

Reference: 644467

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Freedom of Information: Right to know request

Thank you for your request for information regarding the Ofcom's actions following the investigation into Virgin Media's early exit fees. As you will be aware, as a result of this investigation Ofcom fined Virgin Media £7,000,000 for its failings, plus an additional £25,000 for providing incomplete information in response to a statutory information request.

Your request was received by Ofcom on 6 December 2018 and it has been considered under the Freedom of Information Act 2000 (the Act).

You asked:

Further to Ofcom's investigation that revealed Virgin Media was overcharging for broadband contract exit fees:

- *Please can you provide information regarding the numbers of CISAS complaints that have not been resolved and have been referred to OFCOM?*

We have interpreted this as a request for complaints referred to Ofcom where Virgin has not complied with the adjudication. We do not hold this information. If a company fails to comply with a decision, CISAS may suspend or terminate their membership of the scheme and report them to Ofcom for a breach of General Condition C4. General Conditions are a set of rules that apply to communications providers under sections 45 to 55 the Communications Act 2003. CISAS does not refer unresolved complaints to Ofcom.

- *Please can you identify complaints where Virgin Media have continued to charge customers after receiving an instruction to 'switch' providers after that transfer of service has occurred.*

The information you have requested is being withheld as it falls under the exemption in section 44 of the Act. Under this section information which we hold on this subject is exempt from disclosure since it was shared with us under our regulatory power and disclosure is prohibited under section 393(1) of the Communications Act 2003. Section 44 is an absolute exemption under the Act and does not require a public interest test.

- *Please could you disclose what assurance you have sought from Virgin Media that it is not charging customers after transfer requests received from other providers?*

We do not hold this information. The investigation concerned early-exit charges that were higher than customers had agreed to when signing up to their residential contracts. As such, we have not sought assurances on billing for services after transfer as we have not investigated that issue. However, we regularly monitor complaints into our Contact Centre about provider's billing practices and take action where we identify concerns.

- *Did OFCOMs investigation address Virgin Medias internal complaints resolution. Were any specific objectives for transparency set following the judgement?*

The investigation did not relate to Virgin's internal complaints resolution process.

You may be interested in a separate programme concerned with complaint handling (across the industry): https://www.ofcom.org.uk/about-ofcom/latest/bulletins/competition-bulletins/open-cases/cw_01101

With regards to your request for information about objectives for transparency, please refer to the Competition and Consumer Enforcement Bulletin (CCEB) for this Investigation: https://www.ofcom.org.uk/about-ofcom/latest/bulletins/competition-bulletins/open-cases/cw_01198.

On the issue of transparency, the CCEB update reads:

"Ofcom has also been investigating under the Consumer Rights Act 2015 the fairness and transparency of Virgin's procedures and contract terms that apply to customers moving home. Virgin has made a number of changes to its procedures, including:

- making clearer to consumers that Virgin's network does not cover the whole of the UK and that if a customer moves to a home outside of Virgin's network they may be liable to pay an ETC. In particular Virgin will make this clear in:
 - its customer contracts and terms and conditions;
 - the material on its website; and
 - in the scripts used by its customer service agents.
- pointing customers towards its postcode coverage checker and to the availability of its 30 day rolling contracts as an alternative option for customers who are aware they may need to move house in the near future; and
 - updating its agent training materials and process to ensure that agents provide correct information to customers that indicate they may need to move home."

If you have any queries, then please contact information.requests@ofcom.org.uk. Please remember to quote the reference number above in any future communications.

Yours sincerely,

Catriona Lawrence

If you are unhappy with the response or level of service you have received in relation to your request from Ofcom, you may ask for an internal review. If you ask us for an internal review of our decision, it will be treated as a formal complaint and will be subject to an independent review within Ofcom. We will acknowledge the complaint and inform you of the date by which you might expect to be told the outcome.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

Timing

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for undertaking internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF