

## Professional advice and counselling services

### Notice of Special Conditions

This Notice is being issued to inform all providers involved, or intending to be involved, in the provision of Professional advice services that Special conditions apply. Level 2 providers are required to comply with the PhonepayPlus Code of Practice, and the Special conditions set out below, which are imposed under paragraph 3.11.1 of the Code.

Under paragraph 3.11.3 of the Code, “*a breach of any special condition in respect of a high risk service imposed under paragraph 3.11.1 shall be a breach of the Code*”.

Professional advice services are defined as follows:

Professional advice services are those which involve the provision of specialist advice to consumers by one or more qualified professionals. These are persons whose occupations require knowledge and skill obtained through extensive study and specialised training (e.g. doctors, lawyers, vets, accountants, etc.) and who may be required to be members of a relevant professional body.

Special conditions ‘PROF 1’ to ‘PROF 3’ apply to all such services.

Counselling services are defined as follows, and are a sub-set of professional advice services:

Counselling services involve calls usually made in order to seek advice in relation to a personal situation; for example, for marital, emotional, relationship and other personal problems. These services may refer callers to a body or organisation specialising in an area most relevant to the caller’s need.

Such services can involve one-off sessions or involve a programme of therapy offered over a given period. An ongoing relationship with an individual counsellor is not central to such services. Services of this nature may involve consumers who are vulnerable, either in terms of their characteristics or their circumstances.

Special conditions ‘PROF 4’ to ‘PROF 10’ apply to this category of professional advice services only.

### Special conditions

*Imposed under Annex 2, Paragraph 1.1(k): information that is required to be given to callers in promotional material or at various stages before and during provision of a high risk service (including as to receipts)*

**PROF 1** Promotional material for the service must indicate the operator’s training and qualification status.

*Imposed under Annex 2, Paragraphs 1.1(m), (o) and (p):*

*(m) the provision of defined information to PhonepayPlus and the intervals at which it is to be given and the manner to which it is provided;*

*(o) membership of professional bodies, training and supervision to have been and be undertaken and qualifications licences and insurance required to be held by relevant providers or relevant individuals engaged in the provision of the high risk services and the evidence of such that may need to be provided to PhonepayPlus;*

*(p) compliance with the requirements of relevant regulators and professional bodies.*

**PROF 2** All rules and regulations relevant to, and covering, the profession, to include all licences and insurance, must be complied with.

**PROF 3** Professional indemnity insurance must cover each service.

**PROF 4** Operators should hold a formal qualification (to at least a diploma level) and be members of an appropriate professional body.

**PROF 5** An appropriate structure of supervision should be established, including:

- Supervision of the standard of the service at management level;
- Oversight of operators;
- Readily available supervision of operators (whether they are working in a call centre or in isolation); and,
- Regular group supervisions.

In the course of an investigation, any established structure must be demonstrated and evidenced to PhonepayPlus.

**PROF 6** Evidence will need to be provided upon request that all reasonable efforts to identify and deal appropriately (and in line with any professional and regulatory requirements) with repeat and 'addicted', or otherwise vulnerable, callers have been made.

*Imposed under Annex 2, Paragraph 1.1(k): information that is required to be given to callers in promotional material or at various stages before and during provision of a high risk service (including as to receipts);*

**PROF 7** Where the service provides counselling on the call, details of the operators' training, experience and membership of any appropriate professional bodies should be given in the promotional material.

*Imposed under Annex 2, Paragraphs 1.1(n) and (m):*

*(n) requirements for caller agreement before a high risk service proceeds before the caller is charged*

*(m) the provision of defined information to PhonepayPlus and the intervals at which it is to be given and the manner to which it is provided;*

**PROF 8** Where counselling is to be provided over a number of sessions, the service must enable arrangements to be made via a non-premium rate method for a potential client to set up an agreement with a counsellor.

A written agreement, to be entered into by the client and the counsellor, should be signed by both parties prior to the commencement of premium rate counselling sessions. This agreement should set out the cost of the calls; the length of the sessions; and how many sessions could, or will, be held prior within the remit of that agreement.

**PROF 9** Counselling should only be carried out over a limited number of sessions with the agreement of the counsellor and the client, and with a review being carried out at the end of every four sessions.

**PROF 10** Any verbal or written communication relating to a review of an agreement constitutes a promotion of the service. Following the agreed number of sessions, a review should be carried out and any further agreements reached should be made in writing.

In the event of a dispute, PhonepayPlus may require the service provider to supply them with a copy of such an agreement, while accepting that the interaction between counsellor and client is confidential.

### **IMPORTANT NOTE**

The calls for professional advice services and counselling services are capped by consumer spend and / or call length in accordance with the limits set under paragraph 3.12 of the Code. Please ensure services meet these obligations at all times.