

***RNID (The Royal National Institute for Deaf People) response to Ofcom's Statement and Further Consultation Questions on the "Review of the Universal Service Obligation" dated 30 June 2005.***  
*Guido Gybels, RNID Director of New Technologies*

***Summary Statement***

- *Unless significant changes are made to the current USO framework, deaf and hard of hearing people will face increasing barriers to full participation as UK citizens.*
- *The current regulatory framework and Ofcom's statement of 30 June are at odds with wider policies on inclusion and equal opportunities in the UK and Europe.*
- *Evidence demonstrates that General Condition 15 needs to be strengthened urgently.*
- *Other countries already provide services such as web access to the relay service and video relay for sign language users that are still lacking in the UK. RNID offers a subsidised Video Relay service for which longer term funding needs to be provided as part of USO.*
- *100% of PCBs should provide additional amplification and inductive coupling.*
- *Mobile networks and services should be included in USO. All mobile operators must offer mobile textphones that meet users needs.*
- *Web based access to Typetalk must be offered without delay.*
- *Governance and funding of text relay must be separated and users should have a significant say in this. RNID disagrees with BT's statement that the current arrangements are meeting users' needs.*

***Introduction***

1. RNID welcomes the opportunity to respond to Ofcom's questions. We are the largest charity representing the 9 million deaf and hard of hearing people in the UK. This response focuses on those questions of particular relevance to deaf, hard of hearing, deafblind and speech-impaired people. The phrase "deaf and hard of hearing people" in this response is used to cover all people affected by hearing loss or permanent tinnitus.
2. Our vision is of a fully inclusive society where access to telecommunications as a vital tool for participation in employment, education, health, for interaction with government and in social life and entertainment is available to everyone, regardless of individual abilities and preferences.

***General Comments***

3. This response will address some of the specific questions raised in this consultation, but will also present some more general comments on various aspects of Ofcom's statement dated 30 June 2005.
4. According to the statement, one of Ofcom's aims is to "ensure that the obligations continue to meet the needs of consumers as demands and technology change". Yet, at the same time Ofcom is ignoring the body of evidence offered by RNID and a range of other organisations and bodies representing deaf and hard of hearing people, including those put forward by TAG, about how several of the current provisions are clearly failing to meet the needs of deaf and hard of hearing people in the Information Society. Examples are provided later in this document.

5. In addition, the Ofcom Statement of 30 June 2005 is in many respects at odds with EU policies and guidelines. For example, the “i2010 – A European Information Society for growth and employment” initiative<sup>1</sup> clearly calls for action to make sure that telecommunication services “benefit *all* citizens”, are used to improve the “quality of life” and become “more accessible”. Ofcom’s statement of 20 June 2005 fails to address these issues in full.
6. In the recent eAccessibility Communication<sup>2</sup>, the Commission highlights once again some very specific concerns that need to be addressed. However, in Ofcom’s statement of 30 June the issues below were not addressed, RNID urges Ofcom to respond to these concerns:
  - a. Lack of solutions (of relevance for example to the question of mobile text telephony solutions, web based access to RNID Typetalk);
  - b. Lack of services, where the Communication explicitly mentions communication for sign language users – thus relevant to the pressing problem of the UK’s BSL Relay service that is currently being run and subsidised by RNID;
  - c. Restricted choice in terms of services, quality and price – of great significance to many deaf and hard of hearing users who are being prevented from using (for example) mobile textphones because of the refusal by the carriers to offer existing solutions (even though they are technically and economically perfectly feasible.)
7. The observations in points 5 and 6 above are even more pertinent because Ofcom explicitly refers to the European framework, for example in section 3.2 of its statement.
8. Many of these issues were covered by RNID’s response to earlier consultations in which we pointed out that a number of fundamental accessibility questions still needed to be addressed. It is disappointing that these issues have not been addressed in Ofcom’s most recent statement. RNID urges Ofcom to deal with these questions without delay.
9. Relevant to this matter is also the question of what should happen with General Condition 15. One cannot ignore the fact that despite the existence of General Condition 15, most of the mobile carriers have so far failed to implement proper mobile interactive text solutions that meet the actual users’ needs. There is widespread failure amongst the carriers to adopt next generation mobile textphone solutions. It would be in the interest of the operators themselves to do so since such next generation IP based solutions would be more handset independent, much more future proof and could be supported on standard mobile data networks.
10. One of the carriers, Orange, has said it meets its obligations under General Condition 15 by offering a solution based on connecting a mobile handset to a battery-powered textphone that must also be carried around. We believe this in no way fulfils the regulatory intention. Deaf and hard of hearing people have made it overwhelmingly clear that this solution does not meet their needs. **It is not a mobile solution and would be the equivalent of asking hearing people to carry around their desk telephone in order to be able to communicate while on the move.**
11. RNID believes Ofcom should urgently strengthen its guidance to operators and insist on truly mobile solutions. It is imperative that the condition results in actual benefits for the target users. RNID argues this would be fully in line with Ofcom’s acknowledgment in section 3 and elsewhere that the current regulatory framework is too reactive and must, above all, meet citizens’ real needs.
12. Many of the arguments used in the section on scope and impact, as well as future development of Universal Service are centred on economic aspects of regulation. It is of great importance to acknowledge that economic regulation and regulation to achieve full accessibility are two quite distinct activities. RNID wishes to reiterate once again that the Universal Service framework

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<sup>1</sup> COM(2005) 229 final of 1 June 2005

<sup>2</sup> COM(2005) 425 final of 13 September 2005

currently in place in the UK is *not* achieving inclusion to the extent possible based on contemporary technological and practical reality. In addition, Ofcom acknowledges in its statement that this review will have an impact over years to come. Together, this implies a very strong duty on all stakeholders to create an effective and comprehensive framework for USO. Failure to do so will have a dramatic impact on deaf and hard of hearing people's chances to full participation for years to come.

13. Ofcom's preliminary decision to exclude mobile in the scope of Universal Service is therefore disappointing and possibly very damaging to deaf and hard of hearing people. While Ofcom might be right in its assumption that universality of access in mobile has been reached from an economic perspective, in terms of accessibility and equal access to services this is clearly not the case. RNID urges Ofcom to reconsider its position.

### ***Ofcom invites views on Public Call Box issues***

14. All Public Call Boxes should be fully accessible and inclusive to all members of the public, regardless of their abilities and preferences.
15. With regard to Annex H and Guidance Annex AA, RNID believes the wording is currently too vague. Although reference is made to "vulnerable people" and "housing type", more specific reference to type and scope of services offered to disabled people by the Public Call Box should be key factors in the decision making process. For example, where a Public Call Box is also an interactive text payphone, its presence could be essential to deaf or hard of hearing people in that locality.
16. RNID welcomes the wording in Annex F, Schedule, Paragraph 6.3 (a) (iv), which should make Public Call Boxes fully accessible to hearing aid users.
17. However, while increasing the proportion of Public Call Boxes with additional amplification from 75% to 80% is encouraging, RNID believes this number should be 100%, especially since the total number of Public Call Boxes is likely to decrease. If the target number of Public Call Boxes with additional amplification is less than 100%, this could easily result in large numbers of areas in which hard of hearing users would no longer find a Public Call Box accessible to them.
18. 100% of multimedia PCBs (those with full keyboards and screens) should offer full interactive, character-by-character based text functionality, including the ability to make IP based text over IP as described in RFC4103. This would not require additional hardware and uses the same RTP media transport mechanisms as IP based voice or video. All such phones should also fully support character-by-character communication with legacy PSTN textphones.

### ***On services for Disabled Consumers and the proposed changes to General Condition 15***

19. RNID has no objection to the replacement of "Consumer Panel" by "Ofcom" in Condition 15.1 as stipulated by Annex I.
20. However, removal of the obligation to provide short code access to directory inquiries under Condition 15.4 is not supported by RNID. While we accept that the introduction of the 118 scheme has changed the market, RNID firmly believes that it has not been demonstrated that the needs of deaf and hard of hearing people would be met by the free market after the proposed removal of the obligation in question. RNID urges Ofcom to carry out a proper study into the effects of such removal on disabled people before progressing this further.

21. RNID fully supports the extension of the obligation under Condition 15.7 to all people with disabilities.
22. On the issue of video relay, RNID wishes to reconfirm its position as set out in the responses to the previous consultations on respectively Review of Universal Service and Strategic Review of Telecommunications. We understand that there is a need for proper investigation and therefore support the proposed study on video relay. However, there is at the same time an *immediate* need to address interim funding and provision of the existing video relay service, currently subsidised by RNID.
23. British Sign Language has been formally recognised by the UK government<sup>3</sup>. This affirms an understanding of British Sign Language users' right to communicate effectively in their own language. It should be noted that in the USA video relay for sign language users has been part of Universal Service for many years. Recently, its provision was extended to offer 24h/7d availability of the service. The situation in the UK stands in sharp contrast and Ofcom must use all its powers and influence to make sure interim funding is made available. Once again, we draw attention to the recent eAccessibility Communication<sup>4</sup> of the European Commission, which refers explicitly to the provision of video relay for sign language users.
24. RNID strongly disputes the claims made in BT's response to the previous consultation. BT's opinion that video relay is not relevant to Universal Service is misplaced and flies against EU policy objectives and practice elsewhere. Their reference to the DDA is not germane to the debate at all.
25. RNID welcomes Ofcom's recognition of the importance and need for future development of text relay. We also strongly support the proposal to create a Stakeholder Advisory Panel for the relay service, but we believe the current proposal does not go far enough in terms of its remit. The panel must be able to define functional scope and service levels and must have the final say in the scope of the funding as well. In addition, we do not believe it would be appropriate for BT to facilitate such a panel. Rather, an independent body or individual should head up the Panel's activity.
26. As we have said before, the evidence is clear: **the current USO funding arrangements of the service are neither adequate, nor appropriate**. They constitute a powerful disincentive to develop new services or to publicise and promote the existing service further. While the rest of society has moved on, relay service provision is stuck in a framework that is rapidly becoming obsolete.
27. BT claim that the current model is meeting the needs of the users. RNID strongly disagrees. In reality, users have been experiencing the detrimental effects of an under-provisioned service, have been prevented from accessing the service from different platforms and have not seen development of innovative new services, as has been the case in other countries.
28. The Relay has not kept pace with technology compared to examples of services and access methods available in other countries. Deaf and hard of hearing people frequently complain about the limitations of legacy technology to access the service.
29. RNID therefore welcomes the wording in section 6.29 that "the future development of the Relay service will be shaped by the additional features that IP potentially makes possible". IP is not a potential technology for the future, but is here already and could be used immediately to widen the range of services offered by the relay as well as to provide alternative access to RNID Typetalk via mobile and the World Wide Web.

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<sup>3</sup> Department of Work & Pensions, Press Release Ref. CSD 1803 - Sign, 18 March 2003

<sup>4</sup> COM(2005) 425 final of 13 September 2005

30. We are disappointed that no proposal has been put forward to deal with the longstanding problem of applicability of the text rebate to back to back text calls as well as how the rebate should be applied to different numbering ranges.
31. RNID believes that General Condition 15 must be more explicit in terms of making sure that existing technologies for character-by-character based communication on mobile and other platforms are made fully available, at affordable cost to those users who need it.

*RNID - The Royal National Institute for Deaf People  
September 2005.*

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RNID is the largest charity representing the 9 million deaf and hard of hearing people in the UK. As a membership charity, we aim to achieve a radically better quality of life for deaf and hard of hearing people. We do this in the following ways:

- ✓ Campaigning and lobbying to change laws and government policies.
- ✓ Providing information and raising awareness of deafness, hearing loss and tinnitus.
- ✓ Training courses and consultancy on deafness and disability.
- ✓ Communication services including sign language interpreters.
- ✓ Training of interpreters, lipspeakers, notetakers and speech-to-text operators.
- ✓ Seeking lasting change in education for deaf children and young people.
- ✓ Employment programmes to help deaf people into work.
- ✓ Care services for deaf and hard of hearing people with additional needs.
- ✓ Typetalk, the national telephone relay service for deaf and hard of hearing people.
- ✓ Equipment and products for deaf and hard of hearing people.
- ✓ Social, medical and technical research.