It was also felt that there could be ambiguity in the 'top left corner' requirement (Does this include the header? Does it have to be right at the top? Could it be nearer the middle?).</p>

<p>support your answer.</p>	<p>Whilst Members consulted can see that this may put off callers who did not mean to call an ICSS service some also believe that this will put off those who do want to call an ICSS service. As with Question 3, Members suggest that where you are putting all the Terms and Conditions ahead of the actual service number is non-standard and unfamiliar to consumers. It may confuse consumers – encouraging them to skip over the actual terms of the service, and draw false conclusions about the professionalism and compliance of providers. Overall it may act as a disincentive to those who were intending to use the service. They wish to state again that in no other PRS service are providers asked to try and put-off consumers before they engage.</p> <p>Members suggest that given the requirements of ICSS3, ICSS5 is overkill. Members ask that that a review of the impact of ICSS3 is carried out before disproportionate regulation is applied.</p>
<p>Q12. Do you agree with the proposal to apply the proposed Special conditions to all ICSS regardless of the number range they operate on? If not, why not.</p>	<p>Confidential? No</p> <p>Members consulted would like to point out that in no other sector are services regulated at ‘sector type’ across all number ranges.</p> <p>Members consulted would like to suggest that this consultation introduces a whole raft of updated measures, where perhaps only one or two would make a big enough difference without damaging the sector.</p>

If you have any supporting imagery for your responses, you can paste them in your responses in the table above or here:

Submit your response

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