

Reference: 355550

Date: 9 December 2016

Julia Snape
Information requests

information.requests@ofcom.org.uk

Freedom of Information: Right to know request

Thank you for your request for information dated 1 November about slamming cases, which has been considered under the Freedom of Information Act 2000 ('the Act').

Please find below our response to each of the questions you raised.

1. *Can you please tell me the number of "slamming" cases you have had over the past 5 years?*

Ofcom takes so-called slamming very seriously and our work has helped reduce significantly such cases in recent years.

Ofcom imposes strict rules prohibiting all forms of mis-selling, including slamming. Where we identify clear breaches of the rules, we can take enforcement action, and have powers to fine companies and require them to remedy the consequences of any breach.

As a result of our work, there has been a significant reduction in the volume of complaints during this period.

We record and monitor carefully all consumer complaints made to us about slamming.

The table below shows totals of all slamming complaints from 2012 up to 22 November 2016, which shows a significant reduction.

By way of explanation of the categories:

1. "Slamming (actual)" - refers to a gaining provider taking over a customer's line from another company without the customer's express knowledge and consent
2. "Slamming (attempt)" - refers to unsuccessful attempts by a gaining provider to take over a customer's line from another company without the customer's express knowledge and consent.

	2012	2013	2014	2015	2016	Total
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Slamming (actual)	2,185	1,809	1,472	1,177	938	7,581
Slamming (attempt)	996	795	653	575	477	3,496
Total	3,181	2,604	2,125	1,752	1,415	11,077

2. Which are the companies most responsible for slamming?

We are unable to provide any information in response to this question as it is exempt from disclosure under section 44 of the Act.

This section of the Act prohibits release of information if another enactment has said that it shouldn't.

In this case, Section 393 of the Communications Act restricts disclosure of information if it relates to a business which has been obtained in exercise of a power conferred by the Communications Act unless we have the consent of that business or it furthers the carrying out of Ofcom's functions.

We do not have consent from any of the businesses to release the information and we do not consider it would help Ofcom to carry out its functions.

3. How many complaints have you had regarding "slamming"?

Our response to question one covers this – see above.

4. What measures does Ofcom take to deal with it?

Ofcom takes slamming very seriously and our work has helped reduce significantly such cases in recent years.

Ofcom's rules

Ofcom introduced strict rules which ban all forms of mis-selling – including slamming - in March 2010.

Our slamming rules were strengthened in September 2014 as part of our work to improve the customer experience when switching provider. New processes, specifically designed to help prevent consumers being switched without their consent, or having their line switched accidentally, came into effect.

Under these new rules companies have to:

- obtain and keep a clear record of every consumer's consent to switch; and
- place an order to take over communications services where a consumer is moving to a new property only once they have an exact match for the target line to be taken over. Consumers at the address where services are due to be taken over must also be notified by their own provider, so allowing the consumer to tell them if the address has been targeted in error.

Our rules on mis-selling were subsequently extended to cover broadband services in June 2015 to provide further protection to customers.

Ofcom's enforcement

A monitoring and enforcement programme into mis-selling and slamming was opened in March 2010.

Under this programme we carried out formal and informal investigations and engaged regularly with both large and small communications providers to ensure they comply with our rules.

The formal monitoring and enforcement programme was concluded in March 2016 after seeing a significant reduction in the volume of slamming-related complaints made to the Ofcom Consumer Contact Team. See response to question 1.

However, we continue to monitor carefully complaints about mis-selling and slamming and can take action against non-compliant providers as necessary. We have recently opened an investigation into True Telecom, which is on-going:

https://www.ofcom.org.uk/about-ofcom/latest/bulletins/competition-bulletins/open-cases/cw_01189

5. What is the biggest fine you have given for this?

The biggest fine Ofcom issued to a Communications Provider was against 'Just Telecoms Ltd, trading as Lo-Rate.

The total fine imposed was £133,822 for mis-selling and slamming.

6. How many complaints have you had regarding slamming when the homeowner has not been informed by the provider (BT) that the line is being taken over? So the first they know is when they are cut off?

This information is not readily accessible as a considerable amount of time would be needed to locate, retrieve, identify and extract any relevant information.

This is because we do not have a specific complaint category on our case management system for when a homeowner has not been informed by a provider that the line is being taken over.

In order to find out if we did have any such complaints we would have to carry out a manual search of every complaint related to this.

Section 12 of the Freedom of Information Act 2000 provides that a public authority is not obliged to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the "appropriate limit".

The appropriate limit is set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, and is, for Ofcom, £450. That sum is intended to cover the estimated costs involved in determining whether Ofcom holds the information requested, identifying, locating, retrieving and extracting the information from any document containing it. The Regulations provide that costs are to be estimated at a rate of £25 per person per hour.

Ofcom estimates that it would take at least 18 hours to identify, locate and extract the information you require and, as such, the cost of complying with this part of your

request will exceed the appropriate limit. We will therefore not be able to provide any information in connection to this question.

I hope this information is helpful. Please quote the above reference in any further communication.

Yours sincerely

Julia Snape

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:

Steve Gettings
The Secretary to the Corporation
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