

# Consultation response form

## Consultation on Code 15 guidance

Please complete this form in full and return by email to [consultations@psauthority.org.uk](mailto:consultations@psauthority.org.uk) or by post to Barbara Limon, Phone-paid Services Authority, 40 Bank Street, London, E14 5NR.

Full name	Louisa Harris
Contact phone number	██████████
Representing	Organisation
Organisation name	Fonix Mobile
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](https://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](#).

<p>Your details: We will keep your contact number and email address confidential. Is there anything else you want to keep confidential?</p>	<p>Delete as appropriate: Nothing</p>
<p>Your response: Please indicate how much of your response you want to keep confidential.</p>	<p>Delete as appropriate: None</p>
<p>For confidential responses, can the PSA refer to the contents of your response in any statement or other publication? Your identity will remain confidential.</p>	<p>Yes</p>

### Your response

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

Consultation questions	Your response
<b>Proposed Transparency Standard guidance</b>	
<p>Q1 Is the proposed Transparency Standard guidance helpful and effective in supporting you to comply with the Transparency Standard and Requirements? If not, please specify what additional information you would find helpful.</p>	<p>Confidential? No</p> <p>The guidance is clear on the transparency standard, Fonix has no further comment</p>
<b>Proposed Fairness Standard guidance</b>	
<p>Q2 Is the proposed Fairness Standard guidance helpful and effective in supporting you to comply with the Fairness Standard and Requirements? If not, please specify what additional information you would find helpful.</p>	<p>Confidential? No</p> <p>The introduction of excessive spending controls is not clear in terms of the measurement of excessive.</p> <p>The phone paid services market already has stringent controls in place under PSD2 in terms of the £240 per month spend cap and maximum transaction value of £40. The MNOs also allow consumers to entirely block access to premium services or implement a bespoke spend cap in order to</p>

	<p>manage their spend on phone paid services.</p> <p>Broadcast competitions already have entry limits in place on a per competition basis. Broadcast services are initiated via an MO from the consumer, with the price and entry requirements clearly communicated, with a response MT confirming the entry and the price of the service. Some merchants also send out spend warnings after x spend to ensure consumers are aware of how much they have spent on a particular service.</p> <p>The suggestion that consumers should be blocked from interacting with a service without positive reinforcement of their desire to spend on a service will lead to consumer complaints and additional strain on merchant resources. Fonix already receive complaints from consumers who have been blocked from interacting with a service when they have hit spend limits set by the consumer with their MNO.</p> <p>Fonix manages a blocklist functionality should a consumer wish to self exclude from interacting with premium services. Blocking a user from a service or from all phone paid services should be a consumer led decision not enforced based on spending patterns which might be deemed unusual.</p> <p>Fonix do not agree with the introduction of a modal method. Fonix are deeply concerned that the Modal average will falsely flag up a large number of potential examples of excessive use.</p> <p>For instance, a charity event may well see the majority of participants donating once to the campaign, as one would expect. This then means that the modal average will be one, and as such any donations over two could be potentially seen as excessive.</p> <p>Individual organisations should be responsible for determining their own profile of excessive use and associated risk assessment. Blocking users based on a modal average would lead to consumer complaints regarding being unable to access services. Given the current proposed timeline of 48</p>
--	--

	<p>hours to implement blocks on services this could lead to extreme consumer frustration and complaints particularly over a weekend when customer care may not be available.</p> <p>Fonix strongly believe there are sufficient measures already in place to protect consumers and allow consumers to control their spend. Consumers must have the right to manage their spend and blocking them from services based on modal methodology is not required and should be removed from scope.</p>
<p><b>Proposed Customer Care Standard guidance</b></p>	
<p>Q3 Is the proposed Customer Care Standard guidance helpful and effective in supporting you to comply with the Customer Care Standard and Requirements? If not, please specify what additional information you would find helpful.</p>	<p>Confidential? No</p> <p>The guidance is clear on customer care handling, Fonix has no further comment.</p>
<p><b>Proposed Vulnerable consumers Standard guidance</b></p>	
<p>Q4 Is the proposed Vulnerable consumers Standard guidance helpful and effective in supporting you to comply with the Vulnerable consumers Standard and Requirements? If not, please specify what additional information you would find helpful.</p>	<p>Confidential? No</p> <p>The guidance on Vulnerable consumers is clear, however, aggregators and many merchants do not have access to demographic information concerning a consumer which might identify specific trends such as age or financial status.</p> <p>Vulnerable consumers can usually only be identified retrospectively after interaction with services, normally by means of customer care contacts, which need to be addressed on a case by case basis.</p> <p>Restricting access to services, needs to be consumer driven. There is a concern that enforcing blocks on consumers could be considered as discriminatory. Consumers have always had the ability to ask to be removed from services via merchant providers and can equally block access to phone paid services through their mobile network operator.</p> <p>These controls are in place to protect consumers and should be communicated as</p>

	the first course of action in protecting vulnerable consumers at that point in time.
<b>Proposed DDRAC Standard guidance</b>	
Q5 Is the proposed DDRAC Standard guidance helpful and effective in supporting you to comply with the DDRAC Standard and Requirements? If not, please specify what additional information you would find helpful.	Confidential? No  The guidance on DDRAC is clear, Fonix has no further comment.
<b>Proposed Systems Standard guidance</b>	
Q6 Is the proposed Systems Standard guidance helpful and effective in supporting you to comply with the Systems Standard and Requirements? If not, please specify what additional information you would find helpful.	Confidential? No  The guidance on Systems Standards is clear, Fonix has no further comment
<b>Proposed guidance on service-specific Requirement 3.13.3</b>	
Q7 Is the proposed guidance on service-specific Requirement 3.13.3 helpful in clarifying the PSA's expectations and effective in supporting you to comply with that Requirement, including in relation to what constitutes "reasonable time"? If not, please specify what additional information you would find helpful.	Confidential? No  Fonix has already provided feedback on this service specific requirement.

**Submit your response**

To send your responses to the PSA please email this completed form to [consultations@psauthority.org.uk](mailto:consultations@psauthority.org.uk) or by post to Barbara Limon, Phone-paid Services Authority, 40 Bank Street, London, E14 5NR.