

**WRITTEN QUESTION TO THE CHIEF MINISTER
BY DEPUTY M. TADIER OF ST. BRELADE
ANSWER TO BE TABLED ON TUESDAY 23rd FEBRUARY 2016**

Question

- (a) How many complaints have been made to –
- (i) the Channel Islands Competition Regulatory Authorities/the Jersey Competition Regulatory Authority;
 - (ii) the Minister;
 - (iii) Trading Standards; and
 - (iv) the Consumer Council;
- regarding telecoms providers in the past two years (2014 to 2015)?
- (b) What protection, if any, is in place to prevent mobile telephone providers from ceasing special offers, such as free/discounted roaming, during the term of a contract, especially if that offer was used to encourage clients to sign up to a minimum term?
- (c) Is the Minister made aware of any such complaints as detailed above, and will he list what action, if any, is being taken to examine whether such a problem exists, and, if so, the extent of the problem?

Answer

This matter falls within the area of responsibility led by Assistant Minister, Senator Philip Ozouf.

The Deputy's question covers a number of issues and organisations. The response is therefore broken down into the relevant categories

(a) Complaints about Telecoms

CICRA

CICRA does not keep a record of all complaints raised about telecommunications providers. When CICRA receives a complaint from a consumer it ensures that, in the first instance, the consumer engages with the complaints procedure of the relevant operators.

If a consumer has exhausted the process with the operator then CICRA will either recommend that the complainant approach Trading Standards (for example if it is a contractual issue) or if CICRA identifies a systemic issue it can initiate a review. In some circumstances the outcome of such a review can result in changes to operator's licence conditions.

The Consumer Council

The Consumer Council does not catalogue individual complaints as this is not a core part of its remit. However, it received around 25 complaints regarding telecoms providers in 2014 and 2015 and these complaints touched on issues as varied as fibre installation, bill shock, broadband speeds and customer care.

When dealing with complaints the Consumer Council tries to ensure that the consumer has exhausted all channels with the provider before it signposts the consumer to the appropriate body. On rare occasions it may act independently to broker meaningful dialogue between the two parties. Helping to ensure that consumers have access to the right information which will allow them to make informed choices is crucial and, to aid this, the Consumer Council recently launched the comparison website TelcoWatch.

Trading Standards

The Assistant Chief Minister has received a small number of complaints from individuals about, or related to, telecoms. In each case the department investigates and then either responds to the complainant directly or ensures that the complainant is directed to the right body, for example, Trading Standards.

All complaints to the confidential Consumer Advice Service at Trading Standards are recorded and categorised in relation to the business sector and type of complaint.

The number of recorded cases for 2014 and 2015 are as follows.

Business Sector	Fixed Telephone Services	Mobile Telephone Services	Internet Services
2014	31 (2.1%)	39 (2.6%)	45 (3.0%)
2015	10 (0.8%)	31 (2.6%)	19 (1.6%)

The data includes ‘on’ and ‘off’ Island providers, ‘cases’ includes complaints and enquiries for all types of complaints and is also expressed as a percentage of the total number of complaints received by the service for that year.

(b) Protection for consumers

In 2014 the regulator issued a decision publicised as ‘fixed means fixed’ that increased the level of protection afforded to consumers in a scenario where a telecoms operator sought to alter the contract terms in a way that amounted to increases in prices for customers on a fixed-term contract. As a result of this customers must be given two calendar months written notice of any increase to the unit price of services. The customer also has the right to terminate the contract, without penalty, if the proposed variations are not acceptable.

Consumers also have statutory rights under the Supply of Goods and Services (Jersey) Law 2009, which allows for civil redress in certain contractual circumstances.

Trading Standards provide a free confidential consumer advice service. Should evidence of an alleged breach of the ‘fixed means fixed’ decision come to their attention, a case referral will be made to the JCRA having obtaining the appropriate authority to disclose.

Jersey providers also fall within the jurisdiction of the Advertising Standards Authority ‘Code of Advertising, Sales Promotion and Direct Marketing’. Consumers and competitors can make official complaints to the Authority and the outcome of adjudications are published.

(c) Existing complaints

The Assistant Chief Minister is aware of one outstanding complaint regarding a change to a consumer’s

contract. This complainant has been referred to the Trading Standards Service.

Improved transparency and consumer information can help people in Jersey make informed decisions about telecoms services. I am, therefore, delighted that the Consumer Council has launched TelcoWatch which is designed to do just that.