



JT's Non-Confidential Response
to
Update to JCRA Guidance
on the provision of a public emergency call
service proposals for consultation

31 May 2024

1. Introduction

This is a non-confidential response from JT (Jersey) Limited (“**JT**”) responding to the Authority’s proposals for consultation on the update to the guidance for the provision of a public emergency call service (the “**JCRA 999 Guidance**”). The use of “the Authority” and “JCRA” are interchangeable and refer to the Jersey Competition Regulatory Authority. This response can be published in full.

While JT has answered each of the specific consultation questions, it wishes to make a number of preliminary points¹.

The Changed Landscape – a need to change the guidance

As the JCRA is aware, JT’s view is that the call handling role that it performed prior to the coming into effect of the new arrangements with the Justice and Home Affairs department (“**JHA**”) in September 2023 (please see below) was a consequence only of history and not a result of any statutory or regulatory obligation.

The Telecommunications (Jersey) Law 2002 sets out the requirement for an operator to hold a licence to run part or all of a telecommunications system (Article 2 (1)). The law does not refer to emergency calls and still less does it require a licence holder to answer them.

In its response to the JCRA’s consultation on the 2022 version of the guidance, JT told the JCRA that it might relinquish its historical call handling role. The JCRA acknowledged this in its subsequent “999 Guidance - Response to Consultation and Final Guidance” document², saying that it accepted a need to clarify the guidance statement to better reflect the (then) present CHA arrangements and that it would make required amendments. Further, responding to JT’s specific proposal to clarify the requirement to provide a call handling agent (CHA) to other licenced operators and to reflect the possibility of responsibility for the CHA function moving to JHA at some future point, the JCRA said that it believed that the planned amendment noted in section 3.33 of that document sufficiently addressed the question of responsibility. The amendment noted in section 3.33 was JT’s proposal that a change be made to that section, making it clear that the requirement to make emergency call services available to licenced operators did not require JT to provide the CHA function [*emphasis added*]. The

¹ Article 9(2) of the Telecommunications (Jersey) Law 2002: the JCRA has a duty to consider any representation made to it on the running of a telecommunication system and the provision of telecommunication services in Jersey.

² JCRA Document Number 22/25, dated 30 June 2022, at paragraphs 3.33 *et seq*, in relation to Specific Response(s) received on Section 4.3 [of the then proposed Guidance].

possibility of responsibility for the CHA function moving to JHA has come to fruition with its ownership and operation of the combined emergency services control centre and the emergency call handling technology platform.

While this historical nature of JT's call handling role has been accepted by the JCRA in Section 1.3 of the present, 2024 Proposed Updated Guidance (Annex A to the Consultation)³, and while Section 1.4 of the Consultation acknowledges the "recent development" of changes in the technical platform arrangements used to answer calls made to the emergency services, the draft Proposed Updated Guidance does not take account of that change⁴.

The broader significance of the changes in the technical platform arrangements used to answer emergency calls is that JT has, as it indicated in 2022 that it might do, relinquished its historical call handling role. The crux of this change is that, following the approval on 28 May 2023 of the Minister for Justice and Home Affairs, the Minister for Economic Development and the Minister for Treasury & Resources of a recommendation to identify long term requirements for the 999 call fielding service and the recommended way forward, JT no longer performs its (historic and voluntary) call handling function. Instead, JT acts as JHA's service provider in the first line triage of calls to the emergency services that are received onto the government-owned emergency call handling technology platform.

Although the JCRA did not believe in 2022 that any further amendment to the then guidance (beyond the change to Section 1.3 of the Proposed Guidance to refer to JT's historical CHA function) was required, it did say⁵ that its guidance might be reconsidered and potentially amended in the future to address the possibility of any future CHA arrangements should agreement with JHA be reached.

In JT's view it is now time that such changes were made.

³ Paragraph 1.3 says that "[JT making emergency call services available to other local operators in accordance with its obligation contained in Licence Condition 14.3] is presently addressed [emphasis added] by ... JT (Jersey) Limited ... which has historically provided [emphasis added] and presently provides [emphasis added] the emergency Call Handling Agent (CHA) function ...". For the record, as the JCRA is aware, JT does not accept that Licence Condition 14.3 requires it to provide a call handling service.

⁴ Paragraph 1.4 also acknowledges a second recent development, the creation of a code of practice by the 999 Liaison Committee. JT's comments on the role of JHA in emergency call handling and the 999 Liaison Committee's Code of Practice are set out below.

⁵ At paragraph 3.36 of the 2022 consultation document.

The Current Landscape – the roles of JHA and the 999 Liaison Committee

It is accepted by all concerned that JHA is the body that is responsible for emergency services in Jersey.

The JCRA has a primary duty under Article 7 of the Telecommunications (Jersey) Law 2002 to perform its functions in such manner as it considers is best calculated to ensure that (so far as in its view is reasonably practicable) telecommunication services are provided as to satisfy all current and prospective demands for them. This is a duty to regulate in a manner that achieves outcomes for users of telecommunications services. It is not a duty to directly ensure that telecommunication services are provided as to satisfy all current and prospective demands for them. The distinction is important because the JCRA's apparent assumption that it has a direct duty to *ensure* satisfaction of all current and prospective demands on telecommunication services leads to it having a view that it can direct services providers how to provide (in this case) an emergency call service.

In JT's view, the "how" of the provision of emergency call services is a matter for JHA. JHA acknowledges this on its "homepage"⁶, saying (among other things) that its objectives to:

- prevent injury, harm, and loss through proactively working together across government and with partners, identifying and resolving risks and threats to Jersey, its residents, and visitors; and
- enable the delivery of effective and efficient public safety and security services,

can be achieved by (among other things) "creating a modern, effective, efficient and integrated 'blue lights' and emergency response service, which is collaborative and responsive to the needs of Jersey's communities".

Further, in its department summary (on that same webpage) JHA says, under the heading "Emergency Services Control Centre", that:

"We deliver an efficient and effective contact and dispatch service to all service users of the Control Centre. We do this by promoting people's safety and meeting service needs in respect of emergency, non-emergency and administrative demands. We are based at the Police Headquarters and handle contacts on behalf of the Ambulance, Fire and Rescue Service and Police [emphasis added], in a single Control Centre. We identify the nature, priority and requirements of all emergency and non-emergency contacts, ensuring people are advised, served, connected or signposted to the most appropriate person or place."

The JCRA recognises that the 999 Liaison Committee is a body that includes all parties involved in providing

⁶ <https://www.gov.je/Government/Departments/JusticeHomeAffairs/pages/default.aspx>

Jersey’s public emergency call services⁷ and whose recent Code of Practice the JCRA acknowledges “[establishes] best practice emergency call answering, setting handling standards and the provision of certain emergency call service features and explaining how the parties will work together to deliver an effective [public emergency call service]”⁸.

Of its own Guidance, the JCRA says that it is to “provide important supplemental information for LOs [licenced operators], clarifying how they should go about meeting their licence obligations”. JT notes that – in the JCRA’s own words – the guidance is “supplemental information” and, as the JCRA knows, it has long been JT’s view that its licence obligations do not include it providing an emergency call handling function. JT has never agreed that the requirement placed on Class III licenced operators in Licence Condition 14.3 to provide emergency call services to other licenced operators gives the JCRA any ground to assert that JT must provide a call handling service. JT has added its legal analysis of the requirements of Licence Condition 14 at Appendix 1.

What comes from the points made above is that, because JHA now handles emergency calls, the JCRA’s Guidance should not cover the “CHA function”, the “CHA/ES technology platform” or the call handling-related aspects of “Service reporting” to the licenced operators. These aspects are, instead, the responsibility of JHA and it should be the 999 Liaison Committee’s Code of Practice that should govern JT’s role in the provision of an emergency call service in Jersey, save as regards its “conveyance obligation” under Licence Condition 14.1 and its obligation under Licence Condition 14.3 to provide the “conveyance” element of emergency call services to other licenced operators, which should be the sole subjects of the JCRA’s Guidance. If the JCRA’s position is that it should regulate the CHA function, which seems to be the case given its insistence that Licence Condition 14.3 requires JT to handle emergency calls, it will either have to regulate JHA or it will have to change its position and accept that emergency call answering is not a regulated activity.

JHA as CHA

JHA having the emergency call handing role is neither novel as an idea in Jersey or unusual in international terms. The idea that there should be a central PSAP⁹ for Jersey was in the 2018 telecommunications strategy document, with the related action plan¹⁰ proposing Q1 and Q2 2018 as the time for action to be taken. The fact

⁷ Section 2.6 of the Consultation.

⁸ Section 1.5 of the Proposed Updated Guidance (Annex A to the Consultation)

⁹ “PSAP” (public safety answering point) means a physical location where emergency calls are first received. In Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015, the operation of such physical locations can be the responsibility of a public authority or a private organisation recognised by a particular Member State.

¹⁰ [Telecoms Strategy action plan \(gov.je\)](https://www.gov.je/telecoms-strategy-action-plan)

that JHA now has its own technical platform and that it undertakes the role of emergency call handling means that that “central PSAP” has come into being. While JT acts as service provider to JHA in the first line triage of calls that are received onto JHA’s emergency call handling technology platform¹¹, it is not the case that JT has subcontracted its call handling duty to JHA (because it never had a “duty” in the first place) but instead, JT has stopped doing what it hitherto did voluntarily and the body that is responsible for emergency services has taken that role up. JT is JHA’s service provider and, as a result, JT is responsible only to JHA under the terms of the contract between them for its performance in the triage of emergency calls once they are delivered onto JHA’s platform. The demarcation between the respective roles of JT and JHA is clearly shown in the diagram in Appendix 1.

Section 3.2 (*Overarching Principles*) of the Proposed Updated Guidance says that islanders and visitors should have access to a reliable and high-standard public emergency call service comparable to that available in other relevant jurisdictions and the footnote to that statement refers the reader to guidance provided by UK communications regulator Ofcom or contained within the European Electronic Communications Code or its successors. It is noteworthy as regards JHA’s new role that the European Electronic Communications Code and documents related to it¹² do contemplate that, in the European Union, the role of a network operator and of a PSAP can be distinct¹³. So, in that regard, Jersey is now in no different a position than might be the case in a member state of the European Union.

Guernsey, regarded by both JT and the JCRA as a comparable market based on jurisdiction size and similarities, used to operate a system similar to the one in Jersey when JT fulfilled the CHA function, but Sure (as the incumbent operator in Guernsey) gave notice to the States of Guernsey that it no longer wished to provide call handling services and the GCRA and others accepted that such call handling services were outside the requirements of Sure’s licence. As a result, the system in Guernsey was replaced entirely by a central emergency control centre operated by the Guernsey emergency services themselves rather than by Sure. Again, this is similar to what is now the case in Jersey, albeit that JHA carries out the role¹⁴ that the emergency services themselves carry out in Guernsey.

¹¹ Sections 2.7 and 2.8 of the Consultation acknowledge the existence of the combined emergency services control centre/emergency call handling technology platform “owned by the Government of Jersey that supports both the CHA function and ES call handling duties” and record the JCRA’s belief that it is important to review the JCRA’s own guidance given these developments, potentially to change to accommodate them.

¹² For example, the 2020 Report from the Commission to the European Parliament and the Council on the effectiveness of the implementation of the single European emergency number ‘112’.

¹³ ‘PSAP’ or ‘public safety answering point’ means a physical location where emergency calls are first received under the responsibility of a public authority or a private organisation recognised by the Member State (see Regulation (EU) 2015/758 of the European Parliament and of the Council of 29 April 2015

¹⁴ With JT acting as JHA’s service provider in respect of the first line triage of emergency calls.

Similarly, in Ireland, the jurisdiction that gave its then licencing framework as a model for the licencing of telecommunications in Guernsey which, in turn, became the model for Jersey licences, BT Communications Ireland Ltd was awarded a contract by the Irish government to design, build and implement Emergency Call Answering Services (“**ECAS**”), the point being that emergency call answering was not part of BT Ireland’s telecommunications licence obligation, but was instead the subject of a separate contract between BT Ireland and the relevant government ministry. BT Ireland’s role under that contract, in initially answering calls and texts forwarded to the ECAS by licenced operators (or “**Authorised Undertakings**” as they are known in Ireland) and then onward connecting such calls, where appropriate, to the required emergency service is similar to the role that JT now performs for JHA, as is the legal relationship between the government ministry, on the one hand, and the service provider on the other. It is of interest to note that when there was an issue with the ECAS in Ireland in 2022, the Irish regulator, the Commission for Communications Regulation, found it to be a contractual issue between the Irish government and BT Ireland and not a regulatory issue.

JT’s role

Following the 28 May 2023 approval by the three Jersey government ministers, notably including the Minister for Justice and Home Affairs, of the proposal that JHA undertakes the call handing function and that JT act as JHA’s service provider in carrying out the first line triage of calls received onto the emergency call handling technology platform, the principal elements of the “service provider” relationship between JHA and JT are that:

1. the parties will co-operate in all matters relating to the first line triage of calls to emergency services (the “**JT triage services**”);
2. JT will provide agents to carry out the JT triage services 24/7, 365 days a year;
3. JHA will provide JT with access to all information, and systems as may be reasonably required by JT in order to carry out the JT triage services and will ensure that any and all systems to be used by JT agents for the purposes of the services will be maintained to the latest software and hardware versions and that all necessary permits/licences are obtained and maintained;
4. JT will provide the necessary induction and training to its own JT agents and to JHA in order to effectively fulfil JT’s commitments in relation to the JT triage services;

5. there will be quarterly service review meetings, attended by the parties' respective key personnel, at which the performance of the JT triage services, and JT's compliance with agreed service levels, will be reviewed and discussed;
6. JHA will work with JT to ensure that all JT agents have the necessary support, counselling and/or mental health services to deal with any issues arising from their carrying out of the JT triage services; and
7. the parties will work together to agree any relevant policies to be applied in connection with the JT triage services.

Further comments are made on the relationship between JHA and JT in the context of JT's legal analysis of the requirements of Licence Condition 14 at Appendix 1.

The non-binding nature of the Guidance

It is JT's view that the non-binding nature of the JCRA's guidance, and the consequences of that status, is unclear.

While Section 1.3 of the Consultation says that the JCRA's guidance is to "provide important supplemental information [*emphasis added*] for LOs, clarifying how they should go about meeting their licence obligations", setting out the JCRA's "expectations [*emphasis added*] on how Class II and Class III LOs should approach compliance with these public emergency call service-related Licence Conditions"¹⁵ and that the Guidance is non-binding¹⁶, the JCRA states that it may take it into account in enforcement action against other binding requirements, including Licence Conditions¹⁷.

JT believes that the JCRA needs to exercise extreme care as regards the extent to which it takes account of its own (non-binding) guidance when carrying out a quasi-judicial function in the exercising its (binding) investigation and/or enforcement powers, including a power to impose financial penalties. Put bluntly, JT finds

¹⁵ Section 2.4 of the Consultation and section 1.4 of the Proposed Updated Guidance (Annex A to the Consultation)

¹⁶ Section 2.12 of the Consultation and paragraph 2.11 of the Proposed Updated Guidance (Annex A to the Consultation). In one instance, the non-binding nature of the JCRA's guidance does not apply to JT. By Direction 1, issued to JT on 6 May 2022, the JCRA requires JT to "Comply with the Authority's Guidance on the Provision of Emergency Calls Service" in relation to Service Incident Reporting. This elevation of the standing of the Guidance in this instance appears to be unique to JT.

¹⁷ Section 2.4 of the Consultation and sections 1.4 and 2.11 of the Proposed Updated Guidance (Annex A to the Consultation)

it hard to see how the imposition of a fine or the giving of a binding direction can be based (even in part) on the JCRA’s view of the behaviour of an operator that may have decided to exercise its discretion not to follow the “non-binding guidance” issued by the regulator in some respect or other.

JT would welcome the reflection of the JCRA on how it would seek to answer this point.

The JCRA 999 Guidance

The JCRA 999 Guidance was first published in 2022 when there was no Public Emergency Call Service Code of Practice (“**PECS Code**”) and the responsibilities for the end-to-end process were not clearly defined. The formation of the Jersey 999 Liaison Committee in 2023 and the publication of the first PECS Code at the beginning of 2024, which clearly details the end-to-end emergency service provided to the public of Jersey, supersedes many elements of the JCRA 999 Guidance. For the reasons set out above, JT considers that the 999 Liaison Committee is now the appropriate body to consider and agree the standards for emergency call answering and the development of the emergency regime in Jersey. The JCRA 999 Guidance should be amended to reflect this fact and the “CHA obligation” elements that are currently included in the JCRA 999 Guidance must be removed, as those elements are now under the remit of the 999 Liaison Committee and governed by the PECS Code.

Further, the recent developments in the handling of emergency calls in Jersey require amendments to the JCRA 999 Guidance.

The following table details the sections that should now be removed from the JCRA 999 Guidance (Annex A to the Consultation) due to being superseded by the PECS Code:

| Section | References | JT Comment |
|------------------------------------|--|---|
| CHA Function | 3.12, 3.13, 3.14, 3.15, 3.16, 3.17 and 3.18 | This is now incorporated in the PECS Code. |
| Service Management and Development | 3.21, 3.22 | The CHA is described in the PECS Code and the 999 Liaison Committee are currently preparing a roadmap plan for future developments. |
| Service Reporting | 3.23, 3.24 | The CHA KPIs are now reported, by JT on behalf of JHA, to the 999 Liaison Committee who discuss these at each meeting. |

| | | |
|-------------------|---|--|
| Service Incidents | 3.25, 3.26, 3.27, 3.28, 3.29, 3.30 and 3.31 | Reporting to the JCRA as per the criteria detailed in 3.26 should be limited to fixed or mobile network outage reporting. The CHA function is outside of the JCRA's jurisdiction. Incident reporting is relevant to all parties who are responsible for the end to end service and a section on reporting should be included in the PECS Code. The 999 Liaison Committee has already discussed this and does intend to make changes to incorporate an incident reporting section. |
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Introductory Reflections

As we started by saying, the Telecommunications (Jersey) Law 2002 sets out the requirement for an operator to hold a licence to run part or all of a telecommunications system. It does not refer to emergency calls.

While JT's licence does contain Condition 14 on "Public Emergency Calls", JT's obligation under that Condition is to carry the emergency call only and the power of the JCRA to regulate stops at the ONT.

Telephony systems are not regulated in Jersey and, by its own admission, the JCRA cannot regulate JHA because JHA is not a licenced entity.

The JCRA has recognised that there has been a change in the way that emergency calls are handled in Jersey and it needs to follow that recognition through in its proposed guidance, limiting itself to that which it has the power to regulate and not to overreach by wrongly characterising the relationship between JT and JHA and/or, regardless of the importance of emergency call handling services and the safety-of-life implications associated with such calls, by seeking to make the entity that answers calls responsible for the fitness of the technology platform used to support the call handling function.

For JT, the position is very clear. It carries emergency call traffic under the licence issued by the JCRA and it provides first line triage of those calls under a contract with JHA. Its arrangements with JHA are working well. However, if issues arise with the call carrying or with the first line triage, there are clear lines of demarcation and clear responsibilities that can be reviewed and pursued as necessary by the JCRA, in the case of the call carrying, or by JHA, in the case of the first line triage. The JCRA should not, by its proposed guidance blur those lines or responsibilities.

Finally, the JCRA must not by its proposed guidance seek to rewrite (even inadvertently) the approach to emergency call handling approved and signed-off by three government ministers or to cut through legal agreements duly made to give effect to that approved way forward.

8. JT's Response to Consultation Questions

Question 1: Do you agree with the proposed update in Section 1 to accommodate certain points contained in the agreement between parties responsible for providing the Island's emergency call handling service? If not, please explain why.?

JT does not agree with the Authority's wording as proposed at Section 1.5. The JCRA proposes the following wording:-

1.5 The Authority recognises that providing an effective PECS requires the active involvement of several parties, including Justice and Home Affairs (JHA), the Government of Jersey department responsible for providing ES in the Island⁴ . JHA oversees the production of a Code of Practice for the Provision of the Public Emergency Call Service (the PECS Code) establishing best practice emergency call answering, setting handling standards and the provision of certain emergency call service features and explaining how the parties will work together to deliver an effective PECS. ~~which may produce codes of practice or similar addressing emergency call answering and handling standards or the provision of certain emergency call service feature.~~

The proposed revised wording wrongly refers to JHA as producing the PECS Code. The PECS Code is, in fact, produced by the 999 Liaison Committee. The 999 Liaison Committee comprises representation from all (Jersey licenced Class II and Class III operators, emergency response organisations, public services answer points (PSAP) and JHA. All parties represented at the 999 Liaison Committee need to agree to any amendments/changes to the PECS Code and therefore the wording should be changed to reflect that fact.

JT suggest Section 1.5 should be reworded as follows:-

"The PECS Code is prepared and issued by the 999 Liaison Committee. The 999 Liaison Committee comprises representatives of all parties to the provision of a public emergency call service (PECS). The PECS Code details the method of handling 999/112 public emergency calls between the Communication Service Providers (CSPs), the Public Safety Answering Point (PSAP) and the Emergency Response Organisations (EROs) in Jersey (Ambulance, Coastguard, Fire & Rescue and Police) and the relevant responsibilities of each party."

Question 2: Do you have any comments on the proposed update to Section 2 to restate end-to-end obligations on providing a PECS following changes in the technical platform arrangements?

JT does not agree with the update to Section 2.

Class II and Class III licenced telecommunications operators have the following Licence Conditions:-

14. PUBLIC EMERGENCY CALLS

14.1 The Licensee shall provide a public emergency call service, being a Telecommunications Service that enables a User at any time and without incurring any charge or using any coin or token, to communicate with the police, the ambulance or fire services or the marine search and rescue services and to notify them of an emergency by using Customer Premises Equipment lawfully connected to the Licensed Network at any place in the Bailiwick of Jersey.

14.2 The Licensee shall ensure that codes 112 and 999 and other codes which may be designated as emergency access codes are exclusively reserved for calls to emergency services.

Class III licenced operators have the additional Licence Conditions:

14.3 The Licensee shall make such emergency call services available, at reasonable cost, to other Licensed Operators within the Bailiwick of Jersey.

16.1 The Licensee shall ensure that the following Telecommunication Services are accessible at all Public Pay Telephones owned and operated by the Licensee and forming part of the Licensed Telecommunications System:

.....

(c) public emergency call services without the need for any charge or the use of any card or other token;

.....

Class II and Class III licenced operators meet Licence Conditions 14.1 and 14.2 by providing their customers with access to dial codes 999/112 at no charge (including payphones for Class III operators – Licence Condition 16.1(c)) and by connecting emergency calls made by their customers to the PSAP which answers the emergency call.

JT, the only Class III operator in Jersey, complies with Licence Condition 14.3 by providing an interconnection service allowing Class II operators to connect 999/112 calls to the PSAP.

In Jersey, the activities within the PSAP fall into a two-stage process. Stage 1 encompasses answering the emergency call and passing the call to the requested emergency response organisation, this being the first line triage service provided to JHA by JT. Stage 2 is the relevant emergency response organisation dispatching the appropriate emergency response. As described in the Introduction, JT provides the Stage 1 PSAP as a service provider to JHA under an agreement with JHA, using the call answering platform provided by JHA. The essential elements of the agreement between JT and JHA are also described in the Introduction.

Regardless of whether the PSAP is a two-stage process (as is the case in Jersey) or a one-stage process (as is the case in Guernsey) the PSAP is not the responsibility of the Class II and Class III licenced operators. The Class II and Class III licenced operators are responsible only for delivering emergency calls to the PSAP (the “conveyance” obligation) but not for answering those calls or for operating the system on which those calls are answered (the “CHA” obligation). The process carried out by the PSAP is described in, and governed by, the PECS Code. As is clear from the PECS Code, the provision of a public emergency call service involves several parties and the JCRA Guidance should acknowledge this and must also clearly and properly record their respective roles and responsibilities.

In its 2022 999 Guidance consultation (T-060), the JCRA provided a response referring to the various stakeholder responses and the JCRA’s analysis of those responses¹⁸. In this, the JCRA referred to a direction¹⁹ that was issued saying that it was the JCRA’s intention to establish a common public emergency call service expectation for licenced operators and performance metrics. The JCRA also referred to JT’s response to section 6.12 of the 2022 999 Guidance consultation²⁰ which laid out JT’s understanding of the responsibilities of the various parties involved in the end-to-end public emergency call service. The JCRA stated:-

“Considering JT’s points on section 6.12 relating to the historic and present situation with the CHA function, the Authority refers to section 3.33 above, which it believes better clarifies JT’s involvement and section 3.34 which addresses possible future arrangements. The Authority further welcomes the ‘JT 999 Responsibility and SLA Measurement’ diagram, which broadly reflects its view on responsibility and KPI measurement, although the Authority notes that as a non-licensed entity, the ES [emergency

¹⁸ [999-guidance-response-to-consultation-and-final-guidance.pdf \(jcra.je\) – T060](#)

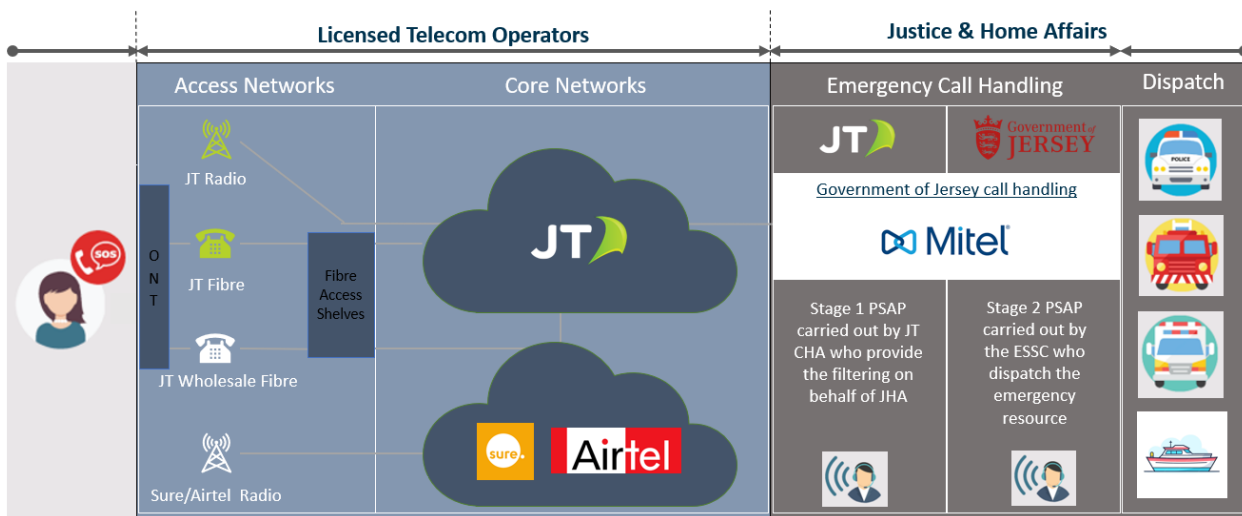
¹⁹ [emergency-call-failures-investigation-final-decision.pdf \(jcra.je\) \(JCRA 20/27\)](#)

²⁰ [999-guidance-response-to-consultation-and-final-guidance.pdf \(jcra.je\) – T060](#)

services] falls outside of its remit [emphasis added] and therefore KPIs relating to its call answering performance during a disaster recovery / planned works scenario are agreed between JT and the ES.”

JT views the statement made by the JCRA in the above-quoted passage as being supportive of its view that it is for the emergency services (whether through the 999 Liaison Committee or otherwise) to determine (among other things) relevant KPIs.

Now that the PSAP is provided using the JHA platform, JT’s role is shown in the diagram below. This diagram is included in the PECS Code and therefore agreed by the 999 Liaison Committee. It is also part of the agreement between JHA and JT. It is this diagram, which clearly shows where the responsibilities currently lie, that the JCRA should include in the update to the Guidance.



JT agrees that Class II and Class III licenced operators have an obligation to convey emergency calls as described in the conveyance obligation in new section 2.5:-

“Conveyance obligation: connecting calls from end users over the network and service elements used to convey emergency calls to the CHA function”.

However, JT does not agree that Class II and Class III licenced operators have a CHA obligation as described in new section 2.5:-

“CHA obligation: answering received calls and connecting to the appropriate ES, e.g. police, ambulance, fire service or coastguard.”

JT disagrees with the diagram included at section 2.6 on page 8. As stated above, the JCRA Guidance should use the same diagram as included in the PECS Code of Practice and the agreement between JHA and JT.

JT disagrees with new section 2.7.

“2.7 Class III licensed operator JT presently addresses the provision of a CHA function through its Emergency Services Access Service (ESAS), which is made available to other licensed operators obliged to provide a CHA function through JT’s Reference Interconnect Offer (RIO), which presently allows other licensed operators to discharge their end-to-end licence obligation.”

JT meets its Licence Condition 14.3 by providing an interconnection service allowing other licenced operators to interconnect with JT, under the terms of JT’s Reference Interconnect Offer (RIO). The RIO Emergency Services Access Service provides other licenced operators with the means to connect emergency calls to the PSAP. Licence Condition 14.1 does not oblige JT or the other licenced operators to operate the PSAP or to provide the call handling platform that provides the answering functionality. Further, Licence Condition 14.3 does not oblige JT to provide a call handling or call answering function. Therefore, the wording proposed by the JCRA does not accurately reflect either the obligation under Licence Condition 14.3 or the interconnect function.

Question 3: Do you agree with the proposed update to Section 3 incorporating guidance on the use of automated answer/response systems? If not, please explain why.

JT does not agree with the proposed update to Section 3.

The use of automated answer/response systems or any future method of receiving an emergency call or alert be that by text message or through an application (app), for example, is the responsibility of the 999 Liaison Committee. The 999 Liaison Committee is responsible for discussing, agreeing and planning any updates to the PECS Code. The JCRA’s involvement should be limited to the ensuring that Class II and Class III operators meet their Licence Conditions, which under Licence Condition 14 are limited to the conveyance of emergency calls. The JCRA is overstepping its responsibilities by considering the means by which such calls are answered. This is

the role of the 999 Liaison Committee. The 999 Liaison Committee is best placed to decide on the best means of developing the end-to-end public emergency call service as the 999 Liaison Committee members are parties who run the service.

Question 4: Do you have any comments on the proposed update to Section 3 to include a reference to the CHA / ES technology platform and clarify associated expectations on LOs?

The JCRA proposes including new Sections 3.19 and 3.20:-

“CHA / ES technology platform

3.19 Jersey operates a combined emergency services control centre / emergency call handling technology platform that supports both the CHA function and ES call handling duties. This platform is owned by the Government of Jersey and deployed in a redundant configuration to ensure resilient functionality.

3.20 Given the safety of life implications associated with emergency calls, the Authority expects licensed operators to satisfy themselves that the technology platform used to support the CHA function is being provided and operated according to the expectations set out in this Guidance.”

JT has no comments to make on the proposed Section 3.19.

JT does not agree with Section 3.20. It is JHA, the government department that is responsible for emergency services in Jersey, that owns and operates the combined emergency services control centre and the emergency call handling technology platform. The Class II and Class III licenced operators have only a “conveyance obligation” and that ends with the conveyance of the emergency call to the emergency call handling technology platform. Therefore, they have no obligation to satisfy themselves that the call answering platform is provided and operated in a manner that meets the Guidance. In fact, the JCRA has no remit to regulate the performance of the emergency call handling technology platform. The JCRA’s remit is to regulate the licenced operators only and to ensure their adherence to the Telecommunications (Jersey) Law 2002 and to the conditions of their respective licences. JHA and the emergency response organisations are acutely aware of their own roles and of the standards and resilience required to ensure that they operate in a best practice manner. Section 3.20 should not be included in the Guidance.

Appendix 1 - JT's comments on Licence Condition 14

The law

JT provides telecommunications services pursuant to its Class III licence granted by the JCRA under the Telecommunications (Jersey) Law 2002.

The 2002 law does not deal with emergency calls. However, JT's licence does contain Condition 14 on "Public Emergency Calls".

Condition 14 provides as follows:

"14.1 The Licensee shall provide a public emergency call service, being a Telecommunications Service that enables a User at any time and without incurring any charge or using any coin or token, to communicate with the police, the ambulance or fire services or the marine search and rescue services and to notify them of an emergency by using Customer Premises Equipment lawfully connected to the Licensed Network at any place in the Bailiwick of Jersey.

14.2 The Licensee shall ensure that codes 112 and 999 and other codes which may be designated as emergency access codes are exclusively reserved for calls to emergency services.

14.3 The Licensee shall make such emergency call services available, at reasonable cost, to other Licensed Operators within the Bailiwick of Jersey."

In practice

JT's licence does not spell out how the User is to be connected to the emergency services.

In practice, however, the mechanism has historically been as follows:

(a) the User calls 112 or 999 from a mobile device or a landline. JT transmits such calls from the User (a JT subscriber, a subscriber from other networks or individuals using public pay telephone), across its core network without charge. This was commonly referred to as "Part A".

(b) In a practice that harks back to the requirement for operators to connect calls manually, JT "handled" the call, putting the User (caller) through to a JT employee, who spoke to him or her and then directed the call to the appropriate emergency service. This process was commonly referred to as "Part B".

(c) The User's call was then taken by the relevant emergency service via its own telephone system. This

was "Part C".

Although the JCRA says that the obligation on licensees under Condition 14 is to provide an "end-to-end" service, it does in fact appear to be common ground that licensees have no licence obligations in respect of Part C, in particular in relation to the systems used by the emergency services themselves or the response adopted by the relevant emergency service to deal with the emergency, for example, deciding whether or not to send (say) an ambulance to attend the emergency.

The JCRA has confirmed that the emergency services themselves are not licenced entities and are outside its remit, and the JCRA does not impose any requirements as to the performance of the emergency services in, for example, how quickly they pick up a call directed to them by the Part B process.

Post-30 September 2023²¹²²

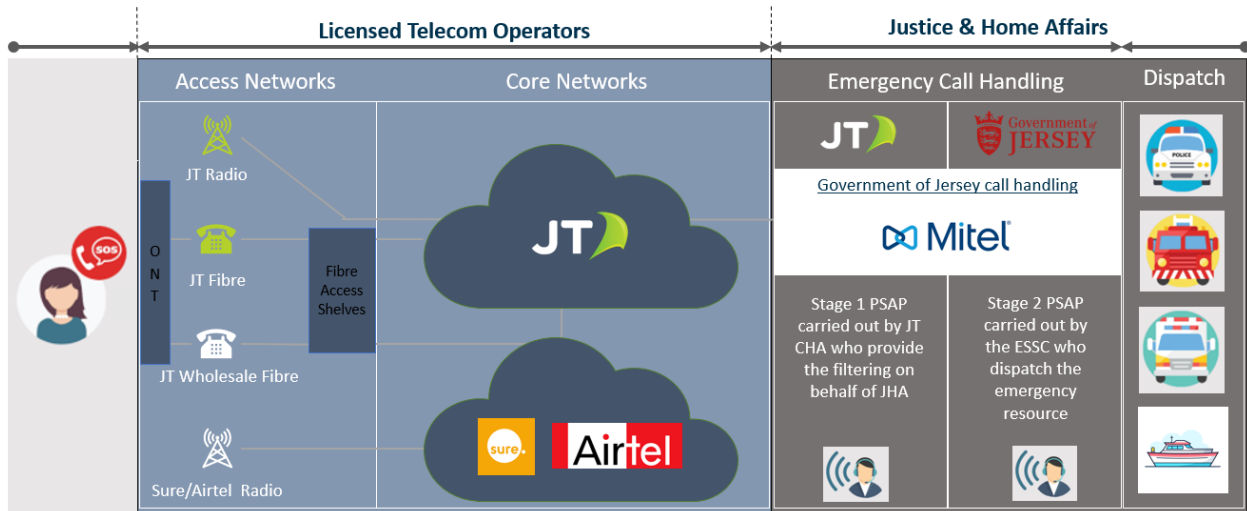
As a result of the change in the arrangements between JT and the Justice and Home Affairs department of the Government of Jersey ("JHA"), both Parts B and C fall under the auspices and responsibility of JHA. This state of affairs is recognised by the JCRA in the new text set out at Section 3.19 of the Proposed updated Guidance (Annex A to the JCRA's Proposal for consultation – Document No: JCRA 24/21), which reads as follows:

3.19 Jersey operates a combined emergency services control centre/emergency call handling technology platform that supports both the CHA function and ES call handling duties. This platform is owned by the Government of Jersey and deployed in a redundant configuration to ensure resilient functionality.

The arrangements between JHA and JT, whereby JT acts as JHA's service provider in the first line triage of calls to the emergency services, are shown in the following diagram, with the call carrying elements fulfilled by the licenced operators being on the left and the call handling elements fulfilled by JHA being on the right:

²¹ The effective date of service under the agreement dated 10 August 2023 between JHA and JT on JT's role in the first line triage of calls to the emergency services.

²² The JCRA's Guidance On The Provision of a Public Emergency Call Service published on 30 June 2022 contemplated the issuance of codes of practice by JHA and the current Consultation says expressly (at paragraph 2.9 in Annex A) that "When providing a PECS, licensed operators should also take into account any codes of practice or similar issued by JHA which may relate to emergency call answering and handling standards or the provision of certain emergency call service features."



This diagram is accepted by the Jersey 999 Liaison Committee, a body which brings together interested parties in the island, including the licenced operators, JHA and the JCRA, and this diagram appears in the Committee's Jersey Code of Practice for the Provision of the Public Emergency Call Service, published in March 2024²³.

Further, this diagram was included in the paper approved by the Minister for Justice and Home Affairs, the Minister for Economic Development and the Minister for Treasury & Resources setting out a proposed way forward after the recommendation in the Jersey government's 2018 Telecoms Strategy that long term requirements for a 999 call fielding service be identified. This diagram is then also included in the consequent agreement, dated 10 August 2023, between JHA and JT governing JT's role in the first line triage of calls to the emergency services as being the accepted summary of the operational framework. In the light of that, JT would suggest that the JCRA is not in position to gainsay the relationship between JHA and JT approved by three ministers and recorded in a binding written agreement with the competent department, JHA.

The JCRA's expectations

JT does not dispute the importance to the people of Jersey of an effective public emergency call service. It does, however, dispute the JCRA's view that Condition 14 requires it to provide a call handling function.

Under their respective licences, all licensed operators are obliged to provide a service that allows a user to communicate with the emergency services. Licensed operators (other than JT) contract with JT on the terms of

²³ The JCRA's Guidance On The Provision of a Public Emergency Call Service published on 30 June 2022 contemplated the issuance of codes of practice by JHA and the current Consultation says expressly (at paragraph 2.9 in Annex A) that "When providing a PECS, licensed operators should also take into account any codes of practice or similar issued by JHA which may relate to emergency call answering and handling standards or the provision of certain emergency call service features."

JT's reference interconnection offer²⁴ and JT facilitates the fulfilment of the obligations of those other licensed operators to provide their customers with the ability to make a call to the emergency services.

If that JT service fails and, for example, Sure customers cannot reach the emergency services, Sure will be accountable for any breach of Condition 14 (in its Class II licence), in addition to the possible accountability of JT as service provider.

As regards the obligation to provide an emergency call service, the only difference between JT's Class III licence and a Class II licence held by other licensed operators is the existence in JT's licence of Condition 14.3 and it is these words:

“The Licensee shall make such emergency call services available, at reasonable cost, to other Licensed Operators within the Bailiwick of Jersey.”

that the JCRA says supports its “expectations” for the provision by JT of a CHA function.

JT notes that these are “expectations” and that they are set out in “Guidance” which is not legally binding - see, for example, Section 2.11 (Enforcement) of the of the Proposed updated Guidance (Annex A to the JCRA's Proposal for consultation – Document No: JCRA 24/21).

The reference in Condition 14.3 to “such emergency call services” can only be to the emergency call services set out in Condition 14.1 (enabling a User to communicate with the emergency services at any time and without charge). There is nothing in those words that obliges JT to handle the call. As such, the JCRA's expectations are based on what JT has historically done and they cannot stand in the light of the current arrangements between JT and JHA.

Finally, as noted above, while JT is pleased that the JCRA has recognised in Section 3.19 of Annex A, the existence of the Government-owned combined emergency services control centre/emergency call handling technology platform, it does not accept the JCRA's statement of its expectation in Section 3.20 that licensed operators are to satisfy themselves that the technology platform used to support the CHA function is being provided and operated according to the expectations set out in the Guidance.

It is JHA, not the licenced operators, that have responsibility for the emergency services in Jersey; it is JHA, not any licenced operator, that owns/operates the emergency services control centre/emergency call handling technology platform; and it is not the case that any licenced operator is outsourcing to any third party “some

²⁴ This RIO is made by JT pursuant to its obligations under Condition 30 of its licence.

or all of their elements of the operator network associated with ES calls”²⁵ – first, there is no outsourcing to JHA and, second, what JHA owns/operates is not an “[element] of the operator network associated with ES calls”.

²⁵ See the wording of Section 3.9 of the Proposed Updated Guidance (Annex A to the Consultation).