



## Communications Consumer Panel and ACOD's response to Ofcom's consultation on proposals to amend guidance on roaming, strengthening consumer protections

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### About us

The Communications Consumer Panel, established by the Communications Act 2003, is a group of independent experts with direct sectoral experience. We ensure the voice of UK consumers, citizens and micro-businesses is represented in communications policy development.

The Panel's job is to ensure that the sector works for consumers, citizens and micro businesses - and in particular, people who may be in a more vulnerable position in society. We commission research, provide advice and encourage Ofcom, governments, industry and others to look at issues through the eyes of consumers, citizens and micro businesses.

The Panel pays particular attention to the needs of older people and people with disabilities, the needs of people in rural areas and people on low incomes, and the needs of micro-businesses, which have many of the same problems as individual consumers.

Four members of the Panel also represent the interests of consumers in England, Northern Ireland, Scotland and Wales, respectively. They consult with the key stakeholders in the Nations to understand the perspectives of consumers in all parts of the UK and input these perspectives to the Panel's consideration of issues.

Following the alignment of ACOD (the Advisory Committee for Older and Disabled people) with the Panel, the Panel is more alert than ever to the interests of older and disabled consumers and citizens.

### Our response

We support Ofcom's consideration of the impact of roaming on all the UK's consumers, those travelling outside the UK and particularly those who inadvertently roam while in the UK.

The impact of an unexpected bill increase during a cost-of-living crisis can lead consumers to making even tougher decisions than would normally be the case and it is our belief that all consumers should have the right to affordable, fair and reliable communications services. We urge Ofcom and communications providers to continue to work hard to protect consumers - both to help consumers to afford to stay connected to communications services and to enable consumers who want to connect to find affordable services that are fairly and transparently priced.

### UK consumers travelling outside the UK

We welcome Ofcom's current proposals as a step in the right direction to improve consumer protection, all UK consumers should benefit from fair and transparent pricing, wherever they may be using their mobile. Consumers may travel outside the UK for a

number of reasons, beyond planned and long-awaited holidays, to last-minute deals and visiting relatives. Using a mobile phone has become commonplace not only as a social communication tool, but as a safety mechanism, for consumers to find their way in unfamiliar places where they may not speak the local language, and to access help and support. We welcome improvements in consumer protection so that consumers can plan for costs they may incur while travelling and plan to ensure they do not find themselves restricted when they need help.

### Northern Ireland

We are disappointed that protections do not go further for consumers who roam inadvertently. We have advised Ofcom that we believe it is a matter of fairness and equality across the UK to ensure protection of consumers from unfair charges or unfair application of fair usage policies when those consumers find they have inadvertently roamed onto a non-UK network while in the UK. This situation is beyond consumers' control and may inhibit their use of their mobile unnecessarily.

We urge communications providers (mobile network providers and mobile virtual network providers) to carry the cost for the small percentage of the UK that this situation affects, particularly for those who live in areas where there is no other mobile provider they can switch to.

We would highlight research from the Consumer Council for Northern Ireland<sup>1</sup> on this topic. We value the CCNI's robust research in Northern Ireland, where they are able to achieve a good sample size in order to provide detailed analysis on the needs of consumers in Northern Ireland. We welcome regular opportunities to collaborate with the CCNI on the protection of consumers using communications services in the UK.

Some of the key findings of the CCNI's research were that:

- Around one in ten (11%) respondents had struggled to pay their mobile phone bill in the last 12 months. Nearly three in five (55%) of those who struggled had to make cuts elsewhere in order to pay their bill, whilst about a fifth (22%) missed a payment.
- Switching rates were low with around one in seven (15%) respondents changing their package or switching provider in the last 12 months, with nearly three in five (56%) doing so to make their bill cheaper.
- Around half (52%) of respondents stated that they have measures in place regarding roaming on to networks in ROI. Those living in border LGDs (57%) were more likely than those living in non-border LGDs (48%) to have stated that they have measures in place.
- 22% of NI consumers had experienced inadvertent/unintended roaming on the ROI/NI border, and about a third (32%) of those experienced consequences as a

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<sup>1</sup> [Mobile Roaming Experiences of Northern Ireland Consumers \(consumercouncil.org.uk\)](https://www.consumercouncil.org.uk)

- result, with being charged additional fees by their provider (14%) and having their services restricted by their provider (9%) the most likely penalties.
- Around two in five (36%) respondents did not know that a personal spend limit could be set for usage in the UK, whilst a similar number (43%) did not know that one could be set for usage outside the UK.

We believe that these findings should be taken into account as evidence towards the need for stronger protections for consumers in Northern Ireland, for whom inadvertent roaming is a fact of life they cannot control.

We believe that for any communications provider to profit from this situation is a pernicious practice and amounts to unjustified enrichment, as the consumer has no choice but to put up with additional costs and/or constraints from a usage policy that isn't fair.

We know some providers have taken steps to address the situation and we welcome this proactive action. However, we believe that rules should be in place to stop other communications providers from failing to act to protect consumers and that enforcement action should be taken if consumers continue to suffer the impacts of inadvertent roaming on their bills and usage.

Furthermore, we know from listening to stakeholders that many NI consumers and micro-businesses travel across the border regularly for work or to access services or visit family members. We would urge providers to consider this situation differently to 'travelling outside the UK', given that consumers may actually be travelling to the next town and swapping SIM cards every time they make that journey is not a practical solution.