

1. Introduction

1.1. The Royal National Institute of the Blind (RNIB) is the leading organisation representing the needs and interests of the two million people in the UK with a sight problem. We provide a wide range of services and campaign for social inclusion and equality of access. RNIB works directly and indirectly with blind and partially sighted people, representative organisations, visual impairment professionals, national and local government, the broadcasting and entertainment sector, and a range of public and private organisations.

1.2. RNIB has worked for many years with government and industry in the areas of telecommunications and broadcasting. A central theme of our corporate strategy is to promote access to information because it promotes independence for blind and partially sighted people. Access to telecommunications, ICT and broadcasting are core elements of that goal.

1.3. RNIB is in constant touch with blind and partially sighted individuals through channels such as its Management Board and Assembly; RNIB membership scheme; its Helpline; and service delivery. RNIB works closely with organisations serving deafblind people and believes that these relationships put it in an authoritative position when seeking to influence government and regulators.

1.4. RNIB is responding to this consultation because of our interest in telecommunications and television:

Firstly, on telecommunications, RNIB has always taken a close interest in this area, from the early days of training telephonists and assessing switchboards to current projects aimed at setting standards and developing products. RNIB has, for example, worked closely with industry to bring to market mobile telephones with speech output. RNIB commented on many of OFTEL's consultations and interacted with the regulator through various working groups, e.g. the group on codes of practice for disconnection policies 2001-2, and the group that produced the code of practice on mobile telephones launched in October 2003. RNIB has contributed extensively to the work of Phonability, and staff and Trustees contributed to the work of the DIEL committee.

Upcoming developments such as growing convergence can have a significant impact on accessibility in the telecommunications area, and RNIB is therefore keen to see the interests of blind and partially sighted people reflected in Ofcom policy decisions on telecommunications.

Second, our interest in the area of television originates from our RNIB Needs Survey in 1991 which showed that 94% of blind and partially sighted people watch television. Since then, RNIB has taken an active role in highlighting broadcasting access issues. We have worked to try to ensure access to programmes, services and equipment, both by direct working with broadcasters and manufacturers and by influencing legislation. RNIB's role has become particularly important since the introduction of digital television, which provides considerable opportunities with the availability of more channels and services, including audio description on Sky, via digital Cable companies NTL and Telewest and via the Freeview Netgem receiver. However, for the majority of blind and partially sighted people there are still serious problems with the accessibility of these services because digital TV equipment is not accessible.

Through previous consultations and through direct working with service providers and manufacturers, We have highlighted the access issues related to digital television.

We have ensured that some of these issues have been, and continue to be, addressed. *OFCOM has statutory duties to "have regard for the needs of persons with disabilities" and the duty "to encourage availability of easily usable apparatus",* including equipment for those with disabilities., as well as a duty to ensure in particular that access issues are automatically included in any future technology developments.

Although work is currently under way, it is essential to ensure that there are relevant legislative and regulatory frameworks to guarantee that all issues are addressed.

2. Consultation on Ofcom's Consumer Policy

RNIB welcomes the opportunity to contribute to the debate about Ofcom's Consumer Policy. RNIB has specific comments on the underlying guiding principles set out by Ofcom in the consultation document.

2.1. We welcome the intention of Ofcom to give greater weight to the interest of vulnerable consumers when determining the course of regulatory action (page 3 of the consultation document).

2.2. We welcome OFCOM's commitment to working in partnership with bodies that represent consumers, such as Which? And the National Consumer Council. However, it is also vital that OFCOM establishes and maintains close working links with bodies that specialise in the needs of people with disabilities, including Ricability and voluntary agencies such as RNIB and our counterparts serving people with other disabilities.

2.3. The consumer policy objectives as outlined in the consultation document do not take into account that the first requirement for any consumer policy to work, is that all consumers have a clear choice of services and suppliers. At the moment, this choice is not available for a lot of disabled people because the equipment that would allow them a choice of service is not there. For example, people with visual impairments can not choose between suppliers if they want, as part of the package from that supplier, a mobile phone that speaks the menu options to them. Similarly, there is not even one option in the market when it comes to choosing a digital TV provider that would give them accessible equipment with talking menus.

As these examples illustrate, very often the lack of choice is a result of the lack of availability of suitable equipment that meets the needs of visually impaired people.

Ofcom emphasises the role of competition in creating consumer choice, but has not developed an alternative for when competition fails to provide certain sectors of society with that very basic consumer right: choice of providers at competitive prices.

2.4. Whilst we appreciate that Ofcom as regulator wants to minimise intervention, we also want to emphasise that we expect Ofcom to intervene when competition policy and markets do not deliver choice for all consumers. Unfortunately the latter is often the case on accessibility issues, and this consumer policy consultation does not adequately deal with this issue . RNIB therefore wants to call on Ofcom to intervene firmly, promptly and effectively on accessibility of digital television, digital radio and telecommunications, in line with the duty it has under section 10 of the communications act 2003 "*to secure that domestic electronic*

communications apparatus is developed which is capable of being used with ease, and without modification, by the widest possible range of individuals (including those with disabilities”. As OFCOM itself acknowledges, the public interest can not always be delivered by markets. RNIB would like to emphasise that ensuring access to digital television, digital radio and telecommunications for disabled people is an integral part of delivering the public interest and a public policy goal recognised in the communications act 2003.

2.5. Furthermore, fair competition only works if all consumers can exercise informed choice and have access to the information that enables them to make those choices. Access to information remains a significant barrier to people with a reading related disability. Although the provisions of the Disability Discrimination Act, 1995, can sometimes be invoked to overcome this, a regulatory requirement is generally more comprehensively effective. The General Conditions of Entitlement applied to all telecommunications suppliers do require the provision of bills and contract information in accessible formats, and this is now rightly being extended to people with a wider range of disabilities. However, information on tariffs, complaints procedures, methods of payment and other things, often printed on the back of bills, may not be so readily available. We therefore call on OFCOM to be more pro-active in ensuring that such information is readily available through a range of channels and in a number of formats, including alternative formats for blind and partially sighted people.

The consultation highlights two particular areas of consumer information where, in our view, OFCOM should continue to play a pro-active role:

i) **Price comparisons.** OFCOM acknowledges that its scheme for authorising price comparison services is not well known. In the face of a plethora of services and price packages, consumers need to have a reliable guide through the jungle. Of the various options put forward in the consultation, we favour those which would make reliable price comparison services better known and would extend them to the mobile market. It would be legitimate for OFCOM to play an active role itself in such work.

OFCOM also tends to slip into the erroneous belief, here and elsewhere, that everyone has ready access to the internet and that web-based solutions will cover everybody's needs. This is far from being the case, especially amongst the very groups which OFCOM acknowledges to be "vulnerable" and in need of particular attention, such as older and disabled people. OFCOM should therefore always consider other means of access to necessary information, whether in a range of "hard" formats or over a telephone link to a human being.

ii) **Complaints.** We welcome the commitment in the consultation to act on an analysis of complaints submitted to alternative dispute resolution schemes. OFCOM should require such schemes to keep records of complaints about services for disabled people - not complaints by disabled people, but complaints specifically about facilities offered under the relevant General Conditions of Entitlement, such as easy access to free directory enquiry services, access to text relay or accessible bills. However, we do not believe that information on complaints procedures is widely known or understood, especially amongst people unable to read written sources of information such as the back of their bill. OFCOM needs to be more pro-active in this area. We also feel that having to wait three months before being able to take a case to an ADR is too long, especially in those instances where the supplier complained against simply does not respond, or does not do so in an accessible manner.

2.6. Disability Equality Duty. The Disability Discrimination Act 2005 requires public bodies to promote equality of opportunity for disabled people and tackle unlawful discrimination. Bodies subject to the specific duties within the Disability Equality Duty are under an obligation to develop Disability Equality Schemes during 2006 to ensure that they adequately meet these new duties when they come into force in December. They are required, in drawing up their Equality Schemes, to involve disabled people in identifying the barriers to equality that exist with current service provision, employment and other areas.

We look forward to OFCOM consulting on its Disability Equality Scheme and involving disabled people in identifying the barriers that they believe need to be tackled in moving towards equality of opportunity in relation to communications services.]

Responses to specific consultation questions:

1. Do you agree with the proposed distinction between citizen and consumer interests:

RNIB agrees with this distinction, but finds that Ofcom fails to act on the citizens interest in this consultation document.

A possible way forward would be for Ofcom to set out a clear policy on “citizens policy” and organise a consultation about it, led by a dedicated team within Ofcom to move the “citizen” agenda forward, just like it has done for “consumer policy”. There is a clear need for this given Ofcom’s intention (as evidenced by the Letter from Lord Curry to the Ofcom Consumer Panel) to maintain a strict separation between both areas.

Question 3: do you agree with the high level objectives for consumer policy proposed above?

The high level objectives for the Ofcom consumer policy are too weak to deliver for disabled consumers, particularly blind and partially sighted consumers.

RNIB welcomes the intention to give due consideration to the needs of vulnerable consumers, to ensure that they are not disadvantaged in the market (section 3.61, page 27 of the consultation document). However section 3.38 of the consultation document emphasises the role of empowering vulnerable consumers to enable them to exert choice in the market, but completely ignores the fact that for some consumers, there is simply no choice available under current market forces. Similarly, sections 3.49 to section 3.55 outline the objectives of Ofcom’s consumer policy and refer to the needs of persons with disabilities, older people and those on low incomes, but do not mention the duty under section 10 of the communications act, where the word consumer is clearly mentioned.

Question 4: do you agree that the proposed indicators provide an appropriate basis for monitoring consumer

interests? Are there any other indicators which should be used?

None of the proposed indicators suggested in annex 7 have the necessary breakdown for disabled people generally or blind and partially sighted people in particular. For example when looking at service availability of landline, mobiles, internet, broadband, digital TV and digital Radio, it is absolutely essential that the take[-]up by disabled people, particularly blind and partially sighted people is monitored to ensure that any problems they experience are highlighted in the annual indicator report and can be highlighted for action.

Other parts of the report suffer the same deficiency: for example the section on “uninvolved consumers” who may be disadvantaged in terms of their ability to participate in the market (page 72 of the consultation document) does not have information about disabled people and particularly visually impaired people. This is an omission that should be rectified when Ofcom collects indicators in the future.

Question 5: Do you agree that Ofcom should publish an annual report on the consumer interest?

Yes RNIB agrees with this intention, but wants to add that Ofcom should in addition publish an annual report on the citizens interest, including the interests of older and disabled people.