

Code Adjudication Panel Lay Member Appointment brief & Information Pack

Closing date: Sunday, 21 June 2020

Introduction from the Chair of the Board

Dear candidate,

Thank you for your interest in becoming a Code Adjudication Panel Lay Member for the Phone-paid Services Authority (PSA).

We've put together this pack to help give you an understanding of the purpose and scope of the role on offer, details of how to apply, information about the recruitment process, and an overview of PSA and its governance structures.

The PSA is appointed by Ofcom as the UK regulator for content, goods, and services charged to a phone bill. Phone-paid services are the goods and services that you can buy by charging the cost to your phone bill or pre-pay account. They include directory enquiries, voting on TV talent shows, donating to charity by text or downloading apps on your mobile phone. They are referred to as premium rate services in law. The organisation is an arms-length body of the Department for Digital, Culture, Media, and Sport.

The market we regulate is changing. While many fixed line services are in decline, the market as a whole is growing, driven by digital services charged to a phone bill. Major app stores, music streaming services and digital content providers now allow consumers to purchase services on their phone. We're committed to building trust in phone-paid services and ensuring consumers are well served by a healthy and innovative market. This is an exciting time to join the PSA as we embark on a strategic review of our Code to reflect the changing landscape for consumers and to drive up standards of conduct in the market.

We value and promote diversity and are committed to equality of opportunity for all. We therefore welcome applicants from all backgrounds. If you believe that you have the experience and qualities we are seeking, I encourage you to apply.

We very much look forward to hearing from you.

Your faithfully,



David Edmonds
Chair of the Board, PSA

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Job Statement

Code Adjudication Panel (CAP) – Lay Member

Job purpose

Ensure as part of a Tribunal that enforcement matters are effectively determined in accordance with the Code, public law and better regulation principles.

Core duties

- Read and assimilate all written bundles (which will involve the study of substantial amounts of complex, sometimes technical, documentary evidence) before commencement of Tribunal hearings.
- Hear and determine applications for interim measures, substantive cases, settlements and limited reviews. Consider and reach agreement with other CAP members on the relevant facts, applying the relevant provisions of the Code with clear and reasoned judgment, having regard to precedent cases, supporting procedures, Guidance, PSA policy, public law and better regulation principles.
- Undertake such training as may be necessary to keep abreast of developments in industry technology and practices, the law, PSA policy, Code application and procedures.
- Attend forums with CAP members and relevant members of the Executive to review trends, issues and developments (approximately two to three times a year).
- Provide effective feedback to CAP Chair on process, hearings and any other matters relating to the effective operation of the CAP.
- Other duties as required.

Knowledge, skills & experience

Knowledge and experience

Applicants are required to have experience and working knowledge of one or more of the following areas:

- marketing
- technical
- operational, or
- consumer focus.

By way of example, in practice, this could include:

- Use of digital and other marketing campaigns and media.
- Product/service development and operations, including digital content.

- Experience directly relevant to Premium Rate Services, including of consumer behaviour, or a clear ability to relate and apply other experience to a PRS environment.
- An ability to demonstrate a breadth of relevant technical and other knowledge, and to be able to communicate this clearly and concisely.
- An academic/research background.

Skills and attributes

- Strong experience in an adjudicatory capacity in dealing with complex factual situations, preferably with experience in consumer protection and the reasonable interests of business. Experience in a lay capacity rather than legal or judicial.
- Ability to acquire an effective working knowledge of the Code and related law.
- Ability to assimilate, understand and weigh up complex (technical) facts and arguments and the ability to consider such evidence and information speedily and accurately.
- Ability to apply principles to particular facts and be able to determine the relevant and irrelevant information from a large quantity of information.
- Ability to reach firm and effective conclusions and exercise discretion where necessary, challenging, questioning, and making robust and collective decisions.
- Ability to communicate effectively to different audiences, generating trust and confidence.
- Ability to work collectively with Code Adjudication Panel Members providing feedback to the Executive to improve and develop the effectiveness of PSA's adjudicatory function.
- Independent minded, fair and impartial, with no conflicts of interest.
- Flexible in availability including short notice availability.

Role specifics and time commitments

Remuneration

The daily rate for this role will be £433.00 per day / £216.50 per half day plus reasonable travel expenses.

Due to the nature of the role, the flexibility required, and the need for short notice availability an annual retainer of five days will be paid in advance in each year.

These appointments are office holders and for the avoidance of doubt are not employees of PSA. They are however paid under PAYE.

Time Commitments

Attendance at, and preparation for an Interim Measures Hearing is likely to require approximately 0.5-1 day, whereas preparation and attendance at a Tribunal is likely to require approximately 1-1.5 days.

We expect preparation and attendance for Interim Measures Hearings and Tribunals over the course of a year will be between 5 - 8 days a year.

Tribunals will be listed depending on the urgency of the matter and the availability of CAP Members. Panellist are expected to prioritise their availability for urgent applications. Attendance will also be required for discussion and training forums which are held two or three times a year.

CAP Members will need to be available for two days training and induction prior to taking up their post.

Terms of Office

Successful applicants will initially be offered a one year term which may lead to re-appointment on a term of up to three years, with a possible third re-appointment for a term of no more than four years (subject to a maximum overall term of eight years).

A link to the CAP Member's Handbook can be found [here](#).

A List of our current CAP members and a short biography on each member may be found [here](#) on our website.

How to apply

If you wish to apply for the position, please do so by sending a full up-to-date Curriculum Vitae along with a short covering letter setting out how you meet the criteria for the post as identified in the person specification.

Please visit <https://www.cloudonlinerecruitment.co.uk/psauthority/vacancy.aspx> where you can set up a secure account and apply directly on our online recruitment site.

The closing date for your completed application is Sunday, 21 June 2020.

Selection process

Candidates will be informed if they are successful in their application and are to be invited for interview the week commencing 6 July 2020. We plan to hold interviews for short listed candidates on the afternoon of Tuesday, 21 July 2020. We envisage that these interviews are likely to be held via video conferencing facility. Should it be practicable, there may be a second stage face-to-face interview at a date to be confirmed. These would be held at the Phone-paid Services Authority offices at 40 Bank Street, London, E14 5NR.

If you require reasonable adjustment to be made to participate in the selection or interview process, please get in touch with our Human Resources Team at recruitment@psauthority.org.uk.

The Interview Panel will be made up of:

David Edmonds Chair of the Board, PSA (Chair of the Selection Panel)

Mohammed Khamisa Chair of the Code Adjudication Panel, PSA and Partner, Greenberg Traurig LLP

Kevin Brown Board Member, PSA

Observing the process will also be:

Joanne Prowse Chief Executive Officer, PSA

Selection panel members are appointed in line with best practice and merit.

References

References will be taken up prior to interview, covering the last five years of work activity. References must be satisfactory to PSA for us to continue with your application. You should give the names of at least two senior level people who can act as suitable referees and who can comment on your suitability for this role. You will be asked to provide these as part of the application process on our online recruitment system.

Please note that we will contact you prior to us making contact with any of your referees.

Eligibility to work in the UK

All offers of appointment are subject to confirmation that you are permitted to work in the United Kingdom in accordance with the provisions of the Asylum and Immigration Act 1996. Successful applicants will be required to present their original passport as evidence of this.

Qualifications

It is our policy to check statements on qualifications and all offers of appointment are subject to this. Successful applicants will be required to present their original certificates as evidence of their stated qualifications prior to a formal offer.

Other checks

It is our policy to ask all those who work for us to satisfactorily complete our medical questionnaire. This document will be dispatched with any offer of appointment documentation.

Diversity monitoring

The PSA strives to be a diverse employer in that we value the differences among us and wish to acknowledge, understand and appreciate these differences. These differences are a big asset to our organisation, adding to our creativity as well as our skills and knowledge base and we want to maximise our individual and shared potential. We want to create a motivating and rewarding environment where differences are recognised and valued.

As such, we actively seek to recruit those from all backgrounds. To achieve this, we need to gather data on the background of people applying for roles at PSA. To help us, we would appreciate it if you could complete the Diversity Monitoring section on our online recruitment system when you complete your application. This is voluntary however, and should you prefer not to provide this information please simply select the 'prefer not to say' option. Any diversity monitoring information you provide will be kept separate from your application and will not be provided to the selection panel.

Currently, we are under-represented at Office Holder level by those from ethnic minorities and welcome applicants from these groups.

Expenses

PSA does not generally consider reimbursement of travel expenses for interviews. However, consideration will be given for reimbursement or part reimbursement where travel involves exceptionally long distance and a case has been put forward for financial hardship. Each case will be determined on its individual merits.

Additional information

Strategic Purpose

We build consumer trust in phone-paid services and ensure they are well-served through supporting a healthy market that is innovative and competitive. We do this by:

Establishing regulatory standards for the phone-paid services industry

- We set standards to ensure that consumers who charge a purchase to their phone-bill do so knowingly and willingly and receive good customer service.
- These standards are designed to ensure all consumers have a similar positive experience of phone-paid services, including consumers who may be considered vulnerable.
- Our standards are clearly set out in our Code of Practice. They deliver the necessary technical and operational protections in the market and are aligned with consumer expectations, including those based on experiences with other payment mechanisms. We evolve these standards in response to industry best practice, advances in technology, risk, and consumer behaviour and expectations.
- The Code standards are supported by guidance, free compliance advice, and examples of best practice.

Verifying and supervising organisations and services operating in the market

- Consumers should be able to trust that they are dealing with genuine service providers. We require all organisations operating in the phone-paid services market to register comprehensive details about themselves and the services they provide.
- We support consumers to access this information easily, helping them to have sufficient details to be able to resolve any individual issues.
- We require all parties in the phone-paid services industry to check the credentials and behaviour of who they work with, and to have systems in place to identify and deal quickly with issues affecting consumers.
- We work with networks and intermediaries to ensure they meet our requirements around due diligence, risk assessment and control. We do this by actively monitoring and regularly auditing for compliance with the Code.

Gathering intelligence about consumers, the market and individual services

- We invest in research and our expert monitoring capabilities to improve our understanding of market trends, consumer behaviour, experience and expectations, and use this to inform and enforce the standards we set.
- We continually receive and assess information about individual services, including complaints. We engage directly with consumers to understand the issues they are

raising, we undertake detailed monitoring of individual services, and we ask service providers for further information when necessary.

- We actively monitor the wider market to identify potential consumer harm, address issues early and share information.

Engaging closely with all stakeholders

- We engage with all stakeholders - consumers, industry, government and other regulators, and the media - to inform and facilitate our regulatory approach.
- We support industry to understand what our regulatory approach means for them in practice. This support is driven by our desire for consumers to be able to access services that they want, in a market that competes on price, product innovation, quality and customer service.
- We work to identify and remedy any instances where our approach may unnecessarily hinder consumers who knowingly and willingly want to charge a purchase to their phone bill from doing so.
- We promote consumer choice by enabling credible organisations to enter the market with ease and by creating the conditions where providers can innovate safely and invest with confidence.
- We communicate with consumers to improve understanding and awareness of phone payment, and the various ways consumers can charge content, goods or services to their phone bill.
- We work with Ofcom, DCMS and other regulators to ensure that consumer interests are best served through a co-ordinated approach to regulation.

Enforcing our Code of Practice

- Where apparent breaches of the Code are committed, we investigate and enforce where appropriate in the most efficient and effective way possible. We aim to eliminate sharp practices, negligent behaviour and the deliberate use of phone payment as a mechanic to exploit consumers.
- We ensure we are fair and proportionate, with enforcement delivered through the appropriate means. We will always be transparent in our decision-making, and our approach to investigations and sanctioning, including fines and ordering consumer redress, is detailed in the Supporting Procedures to the Code of Practice.
- Where our remit and sanctions are unable to wholly or partially hold to account those providers causing consumer harm, we will refer them to the relevant enforcement authorities.

Delivering organisational excellence

- As a regulator, we are committed to acting in a transparent, accountable, proportionate, consistent and targeted manner in everything we do. We uphold high standards in our governance, legal, finance, human resources, information systems, and customer service functions.

Additional information and documents

Our latest Code of Practice can be found [here](#). Section 4.7 sets out the responsibilities of the CAP. Section 4.8 sets out the possible sanctions that the CAP may impose.

Our latest Business Plan and Budget can be found [here](#).

Our latest Annual Report can be found [here](#).

Our organisation chart can be found [here](#).

Our working agreement with Ofcom is set out in a [Memorandum of Understanding](#).

We are a public body and an arms-length body of DCMS. Our working agreement with DCMS is set out in a [Framework Document](#).

To bring together an overview of our policies, procedures, meetings of minutes, annual reports and financial information, we maintain a [publication scheme](#).

Our values and behaviours

We continue to adhere to the principles of good regulatory practice. In addition, our core values and behaviours underpin everything we do to deliver our mission:

Our service value	Key behaviours	We strive to...
Right touch	Fair and proportionate	Be fair, reasonable and well-informed. Ensure our actions support good regulatory outcomes for all our stakeholders and give certainty and confidence.
	Aware of the bigger picture	Anticipate developments that may affect us and those around us. Be curious and inquisitive, ask questions and challenge assumptions. Be flexible and enabling of responsible innovation. Plan for the future and think of the impact of our work.
Collaborative	Open	Look outward, share ideas, listen to others and embrace their knowledge. Collaborate with everyone. Be approachable, transparent and accountable.
	Decisive	Make decisions in a timely manner with confidence and clarity.
Value for money	Effective and productive	Pursue our priorities energetically. Get it right first time and swiftly deliver effective outcomes. Innovate to find creative solutions and work more efficiently.
	Professional	Be experts: we are role models and we support others. Be reliable, be consistent, pay attention to detail and focus on quality.