

Reference: 01513850

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Freedom of Information request: Right to know request

Thank you for your request for information about the amount Ofcom has fined for breaches of the end of contract notification ('ECN'). Your request was received on 3 October 2022 and we have considered it under the Freedom of Information Act 2000 (the 'FOI Act').

Your request

There's no surprise in why the telephony and broadband providers are not sending out either a copy of the contract or the end of contract notifications, because for every consumer that they fails to be notified, often because the wrong end date is on their database and until the correct end date is on record, the software conveniently doesn't trigger the 'end of contract notification', and so these providers are pocketing, in the region, of an additional £50.00 per month, which they are not entitled to receive.

Ofcom has had over 32 months to get this end of contract notification investigated and its failure to act and ensure that the correct end date is being used during this period, and therefore hundreds of millions of pounds, has been taken by these providers for these services, without the slightest action from Ofcom, which means that these providers know that as Ofcom is so incompetent they will continue to take funds from consumers and businesses that they have no contract to do so.

I would like to have an in depth account, of what amount of funds have been fined by Ofcom for the breach of these regulations, for the failure of providing the correct end date notice and a copy of the contract, showing the agreed date period for the contract, which is so obviously not being adhered to, at the expense of the consumer or business by the many providers such as Vodaphone and Sky.

Our response

Our ECN rules¹ came into force in February 2020 and our rules in relation to contract information and contract summaries² in June 2022. We have not issued any fines to date in relation to these requirements. However, you may find it helpful to know that we have opened several investigations across these areas.

¹ See Conditions C1.21 to C1.29 of the [General Conditions of Entitlement](#)

² See Conditions C1.3 to C1.7 of the [General Conditions of Entitlement](#)

Since the above mentioned rules were introduced we have opened three investigations, one into [Sky](#), one into [Shell Energy](#) and another into [EE](#).

In August 2022, we concluded that Sky had contravened, and was continuing to contravene, requirements to send ECNs to some of its pay-TV customers. We did not issue a penalty to Sky but have required it to:

- i) take all necessary steps to come into compliance by no later than nine months from the date of our decision; and
- ii) provide Ofcom with a progress report within four months of our decision detailing the steps it will take to ensure it comes into compliance within that nine-month period.

In April 2022 we opened an investigation into Shell Energy. This investigation is examining whether Shell has complied with its obligations to send ECNs and annual best tariff notifications (ABTNs) and whether the ECNs and ABTNs that were sent contained the relevant information. This investigation is ongoing.

As noted above, our updated rules to provide customers with contract information and a contract summary before they enter a binding contract came into effect on 17 June 2022. On 4 October 2022 we opened an investigation examining whether EE has complied with these and other relevant obligations.³ This investigation is ongoing.

All updates in relation to the above ongoing investigations will be published on Ofcom's [Enforcement Bulletin](#).

In addition to our investigations, we have been monitoring and evaluating the implementation of our rules in relation to ECNs to ensure they are delivering good outcomes for consumers. In November 2021, we published a [review of the impacts of ECNs](#). We also carried out an [evaluation of broadband ECNs](#) which was published in May 2022.

If you have any further queries regarding this response then please send them to information.requests@ofcom.org.uk quoting the reference number above in any future communications.

Yours sincerely,

Temiloluwa Dawodu

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

³ [General Conditions](#) C1.3 to C1.7 and C5.16

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