



Good Law Project Limited
167-169 Great Portland Street
5th Floor
London
W1W 5PF
W: goodlawproject.org

Enforcement Team

Ofcom
Riverside House
2a Southwark Bridge Road
London
SE1 9HA

9 July 2026

By email only: enforcement@ofcom.org.uk

Dear Enforcement Team

Questions regarding Virgin Media's £28m fine for its extensive anti-switching practices

We refer to your announcement yesterday of the fine that you have levied on Virgin with respect to its extensive anti-switching practices over the period from 1 January 2022 to 11 September 2024¹.

It's clear that Virgin's conduct has been reprehensible. Your announcement begs a number of important questions:

1. You say that you are requiring Virgin Media to check that every affected customer who complained has received the compensation or other remedies they were entitled to. It is not clear whether that is a reference to complaints made to Ofcom or to Virgin, but in any event why is Virgin's obligation confined to customers who took the additional trouble to complain? Given the incentive system that was in place, Virgin must have records of all customers who sought to switch and were prevented from doing so, regardless of whether they formally complained at the time.
2. One of the remedies customers are entitled to (whether or not they complained) arises under S.104(2) of the Communications Act 2003 which gives a private right of action to those who have suffered loss or damage as a result of Virgin's

¹<https://www.ofcom.org.uk/phones-and-broadband/switching-provider/ofcom-fines-virgin-media-28m-for-repeatedly-preventing-customers-from-cancelling-contracts>

extensive breaches of General Condition C1.8. It's clear from your announcement that no defence under S.104(3) could arise. In the circumstances, will Ofcom provide its consent to any bringing of a private action by any affected customer?

3. Your penalty was set with reference to, amongst other things, your understanding of the financial gain Virgin is likely to have made from its unlawful activity. What was that estimated gain, and how does it compare with the penalty levied and the compensation that Virgin is likely to have to pay customers?
4. Why was Virgin afforded a discount in circumstances where, according to your announcement, it (i) had repeatedly failed to act to identify and prevent the harm and comply with your information gathering process during your investigation; and (ii) has been fined previously for a breach of the same rule in 2018?
5. What consequences, if any, will there be for those individuals at all levels of management who were responsible for (i) putting in place such a scheme and/or (ii) repeatedly failing to identify and prevent the harm it caused? Is it effectively the case that customers and shareholders are to bear losses associated with the conduct, with no consequence for those at Virgin actually responsible for it?

We look forward to receiving your response to our questions.

Yours faithfully,



Good Law Project