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Which?'s response to Ofcom's consultation, Mobile roaming: strengthening customer protections

Which? welcomes the opportunity to respond to Ofcom's proposals to strengthen customer protections on mobile roaming. Which? is supportive of the overarching policy objectives that Ofcom is seeking to achieve. It is critical that consumers are informed, adequately protected and are confident in engaging with the market to find the right services which meet their needs.

- Which? supports Ofcom's proposals that aim to enable consumers to make informed decisions about using mobile roaming services.
- Ofcom should consider targeting information and alerts to susceptible consumers who are at an increased risk of inadvertent roaming.
- There should be consideration of compensation for UK residents who have unfairly incurred inadvertent roaming charges.
- Ofcom's 6 month implementation timeline is welcome but consumers are at risk of harm until these proposals are implemented.
- Ofcom should continue to monitor consumer experiences post implementation to ensure that these measures are delivering the desired outcomes for consumers.

The harm consumers face when data roaming

Since the statutory protections designed to protect consumers when roaming fell away at the end of June 2022, consumers have a number of potential financial harms when using their phone abroad. Which? agrees with Ofcom's assessment that the current provisions do not sufficiently protect consumers from the current risks of mobile roaming. As Ofcom's own research shows travellers value and consider roaming alerts to be essential or important to their roaming behaviours abroad¹. Roaming alerts empower customers to change their behaviour from the point of roaming by allowing them to better manage their usage and risk of financial harm. Which? agrees with Ofcom's findings that roaming alerts and information at the point of roaming, will remain important for consumers in managing financial risk².

¹ Ofcom, Mobile Roaming: Strengthening Customer Protections, 2023.
https://www.ofcom.org.uk/_data/assets/pdf_file/0029/264818/consultation-mobile-roaming.pdf

² Ofcom, Mobile Roaming: Strengthening Customer Protections, 2023.
https://www.ofcom.org.uk/_data/assets/pdf_file/0029/264818/consultation-mobile-roaming.pdf

Consumer Information and Good Practice

We agree with Ofcom's proposals to introduce rules and accompanying guidance which requires providers to send customers roaming alerts that include information on roaming charges, mobile bill limits and access to more information. This information must be simple, clear and user friendly. It must also be kept up to date to ensure that it makes sense for consumers and remains accurate. Ofcom should conduct further research with consumers to ensure that they find new guidance and measures simple, effective and suited to their needs.

We agree with the introduction of guidance which would promote good practice. In particular, we welcome that this includes an indication of what '24 hours' means in practice whilst roaming. If a consumer was to theoretically roam from 11:59 pm to 00:01am, they could be charged for two separate and full days of roaming. This would reduce the risk of financial harm for the consumer and further empower their decision making. Adding information which shows the consumer the charges associated with mobile roaming, via alerts, will address a gap in the knowledge for consumers.

Inadvertent Roaming

We agree with Ofcom's proposals to introduce rules and accompanying guidance in relation to inadvertent roaming. The current provisions do not sufficiently protect consumers who accidentally connect to the wrong provider. The new proposals will allow consumers to limit expenditure and allow them to adopt measures to avoid inadvertent roaming both within and outside of the UK. This is particularly relevant for Northern Irish residents near the Irish border.

It is critical that providers target the information to those most at geographical risk of inadvertent roaming. Ofcom should also provide clarity on which consumers the proposed information should be directed to - be that all consumers, or just those who enter a geographically at risk area.

We are concerned that a gap remains in the proposed guidance for those caught by inadvertent roaming. Ofcom's proposed measures only inform consumers of how to prevent inadvertent roaming but do not address or compensate if a consumer has experienced financial harm. These charges come at a time where three in ten (28%) households are currently facing issues affording communication services during the current cost of living crisis³. 14% of those who stumble into inadvertent roaming are still charged⁴. Ofcom must consider what compensation is appropriate for consumers' who are at no fault in the geographical risk of inadvertent roaming.

Implementation Period

³ Ofcom, Communications Affordability Tracker, 2023.

<https://www.ofcom.org.uk/research-and-data/multi-sector-research/affordability-tracker>.

⁴ Consumer Council, Mobile Roaming Experiences of Northern Ireland Consumers, 2023.

https://www.consumercouncil.org.uk/sites/default/files/2023-07/Mobile_Roaming_Experiences_of_NI_Consumers_050723.PDF.

Which? note that some providers are already adhering to some of Ofcom's proposed measures on a voluntary basis.

Yet, until these proposals are fully implemented, consumers will continue to be at risk of harm. Ofcom and the relevant providers should ensure that these proposals are implemented and adhered to as soon as possible during this period.

Post-implementation

Ofcom should continue to review the consumer experience on mobile data roaming to assess the impact of the new proposals and any future potential harms. Ofcom should measure success as a reduction in incidences of consumer harm.

About Which?

Which? is the UK's consumer champion, here to make life simpler, fairer and safer for everyone. Our research gets to the heart of consumer issues, our advice is impartial, and our rigorous product tests lead to expert recommendations. We're the independent consumer voice that works with politicians and lawmakers, investigates, holds businesses to account and makes change happen. As an organisation we're not for profit and all for making consumers more powerful.