

Consultation response form

Consultation on Code 15 guidance

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

Full name	Alan Partington
Contact phone number	██████████
Representing	Organisation
Organisation name	Telecom2 Ltd
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 psaauthority.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>Nothing</p>
<p>Your response: Please indicate how much of your response you want to keep confidential.</p>	<p>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.

About Telecom2

Telecom2 are a voice network carrier with offices in London and Spain. Through the group of companies our focus is to at the forefront of technology, specialising in VoIP B2B and call centre solutions. T2 also specialise in micro payments across mobile, card services and age verification.

Telecom2 has a broad spectrum of clients including a number of Contact Centres, Print media companies, Charities, TV companies and a Premiership Football club.

We also still have some of the traditional clients on 09 PRS running Adult, Psychic and Competition services.

We have achieved PCIDSS, Cyber Security and ISO27001 certification and are working towards ISO9001 certification with the expectation this will be achieved next year.

We welcome this opportunity to contribute to the formal consultation exercise. Our comments are based on internal knowledge and discussions with clients

General comment

We welcome any guidance to the new code. PSA is rightly very keen to protect vulnerable consumers but some providers are also vulnerable in that English isn't their first language and sometimes they struggle with the more formal regulatory language.

We are also concerned about the timescale for implementation by all stages in the value chain. The final Guidance is not expected to be available until February 2022. This leaves only a few weeks to

design and implement changes that will be required to comply with the code and guidance and train people in the new code and guidance. Some work can be done in advance of guidance but it is the guidance that provides the real meat of the new code, what is required to comply with it.

We would have liked to see guidance on more areas, possibly experience over time will bring this about.

Consultation questions	Your response
Proposed Transparency Standard guidance	
<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 helpful, although we noticed that in the suggested examples of price warning notices there was no suggested wording for hybrid services, those that are charged on a pence per call basis followed by a pence per minute. There is a wording in general use in industry but it would be good to have it included in guidance.</p>
Proposed Fairness Standard guidance	
<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>Again, while the guidance is helpful there are some major issues, mainly concerned with excess usage.</p> <p>The modal method calculating standard usage is not appropriate to Phone Paid Services, particularly where voting and competitions or other pence per call services are concerned but applying It to other services is problematic too. Calls may be rated on a perminute basis but tend to be charged on a per second basis, this creates a huge range of numbers. One size fits all rarely works.</p> <p>L2s know their services and their customer base, it would be better to allow them to set limits for excessive use provided they can demonstrate a reasonable basis for the limits.</p>

	<p>PSR2 sets a cap for consumer spend we cannot see why PSA would disagree with the FCA.</p> <p>The requirements for notifying consumers of excess usage are not practical and do not fit with consumer behaviours. Based on our experience when attempting to offer consumers refunds, it will not be possible in many cases to meet the 48 hour deadline, even allowing for delays caused by weekends and bank holidays. The only contact detail a provider will have is the CLI. We know from trying to contact consumers who have made a complaint or where we have identified excessive spend that many will not answer calls from numbers they don't recognise, it takes several attempts over several days to reach them and in some cases they never answer the phone. When they do, some think its a scam and refuse to engage. Some consumers withhold their CLI, in these cases the CLI is not visible to providers, nor can it be under the CLI Guidelines, so there is absolutely no chance of them being contacted.</p> <p>We would like to see a longer, more realistic, deadline, set in working days, for contacting consumers and then only for an initial attempt to contact consumers where contact details are available.</p> <p>We cannot see why records of attempts to contact consumers should be recorded and maintained by a third party. This would be costly for L2s and would breach the GDPR/DPA as the third party would have to hold consumer's personal data. Maintaining records of spend and usage levels by particular consumers could also breach GDPR/DPA.</p> <p>There is also the question of not billing consumers prior to their being contacted about excessive usage. It is not possible for L2s to prevent consumers being billed, billing is entirely within the control of consumers Phone Service Providers. If a call is made it will be billed. The L2 may refund the service charges but we are not aware of any instances where the access charges have</p>
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	<p>been refunded. It is possible for some L2s to bar access by particular CLI but this would prevent consumers from accessing services they want to use, would be discriminatory and would lead to more complaints and dissatisfaction with phone paid services.</p> <p>If access to services were to be barred the difficulties in accessing consumers mentioned above would lead to a prolonged period where they could not use the services</p>
<p>Proposed Customer Care Standard guidance</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>We are happy with this guidance, in particular the section detailing what should be included in Customer Care, complaint and Refund policies.</p>
<p>Proposed Vulnerable consumers Standard guidance</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>We recognise the need to cater for Vulnerable consumers and PSA's efforts to safeguard them. However, many aspects of the guidance will require manual intervention and be costly to operate to benefit what is a very small number of consumers who would be dealt with by other routine procedures.</p> <p>If as part of the procedure vulnerable consumers are barred from accessing services because of their vulnerability it could be seen as discrimination, even in some cases to the point of breaching the Disability Discrimination Act.</p> <p>The list of characteristics that may put vulnerable consumers at risk contain aspects that are significant benefits to using Phone Paid Services. Low value quick transactions and purchases made on the go for example. Wanting to contact insurance companies or public services is by no means limited to Vulnerable people.</p> <p>In the section about Taking responsibility we would like to see the examples of Board or Executive level taken out, many companies devolve the authority to ensure policies are</p>

	<p>implemented and changed where necessary to designated managers.</p> <p>Mention is made in controls to mitigate risks of Parental Controls. L2s and L1s do not have the ability to implement Parental Controls as they are understood by consumers and industry. These controls can only be implemented by consumers or their phone service providers.</p> <p>Use of statistical analysis is recommended to demonstrate that that policies and procedures are effective but levels of ccontacts with consumers are so low and so few of those can be identified as being Vulnerable that any analysis will not be meaningful. PSA could play a part in this by colleating the complaints they receive on an industry wide basis and highlighting issues to industry.</p> <p>The cost of creating, documenting and reviewing policies, as we have found out, is high and may not be effective given the small number of vulnerable consumers. As it isn't generally possible to identify Vulnerable consumers in advance of them contacting L2s then outside service design we feel this is better cone on a case by case basis.</p>
<p>Proposed DDRAC Standard guidance</p>	
<p>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.</p>	<p>Confidential? No</p> <p>The guidance is extensive and gives a clear view of what PSA would like to see but we feel that some of PSA's expectations are unrealistic or impractical.</p> <p>We feel it would be more efficient and effective if registration data could be verified and validated by PSA at the time of registration. This would greatly reduce the risk of consumer harm and take onboarding due diligence of PSA status from being a box ticking exercise to something much more meaningful and greatly reduce the risk of consumer harm.</p> <p>Having DDRAC information reviewed by a Director or equivalent assumes that someone at that level will have the required</p>

	<p>detailed knowledge and understanding to do so. Most companies employ or train specialists in this role. They are the people who should sign off DDRAC information. People at Director level could with advice sign off policies as they involve committing spend but that is as far as they can reasonably go.</p> <p>The list of items to be included in DDRAC policies and procedures is good but some clarification is needed. What is an “incident”? We have a view but need comfort that our view is correct.</p> <p>The list of requirements at annexe 2 is comprehensive but includes information that may not be present for every L2, particularly if they are small companies or sole traders. We would like reassurance that if information isn’t available L1s won’t be penalised for not having it.</p> <p>We are concerned that PSA feel that third party DDRAC providers are not competent to do the work. On the contrary, they are highly trained specialists in this area and are in the unique position of being able to see if a potential L2 has unsuccessfully applied to several L1s, indicating that there may be an issue or monitoring may point up trends and issues that wouldn’t be seen by individual L1s.</p> <p>The guidance says that incidents are responded to proactively. It is difficult to see how this can be done, CPs and L2 can only respond after the event.</p> <p>We agree that incidents should be responded to promptly.</p> <p>CPs cannot always notify PSA of breaches when they arise as it may not be immediately apparent that a breach has taken place.</p> <p>There is a cost to DDRAC, this will be greatly increased by the new requirements, this could be mitigated by, as previously suggested, PSA not letting bad actors register. At present, apart from the registration fee, there is no barrier to anyone</p>
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	from registering and this gives them a status that they might not deserve.
Proposed Systems Standard guidance	
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 Our understanding is that the Systems standard doesn't apply to voice services. As these are the only PRS we facilitate it isn't appropriate to comment..
Proposed guidance on service-specific Requirement 3.13.3	
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 We understand that there will further consultation on this requirement so what we say may be overtaken by events. If entries to a coeption are by phone a provider cannot prevent charging for late entries, this is done by the consumers phone service providers. Lines can be closed but then there will be no late entries. We would like some clarification on what is considered a reasonable period between the closing time for entries and the selection of winners.

Submit your response

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