

Reference: 1410217

Gloria Akinyemi
Information Rights Adviser
Information.requests@ofcom.org.uk

Dear

18 February 2022

Freedom of Information: Right to know request

Thank you for your request for various information relating to problems associated with moving landline providers.

We received this request on 21 January 2022 and have considered it under the Freedom of Information Act 2000 ("the Act").

Your request and our response.

Please find below our response to the questions you have asked relating to problems moving landline providers.

In particular on the financial aspects of transfer

1. Which companies provide automatic refunds of monies paid in advance?

We can confirm that we hold some information on companies that offer automatic refunds in certain situations (for example some companies that provide credit to customers for services not used) however this information is being withheld as we consider that its disclosure is exempt under section 44 of the Act.

This exemption provides that information is to be withheld if its disclosure is prohibited under other legislation – in this case section 393(1) of the Communications Act 2003 (the Comms Act). Section 393(1) of the Comms Act prevents us from disclosing information about a particular business, in this case the relevant companies on the list, which we have obtained in the course of exercising a power conferred by, among other legislation, the Act, unless we have the consent of that business or one of the statutory gateways under section 393(2) of the Comms Act is met, neither of which apply here. Section 44 is an absolute exemption under the Act and does not require a public interest test.

We also consider that the exemption under section 43 of the Act (which states that Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it), is also applicable here.

However, generally please note that the Information on what would be included in the customer's final bill, including any refunds, will normally be available on providers websites or the customer may enquire from the providers.

2. When did they start this?

We do not hold this information.

3. Do you have a target date by which all companies should do so?

The following General Conditions (GC) regarding switching will be coming into force on 3 April 2023.

- GC C7.7(d): This will require the Losing Provider to refund, upon request, any remaining credit to the Switching Customer using prepaid services, minus any fees provided for in their contract with the Switching Customer, in so long as such fees are proportionate to the actual costs incurred by the Losing Provider in offering the refund.
- GC C7.8: which will provide a prohibition on notice period charges for residential customers (and any customer transferring less than 25 mobile numbers); and
- GC C7.47-49: Under these provisions, providers will be required to pay compensation to Switching Customers in an easy and timely manner in the case of failure to comply with any obligations in GC C7 as well as any missed service and installation appointments (and for residential customers, compensation must be paid within 30 days).

The April 2023 version of the GCs, which includes the full provisions mentioned above, can be found here: https://www.ofcom.org.uk/data/assets/pdf_file/0017/232064/annex-3-revised-general-conditions-unofficial-consolidated-version-3-april-2023.pdf

More generally, we also have GC C1.8 (in force currently) which requires providers to ensure that conditions or procedures for contract termination do not act as disincentives for customers against changing their communications provider.

4. Who is responsible for monitoring this process from a technical viewpoint?

We have interpreted your question as referring to the switching process for landline services. Ofcom sets the GCs that telecoms providers must follow, and we can take enforcement action if they do not comply. GC C7 sets out the requirements that providers must follow when they are switching customers,

Consumers can make a complaint to Ofcom if they are dissatisfied with any of the element of their switch. Although we cannot investigate individual cases, complaints data is used to monitor trends. Any high volumes or trends showing from complaints we receive may lead to us launching

investigations and ultimately taking enforcement action.

For more information on our approach to enforcement, please see the guidelines and advice for complainants available [here](#).

5. How many staff work in that part of the organisation? and 6. What is the split of their primary qualifications?

Project teams in Ofcom vary dependant on the different stages of the work they are undertaking. For this reason, it is not possible to provide a definitive number associated to a project or piece of work nor is it possible to provide the split of their primary qualifications.

To ensure the organisation maximises its resources, our people may work on multiple projects at once and adjust their time across this portfolio as required.

Project teams in Ofcom have resources from different disciplines as required based on the work being undertaken. This could include colleagues from our policy, legal, economist or enforcement teams. The teams will also have Director level oversight to ensure both the direction and delivery of projects is supported.

7. How many unusual cases are passed to them by your customer contact teams?

None. We do not pass cases to CISAS as consumers need to raise their own dispute for adjudication.

8. What happened to the following:

OfCom Web Forms Reference 01106368;

Glitch in transfer from TalkTalk to Vodafone February 2020

Your complaint was logged as a 'process at fault' complaint around switching. The complaint was logged for monitoring purposes. As explained above, although we cannot investigate individual cases, complaints data is used to monitor trends. Any high volumes or trends showing from complaints we receive may lead to us launching investigations and ultimately taking enforcement action.

9. How do you monitor and ensure companies follow General Conditions?

As referred to above, Ofcom can receive consumer complaints which relate to the GCs. We also get a large amount of intelligence relating to the GCs from other sources e.g., competitor complaints, consumer forums, MP letters, media enquiries. Ofcom will look at all the sources of information it receives on a monthly basis and take appropriate steps where necessary. This could be in the form of enquiries, informal meetings with providers or formal action. Where we take formal action, this is governed by our [Enforcement Guidelines](#).

10. Do you really rely on individual customers taking providers to court as ADR mechanisms have no method to assess technical problems?

ADR schemes are independent bodies who carry out an impartial assessment on complaints between a communications provider and a consumer. The ADR scheme will review evidence from

both parties and make a decision as to the best way forward. Providers are required to comply with the final decision that the ADR scheme makes. However, if a consumer does not agree with the final decision made by an ADR scheme then they do not have to accept it. At this point the consumer can choose to resolve the complaint by other methods such as through the civil courts.

11. Are you happy that providers falsify their records and lie to ADR? If not, what do you do to remedy this?

This question asks for a view rather than information held and is therefore not a valid request under the Act. More generally, Ofcom does not have any evidence to suggest that providers falsify records and lie to the ADR schemes.

12. Are you happy that there is no way to complain about CISAS as they write their own rules and even if the complaint is not explicitly excluded write their own extensions to refuse complaint rather than refer it higher and prevent exposure to their independent reviewer.'

This question asks for a view rather than information held under the Act.

However, as a way of background, CISAS is managed independently by Centre for Effective Dispute Resolution (CEDR), who is approved by Ofcom. Ofcom has a duty to keep the ADR schemes it has approved, including CEDR, under review. We consider any complaints received when reviewing our approval of the schemes.

CEDR's website has information about how to make a complaint to it about any of the schemes it manages, including CISAS. Here are some links you may find helpful:

- CEDR's complaint procedure [CEDR-Complaints-Procedure-oct-21.pdf](#)
- Complaint form [CEDR-Consumer-Complaints-Form-v6.pdf](#)
Independent Reviewer's Terms of Reference [IR-Terms-of-Reference-v2.5.pdf \(cedr.com\)](#) and [reports](#).

I hope this information is helpful. If you have any further queries, then please send them to information.requests@ofcom.org.uk quoting the reference number above in any future communications.

Yours sincerely,

Gloria Akinyemi

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

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 responding to 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 information.requests@ofcom.org.uk

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