

# Consultation response form

## Consultation on draft Code 15

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	
Contact phone number	
Representing	
Organisation name	
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:</p> <p>We will keep your contact number and email address confidential. Is there anything else you want to keep confidential?</p>	<div></div>
<p>Your response: Please indicate how much of your response you want to keep confidential.</p>	<p>Delete as appropriate:</p> <p>None/whole response/part of the response (you will need to indicate which question responses are confidential in the table with questions below).</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 regulatory approach</b>	
Q1 Do you agree with our proposed regulatory approach relating to regulatory standards and requirements? Please provide an explanation as to why you agree or disagree.	Confidential Yes/No (delete as appropriate)
Q2 Do you agree with our proposed regulatory approach relating to service-specific requirements? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)
Q3 Do you agree with our proposed regulatory approach relating to Guidance? Please provide an	Yes

explanation as to why you agree or disagree.	
Q4 Are there any areas where you consider that Guidance would assist with compliance with the standards and requirements?	Confidential? Yes/No (delete as appropriate)
Q5 Do you agree with our proposed regulatory approach relating to compliance support? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)
Q6 Do you agree with our proposed regulatory approach relating to Best Practice information? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)
Q7 Are there any areas where you consider that Best Practice information would be helpful?	██████ feel that charities would benefit from PSA guidance in future specifically with guidance as to the running of compliant campaigns, focussing on practical considerations and relating how to Code applies to charity campaigns.
Q8 Do you agree with our proposed regulatory approach relating to supervision and verification? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)
Q9 Do you agree with our proposed regulatory approach relating to Code compliance: engagement and enforcement? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)
Q10 Do you agree with our proposal to tailor our approach to regulation, including introducing Bespoke and General permissions as part of the draft Code? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)

Q11 Do you have any comments about the existing permissions and exemptions under Code 14 and/or our proposed approach to ensuring certainty and clarity on their status under Code 15?	
Q12 Do you agree with our proposed regulatory approach to prior permissions? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)
<b>Standards and requirements</b>	
Q13 Do you agree with our proposed Integrity standard and requirements? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)
Q14 Do you agree with our assessment against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view?	Confidential? Yes/No (delete as appropriate)
Q15 Do you agree with our proposal to introduce a new transparency standard? Please provide an explanation as to why you agree or disagree?	Confidential? Yes/No (delete as appropriate)
Q16 Do you agree with our assessment of the transparency standard against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view?	Confidential? Yes/No (delete as appropriate)
Q17 Do you agree with our proposal to introduce a new fairness standard? Please provide an explanation as to why you agree or disagree?	██████ agrees with the principle of introducing a fairness standard to ensure that consumers' best interests are considered when using phone-paid services.
Q18 Do you agree with our assessment against the general	No.

principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view?

Donations [REDACTED] through regular PSMS generate only a tiny number of complaints, with just 2 recorded since Jan 2019. If supporters are required to opt in supporters every 12 months, this would increase costs [REDACTED] and would not save money in terms of handling complaints as the code suggests. In addition, the Fundraising Regulator's 2019/20 Annual Complaints Report showed that fewer than 130 complaints about text giving were reported to the 35 largest fundraising charities who use this method of giving, which represents less than 1% of overall complaints received.

The consultation notes that PSA's recommendation has been considered in line with the Competition and Markets Authority's ongoing guidance regarding the loyalty penalty. However, the specific concerns noted in connection with loyalty penalties do not apply to recurring donations as no financial benefit is provided to new subscribers unlike some in the commercial transactions such as discounts to new customers. The donation amount is set by the donor and they are in control of whether they increase or decrease the amount they give or stop altogether.

If a supporter signs up to a regular SMS gift [REDACTED], they must first agree verbally over the phone to setting up the gift. This is followed by a message the supporter must reply to, to activate their recurring donation. This initial double opt in ensures that gifts are only set up by supporters who are truly happy to give in this way.

[REDACTED] then send monthly messages as required on the Special Condition for Recurring Donations as already required by the special conditions set out in the PSA code for recurring donation services that offer the chance to skip a donation and also reminds supporters that they can stop at any time.

[REDACTED] go beyond the current minimum requirements for supporter care for those who are giving via the regular SMS channel. In addition to the messages required on the Special Condition for Recurring Donations, [REDACTED] send another message every three months. This message reminds supporters that they can stop giving at any time and explains how to do this.

	<p>Because supporters are reminded every month that they can skip or stop their donation, supporters are fully aware at all times that they can stop giving. To ask supporters to opt in on an annual basis alongside these other messages will increase attrition and impact giving to good causes.</p> <p>If [REDACTED] were required to opt in Regular Giving SMS supporters every 12 months, we cannot see that this would improve supporter satisfaction over and above our current processes. [REDACTED] are concerned however, that to require an opt in would reduce the income from these supporters.</p>
Q19 Do you agree with our proposal to introduce a new customer care standard? Please provide an explanation as to why you agree or disagree?	Confidential? Yes/No (delete as appropriate)
Q20 Do you agree with our assessment of the proposed new customer care standard against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view	Confidential? Yes/No (delete as appropriate)
Q21 Do you agree with our proposal to introduce a new vulnerable consumers standard? Please provide an explanation as to why you agree or disagree?	Confidential? Yes/No (delete as appropriate)
Q22 Do you agree with our assessment of the proposed new vulnerable consumers standard against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view?	Confidential? Yes/No (delete as appropriate)
Q23 Do you agree with our proposal to introduce a new consumer privacy standard? Please provide an explanation as to why you agree or disagree?	Confidential? Yes/No (delete as appropriate)

Q24 Do you agree with our assessment of the proposed new consumer privacy standard against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view?	Confidential? Yes/No (delete as appropriate)
Q25 Do you agree with our proposal to introduce a new prevention of harm and offence standard? Please provide an explanation as to why you agree or disagree?	Confidential? Yes/No (delete as appropriate)
Q26 Do you agree with our assessment of the proposed new prevention of harm and offence standard against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view?	Confidential? Yes/No (delete as appropriate)
Q27 Do you agree with our proposal to introduce a new organisation and service information standard? Please provide an explanation as to why you agree or disagree?	██████████ agrees with the proposal to introduce a new Organisation and service information Standard for companies in the private sector however we feel it is unnecessary for the charity sector.
Q28 Do you agree with our assessment of the proposed new organisation and service information standard against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view?	<p>Charities are regulated by the Charity Commission for England and Wales, Charity Commission for Northern Ireland, and by OSCR in Scotland. There is separate regulation for fundraising, and a comprehensive Code of Fundraising Practice that all fundraising organisations in the UK are expected to comply with, and which includes standards on text giving and society lotteries with references to the PSA's regulations where appropriate.</p> <p>We would recommend that charities should be made exempt from registering with the PSA as well, and that the relevant charity regulator's registration is used instead, which provides a higher level of vetting and scrutiny than the PSAs registration system. As charities are not required to pay the PSA's registration fee, this would remove an additional layer of administration for charities, without affecting the PSA's income.</p>

Q29 Do you agree with our proposal to introduce a new DDRAC standard? Please provide an explanation as to why you agree or disagree?	Confidential? Yes/No (delete as appropriate)
Q30 Do you agree with our assessment of the proposed new DDRAC standard against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view?	Confidential? Yes/No (delete as appropriate)
Q31 Do you agree with our proposal to introduce a new systems standard? Please provide an explanation as to why you agree or disagree?	Confidential? Yes/No (delete as appropriate)
Q32 Do you agree with our assessment of the proposed new systems standard against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view?	Confidential? Yes/No (delete as appropriate)
<b>Supervision</b>	
Q33 Do you agree with our proposed general approach to supervision? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)
Q34 Do you agree with our proposed compliance monitoring methods? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)
Q35 Do you agree with our proposals on reporting and notification requirements? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)
Q36 Do you agree with our assessment of our proposed new supervisory function against the	Confidential? Yes/No (delete as appropriate)



general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view?	
<b>Engagement and enforcement</b>	
Q37 Do you agree with our proposed approach on engagement and enforcement? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)
Q38 Do you agree with our proposed changes to settlement? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)
Q39 Do you agree with our proposals to strengthen the existing interim measures regime? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)
Q40 Do you agree with our proposals to introduce a new “single decision maker” as an alternative to the full Tribunal for more straightforward cases? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)
Q41 Do you agree with our proposal to reduce the range of circumstances in which a provider can request an oral hearing? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)
Q42 Do you agree with our proposal to expand the test for prohibiting a relevant individual from the industry? Please provide an explanation as to why you agree or disagree	Confidential? Yes/No (delete as appropriate)
Q43 Do you agree with our proposal to strengthen and expand our information gathering powers	Confidential? Yes/No (delete as appropriate)

(including for the purpose of supervision/engagement and enforcement)? Please provide an explanation as to why you agree or disagree.	
Q44 Do you agree with our provisional assessment of our proposals relating to: (i) engagement and enforcement proposals; and (ii) additional powers, responsibilities and obligations – against the general principles which we set out in the discussion document? Do you have any further information or evidence which would inform our view?	Confidential? Yes/No (delete as appropriate)
<b>Other general Code considerations</b>	
Q45 Do you agree with our proposals on general funding arrangements? Do you have any further information or evidence which would inform our assessment of our proposals on general funding arrangements?	Confidential? Yes/No (delete as appropriate)
Q46 Do you agree with our proposals on amending our current terminology to better reflect the current phone-paid services value chain? Please provide an explanation as to why you agree or disagree?	
Q47 Do you agree with our proposal to retain the rules of the current Notice of specific service charges and durations of calls within Annex 1 of Code 15? Please provide an explanation as to why you agree or disagree.	Confidential? Yes/No (delete as appropriate)
Q48 Do you agree with our proposal to include a broad amendment power in Code 15 to facilitate more efficient amendments to single or small numbers of specific Code provisions?	

Please provide an explanation as to why you agree or disagree.	
<b>Impact assessment</b>	
Q49 Are there other impacts which we have not considered in relation to our proposal to move from a regulatory approach based on outcomes to one based on standards? If so, please provide appropriate evidence of the likely impact of the change.	Confidential? Yes/No (delete as appropriate)
Q50 Are there other impacts which we have not considered in relation to our proposal to focus on prevention of harm rather than cure? If so, please provide appropriate evidence of the likely impact of the change.	Confidential? Yes/No (delete as appropriate)
Q51 Are there other impacts which we have not considered in relation to our proposal to move to a new Code which is simpler and easier to comply with? If so, please provide appropriate evidence of the likely impact of the change.	Confidential? Yes/No (delete as appropriate)
Q52 Are there other impacts which we have not considered in relation to our proposed changes to our investigations and sanctions policies and procedures? If so, please provide appropriate evidence of the likely impact of the change.	Confidential? Yes/No (delete as appropriate)
<b>Equality impact assessment</b>	
Q53 Do you agree with our provisional assessment on the impact of our proposals in relation to equality? Do you have any further information or evidence which would inform our view?	Confidential? Yes/No (delete as appropriate)

<b>Next Steps</b>	
Q54 Do you agree with our proposal to set out transitional arrangements that allow the new Code procedures to apply from the commencement date to all investigations and/or complaints or monitoring which commenced under Code 14?	

### 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.