

## Your response

Question	Your response
<p><b>Question 1: Do you consider Ofcom should approve the PSA's 15th Code of Practice in its current form? Please provide an explanation to support your response.</b></p>	<p>We think that Ofcom should NOT approve the PSA's 15<sup>th</sup> Code of Practice in its current form. In terms of premium rate SMS, we only provide premium rate text services to charity clients for text donations and reserve our comments to the impact of the code on this sector. Our concerns are focussed on the requirement for regular text giving services to require donors to opt in again after 12 months.</p> <p>We are an FCA regulated payments business. We can supply Direct Debit and Open Banking payment solutions to our charity clients. Our comments are therefore based on a broader view of the payments industry and the role of Premium SMS in it.</p> <p>Without the proposed code change Regular Text Giving would have good growth potential as a source of revenue for our charity clients. The average length that a donor keeps giving by this method is slightly shorter than Direct Debit, but the costs for the charity of having the service are lower and the ease of sign up across multiple channels make it attractive. For the donor it is (currently) convenient and easy to understand.</p> <p>The proposed changes to add an "opt back in after 12 months" would have a detrimental effect on the ability of our charity clients to use premium SMS text donations to raise money through regular text donation.</p> <p>Regular text giving services already require donors to have opted in twice to sign up. Typically a donor responds to a TV advert they text the name of the charity to a 70 short code like 70500 they get back a text message outlining the terms to which they have to reply YES to sign up. Either monthly or quarterly they will receive a text message advising them how to opt out (reply STOP to any message) or miss a month (reply SKIP). They also get a billing message itself reminding them they are paying.</p>

	<ul style="list-style-type: none"> <li>a) We have not had a complaint about regular text services in over 5 years. The regulator has had one complaint in 2 years. There is no evidence of there being a problem to fix by further regulation.</li> <li>b) Donors who pay by regular text donation do so because it is convenient. Requiring donors to text again adds an extra stage reducing convenience.</li> <li>c) Donors are already fully informed having opted in twice, they have been told of their rights to opt out at least quarterly. Adding another opt in confirmation stage is confusing and unnecessary.</li> <li>d) After getting messages monthly from the charity most donors think they know what the messages say, the likelihood of them reading a different message is low – we therefore expect inadvertent opt out will be the overwhelming response.</li> <li>e) Unlike other changes this change has been introduced without testing.</li> <li>f) The regulator mentions anticipating the CMA review, but there is a fundamental difference between the types of annually renewing contract (like insurance) and an regular donation where the donor can opt out any month they choose.</li> <li>g) The proposed changes would cause unnecessary confusion to those consumers/donors who would like to give by this otherwise convenient method. Sometimes the donor would have to reply to keep giving, other times not.</li> <li>h) The exclusive use of 70XXX numbers, like 70300, for charities means that the numbers offer significant potential protection against future trends in fraud. It would be shame to waste the potential through ill thought through regulatory changes at this stage.</li> </ul>
<p><b>Question 2: Do you have any views on the appropriate implementation period?</b></p>	<p>[X]</p>