



Complaints Regarding Licensees Procedure

December 2024

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Complaints Procedure

Complaints regarding Licensees

Complaints about a gambling operator?

Where complaints relate to the way a gambling business is being run, which may indicate a threat to the licensing objectives, complainants should follow the process below.

Disputes regarding a gambling transaction, e.g. a punter's disagreement with an operator about whether they have won, or how much they should have been paid, should follow the operator's complaints procedure.

A complainant should follow the process below when raising a complaint with a Commission licensee:

1. Complaints can be made orally or in writing and may occur in person, over the telephone, by letter, by email, or via online support.
2. Complain directly to the licensee concerned providing as much detail as possible. Ideally, keeping a full record of the complaint.
3. The licensee should investigate the complaint, escalating as necessary, following their own internal complaints procedure and informing the complainant of the outcome.

To ensure a complaint is handled as quickly as possible, complainants should always follow the licence holder's complaints procedure in the first instance.

What happens if the licence holder does not deal with the complaint properly?

If the complainant feels that a licence holder does not have a proper complaints procedure, or they have ignored the complaint, or they have not followed their published complaints procedure, the complainant can complain to the Commission about their failure to operate a proper complaints process.

If the Commission considers the complaint is reasonable then it may take this up with the licence holder concerned. The Commission will not investigate the facts of the complaint but will check that there is a complaints procedure in place and challenge the licence holder to follow that procedure fully.

This process may take some time, but the complainant can expect an acknowledgement of their complaint about the licence holder, from the Commission within three working days.

Can the Commission help to get your money back?

Generally, the answer to this question is no. The Commission has no power to order a licence holder to refund those stakes a customer has freely placed with a gambling business or put into a gaming machine.

If the customer has lost a significant sum of money this may be the catalyst for recognising that they have a problem with gambling. In such circumstances the customer can ask a licence holder to exclude them from the premises or website and seek help from one of the problem gambling organisations.

Complaints about alleged illegal activity?

In the case of a complaint about alleged illegal activity of a licensee the matter must be referred to the police.

However, if the matter is a civil one, the Commission will consider further investigation if the complaint relates to:

- a breach of the licensing conditions;
- a breach of the codes of practice;
- wider concerns about the way in which a licence holder is working.

Does the Commission investigate all reports of alleged unlicensed or illegal activity?

Generally the Commission uses its resources to investigate matters which:

- may damage the Island's reputation;
- are high risk to the licensing objectives;
- are high risk to the integrity of the licensing regime.

Enforcement action in respect of illegal gambling is the responsibility of the police, although the Commission will provide advice and assistance as needed.

Complaints will be recorded for intelligence purposes only and addressed to the licensee or the sector during periodic visits to both fact find and alter policy where necessary.

The Commission aims to use the lowest effective level of intervention to deal with an issue, for example if it is satisfied that a licence holder has committed an isolated breach and has taken prompt remedial action then that may be the end of the matter.

If a licence holder has been wilful or negligent then this could result in formal action being taken, or if a licence holder has breached the law through inadvertence or ignorance then a willingness on their part to take immediate steps to rectify the matter may mean that it is not in the public interest for the Commission to apply Civil penalties even where an offence has been committed. However, the Commission reserves the right to treat all such matters on a case by case basis.

Data Protection

Where the Commission is asked to be an intermediary between customer and the licensee, the Commission must receive express permission from the customer to transmit the complaint to the appropriate person in the licensee's organization.

The Commission will make a record of the complaint and complainant. The complainant's details will be retained for a year and after which, if no further correspondence has been entered into, the Commission will delete this personal information on the presumption the matter had been settled to the customer's satisfaction.

The Commission reserves the right to anonymize the incident surrounding the complaint for training and statistical purposes.

For any clarification or further information please contact the Commission on +44 (0)1534 828540 or info@jgc.je

Document History Log

Date	Change Description
12 th February 2013	Initial release
3 rd December 2024	Revised
