

## Call for Information - Fibre to the premises: Future approach to emergency calls

### Response from Age Concern Guernsey LBG 29<sup>th</sup> November 2021 - Final

The following response is submitted in addition to the initial consultation response provided to the Guernsey Competition and Regulatory Authority ("GCRA") by Age Concern Guernsey LBG for and on behalf of the Committee and Members of Age Concern Guernsey.

It responds on points contained in the consultation documents provided by the GCRA and addresses the important issues canvassed during a video conference on 9th November 2021.

Age Concern Guernsey notes the present technological position is entrenched in current licence conditions, notably that "Licence conditions **require** all telecom network operators and service providers to provide **uninterrupted** public emergency call service allowing for free calls to emergency services". It is supportive of the Regulator's involvement in the future approach to emergency calls when a telecommunications network operator installs broadband optical fibre to the customer premises (FTTP). It is noted that Sure Guernsey Limited is currently trialling such FTTP in a pilot.

The following response is therefore considered to be informed and reasonable, taking into consideration the need for proportionality and a balance of interests between Age Concern Guernsey Members and older adults (consumer/subscriber) and the operator/providers.

1. **Need to define the vulnerable group that will qualify for free back-up protection against the inability to make emergency calls from their fibre landlines as a result of and for the duration of any power outage.**

**The three options discussed as a basis for this definition were noted as:**

- a. Emergency Service Reliance: a household member substantially more likely to require any of the emergency services
- b. Landline Reliance: purely that the person has no use of a mobile phone
- c. Combination approach: A combination of these approaches

Age Concern Guernsey LBG would only support Option C the "Combination approach."

Age Concern Guernsey carried out a straw poll of its Members and obtained results from two of its four Centres during the week commencing 15th November 2021 (See Appendix 1).

The results were as follows:

We were advised that a majority of the Members asked and represented in the poll did not currently use a mobile phone (60.26% were not mobile phone users. 39.74% of respondents were mobile phone users).

Furthermore, when asked, of those who did not currently have or use a mobile phone, only a very few (17.94%) of that group responded with a show of hands to say that they would be willing or able to start using a mobile phone if necessary to access emergency services in the future.

Anecdotally, as not all respondents were asked, three or four of those who were unwilling to adopt the use of a mobile phone did not have access to one. Those individuals would have needed to consider getting assistance from a family member to obtain and use one.

Members were also asked if they had a Piper Lifeline installed at their home. This service is 'designed as a reliable emergency system for people living at home who are vulnerable to accidents or sudden illness - in particular the elderly.'<sup>1</sup>

Of the 78 Age Concern Guernsey Members represented in the poll, 33 of them (42.3%) did have a Piper Lifeline service. They were not specifically asked whether this was in addition to a mobile phone for personal use. It is important to note that a Piper Lifeline is recommended as a household system with very limited range out doors. It is a special unit **to which** an existing landline telephone is connected and **cannot work with a mobile phone**. Piper Lifeline does have its own battery back-up, although further information would be required to know whether the Piper Lifeline battery back-up would power the landline telephone that is connected to it in case of a power outage, or if the landline telephone would require its own battery back-up unit ("BBU") for it to continue to work with the Piper Lifeline to enable emergency call assistance during a power outage.

The Piper Lifeline service serves as a **partial** indicator of Age Concern Members who would be represented within Option A. as being more likely to require emergency services - approximately 42%.

The number of Members who were not mobile phone users, and therefore who would be represented within Option B: "Landline Reliance: purely that the person has no use of a mobile phone as being purely mobile phone users" is approximately 60.25%.

Therefore in simple terms, based on the figures obtained, it is possible to say that the majority of pensioners will fall under either Option A or Option B and will require a fit-for-purpose back-up method either to ensure that their Piper Lifeline continues to be usable if its own battery back up is not effective or because they are purely landline users and unlikely to switch to mobile phones.

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<sup>1</sup> Extract of the Lifeline Information Sheet - HSSD No. 109 (C) March 2016

Furthermore, given that a majority of pensioners are retired and no longer working, they are living on a finite income with variable outgoings. It is the opinion of Age Concern Guernsey that these individuals are also amongst those most eligible for consideration of a free back-up alternative where they are the existing landline subscriber. This would only be in circumstances where not all subscribers who can demonstrate a need for a free back-up system, irrespective of their age, can obtain one - which would be the preferred approach.

### **Piper Lifeline Example and Precedent**

The Piper Lifeline service is operated in the Bailiwick of Guernsey by the Health and Social Services Department (now The Committee for Health and Social Care) in conjunction with Sure Guernsey Ltd at a charge levied by the telephone service provider of £4.67 per month. Help for funding of the Piper Lifeline may be available from States of Guernsey, Employment & Social Security.

There are also some useful precedents in the Piper Lifeline service arrangement. It requires completion of a brief application form (albeit returned to HSC) which triggers the installation and full demonstration of the services by a Telecommunication Engineer when the equipment is fitted in the home.

Such an application can also be made on the advice from any of the following health professionals: Health Visitor, Nurse, Doctor, Social Worker or Other. Those professionals are simply required to write their name on the form and sign it, so there is already a network of understanding and a mechanism within those professions to enable them to identify where additional help is required within the community for contacting the emergency services efficiently and effectively. Age Concern Guernsey believes this is a useful precedent that could be extended to include effective identification of householders who are considered vulnerable and require free installation of a BBU.

## **2. Definition of Groups Requiring Back-Up**

Based on the information provided above and in the Appendices, Age Concern Guernsey would go further in suggesting that the criteria for defining 'vulnerability' could be redefined as a 'Telecommunications Needs Assessment.<sup>2</sup>' (i.e. a system for understanding and finding out from the individual themselves, as a paying service user, what their telecommunications requirements are).

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<sup>2</sup> A 'Needs Assessment' has a precedent in the Health and Social Care setting. <https://www.gov.gg/jsna> This is considered an appropriate, non-discriminatory way of describing the requirements of different groups within a community. The Report itself also contains relevant information about over 50s in the Bailiwick.

The main purpose of this stance would be to move towards a partially more objective approach to the system of identifying and allocating the appropriate back-up and away from attempts to make judgement as to 'the specific characteristics, health or circumstances' of a householder.

a) Part 1 - Objective Assessment:  
[Form A Declaration/Consent]

Subscribers with landline only services to the relevant property (including properties with no viable mobile phone signal) **and** subscribers with Piper Lifeline Services at the relevant property to receive an automatic offer from the operator Sure of a free back-up method with no further reason or explanation required from the subscriber (i.e. signed declaration of consent only)

Whilst it is noted that there are some commercial considerations about the availability of records that show the operator that a household has no mobile phone services (i.e. no PAYG or mobile contracts with any of the local providers), it is the view of Age Concern Guernsey that it should be incumbent on the network operator to take responsibility, using a variety of criteria to assess their own records, to identify households which, on balance are unlikely to have mobile phone services (e.g. landline only contract with Sure, all householders are over 65 and willing to give written declaration that they don't have a mobile phone at the premises in question).

b) Part 2 - Subjective Assessment:  
[Form A Declaration/Consent]

Subscribers who, based on informed consent using suitably clear and informative materials provided by the operator or service provider, give a signed written declaration as the means of identifying themselves as needing a back-up method of contacting emergency services in a FTTP environment during a power outage. Subject of a **very low threshold**, assessment of a subjective reason or explanation stated on the brief declaration, these consumers receive a free back-up method. There is also an option with this declaration for the subscriber **not to be obliged** to provide a reason or explanation at the time of making this written declaration, on the understanding that further evidence may be required if asked (See Appendix 2).

[NB/ Please also see the attached Process Flow Diagram - Appendix 3]

The benefit of a 'Telecoms Needs Assessment' in the form of this **two-stage assessment** is that it is relatively simple, effective and reduces the susceptibility of the process to being a relatively inexperienced **external judgement** of an individual's weakness or inability to access an uninterrupted service to which they are rightly entitled according to the current operating requirements in the operator's licence (i.e. we would not wish to encourage judging a book by its cover and any deterioration of the current services).

The additional benefit of a self-declaration assessment is that it enables the householder/ subscriber to be accountable and self-aware in complex circumstances once informed of the changes. An example might be where more than one specific personal characteristic or circumstance exists in combination, which if assessed separately would not amount to any issue accessing emergency calls, but when combined or for a specific individual, could result in a potentially higher risk whether or not they have a medical diagnosis (e.g. mild signs of dementia and eye-sight issues combined).

Also, by introducing wider scope to the objective assessment to include Piper Lifeline and no mobile phone signal as well as operator landline reliance, this slightly reduces the number of cases in which the telecoms network operator / service provider has to make subjective assessments based on sensitive information / special category data about individuals in a relatively small community. This therefore offers an opportunity for a more efficient roll out and less contentious or onerous decision-making for some groups.<sup>3</sup>

### **An Equitable & Ubiquitous Fibre Network**

The 'two-stage assessment', together with a **low threshold** for approval of a free back-up method of identifying a subscriber / household's requirements through an objective assessment and self-declaration of the **household's needs**, is considered proportionate. This is in the context that the Age Concern Member / consumer has no choice in accepting the provision of fibre to their premises and their entitlement to make free emergency calls (999 or 112) is currently a licence requirement. Notwithstanding the cost of installation to the operator, there is also no apparent reason that their obligation to provide uninterrupted access to emergency calls should change where there could be inherent commercial benefits to them of installing fibre.

Or put in different terms, requiring a person aged 65 and over, or any other person, to go to the cost / inconvenience of the installation (e.g. adding or relocating power supplies within an older-style dwelling; application administration and process of arranging access for installation etc.) or adopting a new telecommunications method, because of these changes to the network, when they have any legitimate technical or individual reason not to do so, could equally be considered to be excessive where they are a contracted paying customer.

These types of barriers that put the subscriber in a position where they appear awkward or un-cooperative towards the installation, may equally present undesirable obstacles and delays to the operator's overall smooth roll-out, so may be easier to anticipate with an initial automatic offer of a free BBU.

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<sup>3</sup> Based on anecdotal information, there are approximately 1,200 Piper Lifeline users currently and this number may potentially grow with suitable information provided as part of the fibre roll-out.

## **Vulnerable Groups not covered**

Age Concern Guernsey appreciates there is a commercial aspect and a cost to how “the cake is cut” in terms of which party pays for the free-to-user back-up provision.

We are a charity representing retired Islanders who may have relatively modest income, be receiving benefits and some of whom we are aware do live alone either in rented accommodation or as home owners in their own rights. Age Concern Guernsey operates two independent concessions for over 65s in Guernsey and Alderney: The Winter Fuel Fund and The Home Maintenance Fund. We therefore have experience of running a grant scheme offering financial assistance, by application, to pensioners which also involves a home visit process.

During the 2020-21 Winter Fuel Fund season, there were 106 requests for assistance. A total of 95 applications were approved for a grant of £190 helping 90 separate households. As a result of assisting with the ‘heating or eating’ dilemma that faces some during the winter season, we are aware that finding an estimated £40 for a back-up system or buying and maintaining a mobile phone may present a barrier to some older adults which could leave them with having to make a difficult decision that could affect their safety in their own home.

Therefore, in addition to the three options for defining ‘vulnerable’ and the two-stage assessment explained above, we would also like to raise for consideration the topics of safeguarding (where an elderly householder may be suffering neglect, exploitation or ill-treatment), relative financial hardship and welfare issues. These circumstances may come to light when Sure Guernsey Community Liaison staff are working in the community, or when Engineers are carrying out installations.

For these reasons, we would ask that discussions take place with the Operator to ensure that there is a transparent system for accessing a benevolent fund during the roll-out in extreme cases where it became apparent that a weak or un-substantiated self-declaration was being made due to lack of funds available or a member of Sure Guernsey staff identified welfare concerns or cases where offering assistance was the right thing to do.

Age Concern Guernsey may seek to make separate political representations in respect of States welfare provisions available to cover the cost of the BBU for those on benefits.

## **2. Method of determining suitable back-up**

As shown in Appendix 3, the decision as to which back-up method is most suitable would ideally be a separate process from the initial assessment in our opinion. That is to say that once the need for a free back-up service is assessed (either through an objective assessment or through self-declaration), a further decision is required as to which of the two back-up methods to deploy.

There is a precedent for person-centred care within certain areas of health and social services. As a subscriber of a paid telephone landline service and /or someone who has a Piper Lifeline or a legitimate reason for self-declaration, it is considered to be appropriate that the two options for back-up are offered and the solution agreed on a case-by case basis. Given the relative reluctance of Age Concern Guernsey Members to adopt mobile phones at this stage, we would suggest this is best carried out in consultation with the subscriber (who is potentially also called to represent other residents within their own household). An assessment of suitability of the premises as well as the views of the phone user will assist reaching the ultimate decision.

For over 65s who are not mobile phone users, where possible if there is no objection, we would expect a BBU installation to be most acceptable although we couldn't substantiate this adequately within the simplicity of the straw poll. Removing barriers to the administration and deployment of this process (using the simplicity of the Piper Lifeline precedent) would be reassuring for older adults generally.

In respect of Age Concern Guernsey Members, for those who own their own homes and live on a States of Guernsey pension and/or their own work pension arrangements or benefits, it is likely that any cost of a back-up would be considered inappropriate. A means test for this provision is likely to be onerous and inefficient.

Therefore, based on the relatively low representation in the straw poll for switching to a mobile phone, we would propose that a free battery back-up installation would be *offered initially* as a direct outcome of each of the two assessments in the process. In any event, a form giving consent to the installation of a free battery back up would be required (Declaration/Consent Form A), and this would cover the automatic provisioning and installation of a battery back-up relatively efficiently (as with the Lifeline precedent mentioned above).

Thereafter, if in the event that an individual subscriber over 65, or the subscriber for their household, did indicate that they were willing to use a SIM-less mobile phone for any reason, or request one due to the arrangements at their premises (e.g. residential, tenancy or multi-generational living) this would be indicated by a separate written agreement (Form B - Agreement to mobile phone back-up).

Given that individual circumstances, health and wellbeing and even residences could change at any stage throughout the process and after the initial roll-out and installation of one back-up method or any other, we are of the view that written agreements, for clarity, are in the interests of all parties.

### **3. Dispute Resolution**

Based on the analysis of the information received by Age Concern Guernsey and also, giving consideration to the precedent offered by the Piper Lifeline application & installation process and with the duty of care that could oblige the operator and provider

to ensure the access to emergency services is uninterrupted, a dispute resolution process becomes apparent.

In the interests of its Membership and also the wider community, Age Concern Guernsey would anticipate a form to be required giving informed consent to the installation of a BBU.

Likewise, in the absence of consent or the requirement for the BBU, any free mobile phone that was issued would necessarily require an agreement in the simplest terms between the subscriber and the service provider.

Disputes could therefore seemingly be resolved at the first stage by the service provider. This could be with escalation to the Regulator if necessary with relatively little need for documentation if a low threshold for approval was agreed:

### **Part 1 Objective Assessment was not satisfied or the operator / service provider failed to complete the installation**

The information is available from records of the outcome of the objective assessment held by the operator. If the criteria were or were not met this could be substantiated by the operator based first hand on the facts (e.g. there was a Sure mobile phone contract registered at the property and/or the subscriber was not over 65). It would be the operator's responsibility to demonstrate to the Regulator why they had not offered a free back-up.

If by some means the operator / service provider was alleged to have failed to complete the installation that was required each case could be considered very simply in a similar way. The operator would be required to demonstrate they had reasonable grounds for not completing the installation (e.g. access to the property was not given, the premises changed ownership etc.) in order to find in the operator's favour. Records of the operator's attempts and ultimately a job sheet signed off by the householder to demonstrate their satisfaction with the installation would be part of this process.

### **Part 2 Subjective Assessment was not satisfied or was satisfied and then upon further evidence was not satisfied.**

This is subjective, however, we have to believe that a responsible adult or their carer would not make written self-declaration that they would not, upon request, be willing to substantiate with appropriate evidence if asked to do so once they understood the requirements. Age Concern Guernsey would not support an obligation for at GP's note to be the only suitable means of substantiating a self-declaration or definition of vulnerability - a wide variety of evidence would ideally be acceptable and meet with approval with a low threshold for provision of back-up. This is due to cost and relative intrusion of asking someone to prove something so personal to a commercial service operator.



And, in any event, if the subscriber did not substantiate their self-declaration at all, or did so inadequately in the context of the information they put on their Declaration, then they would be in default, not entitled to free back-up and the dispute would be resolved in favour of the operator / service provider.

Therefore, in terms of what documentation could be provided to evidence the self-declaration in these circumstances, the onus would be on the declarant (the subscriber/ consumer) to provide whatever information they wished to rely upon in making their self-declaration.

This could be viewed pragmatically, it may be a referral letter from a health worker or even a simple call with a social worker if they had advised that a self-declaration could be made. If the documentation was not considered to be adequate, then the resolution would be to require the subscriber to pay for their installation. Commercially, it is anticipated that the administration of this process would likely support a low threshold of approving the evidence provided and a relatively simple process to resolve the matter.

#### **No entitlement to free back-up apparent**

No entitlement applies if neither of the two-stage assessments were the applicable routes followed, or if they were not offered then the subscriber was not eligible for the back-up service under either arrangement. The only dispute that could arise here would be if a self-declaration was not made when it could have been but the declaration form was not issued, issued in the incorrect name, not received or not completed or returned. Resolution could therefore be reached in these circumstances again on the facts of the matter at hand (i.e. the service provider would be unable to submit one or other of the forms completed). No documentation would be needed from the consumer.

Record keeping by the operator is key to this: whether the BBU or mobile phone was provided for free or paid for, if a record was kept as to the declaration and forms completed during the provisioning of the back-up the position of the respective parties could be understood and addressed accordingly in each of these circumstances.

#### **4. Communications between the service provider and the elderly**

Age Concern Guernsey currently uses a wide variety of communications methods to convey messages to its membership. The method used is focussed more on the content conveyed and purpose of the message for our audience rather than the age of our recipients. More than one method of communication is sometimes used for the same message. We use Facebook and also know that family and friends, as well as some of our Members are internet users. We publish a newsletter and hold face-to-face meetings or use word-of-mouth where suitable.

Another key method of communication for our organisation is the Guernsey Post household delivery service which enables an A5 flyer to be delivered to every household

island-wide with no need for an envelope, stamp or a postal address to be used. We would therefore support a wide range of communications methods and planned messaging about future changes to emergency services calls to raise awareness of the changes that are being made.

For the purpose of the Winter Fuel Fund we send individual letters addressed to the householders who have previously used our grant service and advertise in the print media and on the radio. Home visits (equivalent to in person canvassing) is used for potential applicants or householders who are applying for the first time. In these circumstances it is important that visits are made by two representatives who can demonstrate they come from Age Concern Guernsey and the discussions are kept to one specific topic (without too much complexity or detail). Assistance is also provided to householders if they ask for help to fill in the application form.

In the interests of ensuring that the necessary information is provided directly to the relevant householder and self-declaration (Form A Declaration/Consent Form) is obtained where applicable from the subscriber we would endorse the approach used by the Winter Fuel Fund (i.e. individually addressed written correspondence and a brief form for completion).

In order to obtain the self-declaration (“indication of vulnerability”) based on informed consent, a brief leaflet together with that letter (similar to an A5 household delivery brochure) would also be useful together with that letter in our opinion.

This direct correspondence could be omitted for the recipients of the back-up through the objective assessment and replaced by a home visit, but that may be challenging to administer consistently. A suitable form of communication would still be required so that the installation was agreed by the property owner and access could be booked and arranged. Therefore in the interest of equality, Age Concern Guernsey support the same letter and self-declaration form for completion going to all subscribers.

## **5. Points of support or opposition**

In the briefest terms, Age Concern Guernsey is of the view that current Sure landline subscribers aged over 65 in Guernsey & Alderney should be provided with a free BBU if they want one.

Based on the information provided and the analysis of a suitable precedent in the form of Piper Lifeline, Age Concern Guernsey would support the provision of free back-up to **subscriber households** who are entitled to back-up as a result of the Objective and Self-declaration assessments suggested above. Any subscriber would ideally be given the opportunity to state on the self-declaration form if there is a landline reliant individual within their household *irrespective* of whether there is a mobile phone registered at the premises or a PAYG mobile in use by another individual there. This would ensure a high standard of protection given to vulnerable individuals in Guernsey which is desirable

irrespective of how other jurisdictions have sought to address the same issue in a fibre roll-out.

Any repair, maintenance or replacement of a BBU or mobile device would be the responsibility of the installer to ensure suitable training and professional standards of the deployment and services.

Age Concern Guernsey is of the view that the annual testing of the BBU could be carried out by the householder. There is a precedent for this with the Piper Lifeline. However, given the specific BBU equipment and potential for its location to be less accessible than a Piper Lifeline, we would also ask that a request for support for testing by the operator could be arranged upon request or registration where applicable, subject to a booking and charge if necessary.

Age Concern Guernsey agrees the telecoms providers should be legally obliged to provide/install a BBU against payment, for people outside the vulnerable group who request one. The option to obtain a low cost SIM-less mobile phone (for dialling 999 or 112) is also desirable.

In general terms, as expressed in the initial response from Age Concern Guernsey, we would strongly support the lifting of the current 6 month credit expiry time so that any credit on a PAYG mobile phone (from any service provider) is available for use in making non-emergency calls should the need arise in the absence of a useable landline after fibre is installed.

## **6. Relevant statistics and reports**

There is a Joint Strategic Needs Assessment Report which may provide useful information on the health, wellbeing and lifestyle considerations of over people over 50 locally. This can be found here: <https://www.gov.gg/jsna>

Carers Guernsey would be the best placed organisation to represent individuals of all ages that are cared for by family members.

It was not possible for Age Concern Guernsey to determine how many respondents in the straw poll live alone. However, we are aware that the Piper Lifeline 'Application for Connection' form asks for details of applicants who have a spouse or a companion they live with. It may therefore be possible to make a request to HSC to obtain anonymised information about how many Lifeline users live alone (i.e. who did not enter a spouse or companion's details on their form).

\*\*\*\*\* ENDS \*\*\*\*\*

## Appendix 1 Results of ACG Members Emergency Services Call Straw Poll

Description	Number of pensioners	Percentage of total
Number of Members represented	78	100
Number with Piper Lifelines	33	42.3
Number of mobile phone users	31	39.74
Number of future mobile phone users	14	17.94
Number with no mobile phone	47	60.25
Number with no Piper Lifeline	45	57.69

## Appendix 2 Specific Personal Characteristics & Self-Declaration

In the interests of privacy and dignity, and to prevent the service provider from having to collect more special category data than necessary, we would also suggest that the 'Form A' written declaration/consent gives the subscriber the right to tick a box stating that they do not wish to give details of the reason for requesting the back-up service. For clarity an example is provided below:

"I do not want to provide medical information in support of this declaration now but I understand that I may be asked to do so in the future."

An example of an established list of current medical conditions that assist emergency services *when responding to calls* is taken from the Health and Social Care Department Lifeline application form below:

Dizziness	Poor Eyesight
Black Outs	Poor Hearing
Falls	Diabetes
Heart Attacks	Epilepsy
Stroke	Other
Rheumatism / Arthritis	

These could be used in conjunction with the declaration above on a brief Form A Declaration/Consent document if applicable. A copy of the Piper Lifeline Application Form and Guidance Notes is provided by email together with this response.

### Appendix 3

#### Telecoms Needs Assessment - Process Flow Diagram Two-stage Test

