

# Consultation Response

## Review of Relay Services (Ofcom) 20 October 2011

### About us

Action on Hearing Loss is the new name for RNID. We're the charity working for a world where hearing loss doesn't limit or label people, where tinnitus is silenced – and where people value and look after their hearing.

Our response will focus on key issues that relate to people with hearing loss. Throughout this response we use the term 'people with hearing loss' to refer to people with all levels of hearing loss, including people who are profoundly deaf. We are happy for the details of this response to be made public.

### Introduction

Action on Hearing Loss welcomes the opportunity to comment on the Review of Relay Services. We are extremely pleased that Ofcom has recognised the need to improve relay services for people with speech and hearing impairments. Hearing loss currently affects more than 10 million people in the UK – one in six of the population. As our society ages this number is set to grow and by 2031 there will be more than 14.5 million people with hearing loss in the UK<sup>1</sup>.

Relay services enable people with speech or hearing difficulties to access the telecommunications network. Due to the involvement of a relay operator in the call, relay services can be expensive to operate, and the call length is much longer than that of an equivalent voice to voice call. It is therefore important that relay services are adequately funded to ensure that people with hearing loss have full access to the telecommunications network.

The original text relay (TR) service was trialled in 1980, followed by a pilot in 1984. TR technology has not changed much since it was first introduced which means functionality and usability has not improved.

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<sup>1</sup> Hearing Matters (2011) Action on Hearing Loss

We absolutely agree with Ofcom that the current text relay service does not provide an equivalent service to voice telephony for people with hearing loss and therefore we also agree with Ofcom's view that not changing the current service is not an option.

#### Section 4 – Text Relay (TR)

**1. Do you agree that Next Generation Text Relay (NGTR) would provide greater equivalence than the existing approved TR service? Do you agree that we have considered an appropriate range of improvements?**

We agree that NGTR will improve access to telecommunications compared with the existing TR service. Long conversations times are an issue for current Text Relay customers. An increase in words per minute (wpm) from 30 to 110 for NGTR is therefore very encouraging; however we would like to see speeds of closer to the standard voice call of 170wpm as the target. The ability to interrupt a call will also help to ensure a more natural conversation flow. Captioned telephony will be hugely beneficial to people with acquired hearing loss who have good speech. It will reduce the involvement of the relay operator and therefore would hopefully reduce the number of calls that are refused or ended due to the ignorance of the call recipient.

We welcome the removal of the need to dial a prefix to access the text relay system. However, we would like clarification of how this will work in a household with both hearing and deaf residents.

We urge Ofcom to also consider the following issues to ensure that a fully accessible and effective NGTR service is developed.

- Continual improvements in technology

It is important that conversation speeds are as near to a standard voice call as possible. This means that any provider of a NGTR service should be obliged to make continuing improvements to their service in line with available technology, to ensure that conversation speeds increase over time. This will help to ensure that people with hearing loss have access to a fully equivalent service.

Total Conversation, where you can use video, text and speech at the same time in a call, shows how technology can be used to further enhance relay services. We urge Ofcom to ensure that their proposals to introduce NGTR do not preclude other technology

options being developed and which could support the future development of NGTR.

- Customisation of equipment

People feel comfortable reading at different speeds and it is therefore important that the speed at which captions are displayed can be altered. We would therefore urge Ofcom to include a requirement for this facility as part of the specification for NGTR.

- Affordability of equipment

To benefit from NGTR, users will need to purchase new equipment. We would therefore also urge Ofcom to ensure that this equipment is affordable. If people cannot afford the equipment to access NGTR then they will receive no benefit from the new service. We also believe that training must be available for those who need it to ensure that people with hearing and speech impairments are able to fully access the NGTR service.

- Promotion of the service

Awareness remains low of text relay services and it is therefore important that Ofcom takes this opportunity to raise awareness of the service and include this as a contractual requirement for any NGTR provider.

- Development of compatible equipment and technology

We are aware of new technology being developed which would allow access to the internet through a traditional television. To be able to access NGTR through the television would be hugely beneficial for people with hearing loss, particularly older people who may not feel confident using other forms of technology such as computers or even a textphone. Equipment should be compatible. Whilst this may be outside the remit of Ofcom, it is important that Ofcom make the importance of this clear to government and manufacturers.

## **2. Do you agree with the proposal to implement NGTR through the amendment to GC15? Do you agree that the criteria we propose satisfactorily embody improvements we suggest for NGTR?**

We agree with the amendment to GC15 to ensure that all telecommunications providers are obliged to provide access to the improved text relay service. We would urge Ofcom to ensure that this is future proofed to ensure that any new technology developments

would also be covered by the amendment to GC15. However, we do have concerns that the general condition remains limited to text relay only, we would like to see this condition widened to include all relay services. This would help to ensure that access to telecommunications is future proofed for people with hearing loss.

Currently, BT is the only provider and funder of text relay. This means there is no market incentive for any improvement, modernisation or marketing of the service. We therefore agree with removing GSC 4 that requires only BT (and in one region, Kingston Communication) to provide relay services. However, we do have concerns that GC15 will not encourage competition or developments in technology.

We believe that competition is vital to improve the quality of the service provided. In order for users to have real choice there needs to be open competition in the relay market. This will in turn provide an incentive for relay service providers to build on technological advances and to deliver innovative and better services in the future. As technology is constantly changing, competition is critical to ensure that deaf and hard of hearing users are not left behind.

We agree with the requirement for relay service operators to include key performance indicators (KPIs) in their application for approval by Ofcom. We believe that Ofcom should set specific KPIs for all providers to follow. This will ensure a minimum standard of service and will enable comparison amongst relay providers. These KPIs should be developed in consultation with people with hearing loss, as well as organisations who represent them, to ensure that key issues are addressed and reviewed regularly.

We agree with all of the KPIs included in the consultation and would also like to suggest some additional KPIs. We would like to see a KPI requiring the promotion of the NGTR service, including the use of proactive outreach work. We would also suggest a KPI to cover research and technology developments, to ensure that the service is continually improved. We would recommend that all KPIs are reviewed every few years to ensure that they remain relevant and comprehensive in relation to technological developments.

We also believe that there must be a transparent way to feed back problems and complaints to hold relay service providers accountable.

**3. Do you agree that a period of up to 18 months for implementation of NGTR, following an Ofcom statement, is appropriate?**

A period of up to 18 months to implement NGTR does not appear too unreasonable. However, if an improved service can be introduced before that, then we would welcome it. We believe that the technology already exists for NGTR and therefore the development time should not need to be too extensive. However, it is vital that a text relay service continues to be available throughout the duration of these changes. We would therefore warn against the removal of the GSC before any NGTR service is ready to operate.

Section 5 – Video Relay

**4. Do you consider that the requirement to ensure equivalent services for disabled end-users would require a mandated VR service in some form for BSL users? Please indicate the basis of your response.**

We agree that video relay should be mandated to improve access for BSL users and we warmly welcome Ofcom’s proposal to ensure that this happens.

Some BSL users have English as their second language, and therefore currently they have to conduct all of their telecommunications in their second language. This therefore puts them at a disadvantage. As the Opinion Leader research<sup>2</sup> found, there is no ‘one size fits all’. It is important that people with hearing loss have a choice about their telecommunication method in line with other people. Also, although there are some commercial video relay services currently available in the UK, access is not universal and therefore most BSL users are not currently able to use the service. The provision of a universal service is therefore the only way to ensure that all BSL users have access to this vital means of communication.

We believe that regulation is needed to ensure a high quality service is provided, with appropriately trained interpreters. Delivery of interpretation services via a video medium is markedly different from delivery in person in a number of areas:

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<sup>2</sup> Report is available on Ofcom’s website at [www.stakeholders.ofcom.org.uk/market-data-research/telecoms-research/ofcom-relay-services/](http://www.stakeholders.ofcom.org.uk/market-data-research/telecoms-research/ofcom-relay-services/)

- Delivery and reception over 2D, of a 3 dimensional language
- Absence of any preparatory materials in order to derive context for the communication exchange
- Inability to de-select content outside of the professional competency of the interpreter

To reflect these circumstances and to ensure equality of experience as well as accessibility, we call for providers to be required to ensure that staff are both Members of the Register of Sign Language Interpreters (MRSLI) and have had theoretical and practical training on the impact of video provision on this service. We would be happy to discuss these issues with Ofcom in further detail.

There are numerous benefits to using video relay service for BSL users, including the ability to communicate emotion.

*“With VRS I can communicate more effectively with the other party as we can now have a near-normal conversation and the interpreter can tell me about the attitude/mood of the other person.” Profoundly deaf, BSL user*

*“The video relay service has made my working life much easier. I can now participate in telephone meetings and people find it much easier to give me a ring for small or big matters. I really wish that VRS became available at home and on the mobile as it would be much easier for the school or the hospital to contact me, or for me to call a bank for example.” Profoundly deaf, BSL user*

**5. Do you agree that a restricted service would be more proportionate in providing equivalence for BSL users than an unrestricted service?**

We believe it is important that the ultimate aim in the UK should be to provide a video relay service round the clock to ensure full equivalence for BSL users who have English as their second language. However, we do recognise that this is not immediately feasible due to the lack of infrastructure and awareness. Therefore we believe a restricted service could serve as a practical basis from which to grow, rather than being considered a proportionate response.

In paragraph 5.89, the consultation states ‘more severe restrictions could apply initially with extended availability possible over time as experience and the availability of interpreters grows’. We support this statement; however we do believe that this should be explicitly stated in the regulations including a clear path for developing and increasing the availability of the service. We would recommend an escalator system be introduced that would increase the availability of video relay services over time. This could be achieved in a similar way to the way in which quotas operate for subtitles and other access services on television. This would help to ensure continuing improvement in access to telecommunications for BSL users, with the ultimate aim of achieving equivalence through an unrestricted service.

An escalator system would also help to provide an incentive for people to undertake interpreter training by guaranteeing the future availability of work in that field.

**6. Please provide your views on Methods 1 – 5 for a restricted VR service discussed above. Are there any other methods that are not mentioned that we should consider? In making your response, please provide any information on implementation costs for these solutions which you believe is relevant.**

We urge Ofcom to consider further consultation with deaf people regarding what restrictions would be most suitable for deaf people in the UK. This could be through a series of focus groups for example.

*Method 1 – restriction by time of day*

We understand the suggestion to restrict access to the times of day that will have the most demand, although we note that BSL users may need to make emergency calls at any time of the day or night. However, we believe that any such restriction should not be permanent. For the service to be equivalent, BSL users should eventually be able to access VR at any time of the day or night.

We would also recommend that access not be limited to working hours only, as this will also restrict personal calls to during the day only, which will severely limit personal communications for BSL users, including calls to non-work related services, e.g. telephone banking etc, which may not be able to be made from work.

### *Method 2 – financial cap*

We have concerns that a financial cap would create planning difficulties, with lots of calls being made initially, resulting in no funds for the rest of the year. This would be unacceptable. It would therefore be necessary to introduce strict controls to ensure the financial cap was effective and did not prevent people having vital access to video relay services. However, an overall financial cap is used for text relay services and therefore we recognise that it could work given proper consideration and planning.

### *Method 3 – monthly allocation of minutes*

The consultation is suggesting an allocation of 30minutes per month based on average use in Sweden and New Zealand. The consultation does not make it not clear whether the minutes would be allocated to everyone in the UK, or whether these minutes would be restricted only to people with hearing loss. If a hearing person calls a deaf person via video relay, would this allocation come from the deaf person or the hearing person? We would have concerns if the minutes were allocated to deaf people only as we believe that the VR service can improve communication for everyone.

Also, we do not believe that a deaf person should have to use their personal allowance of minutes to make calls on behalf of their employer. Personal calls would therefore need to be separated from work calls and there would need to be a mechanism in place to support this.

We would be concerned as to what would happen if someone's call went over the 30 minutes, which could happen for example, when waiting in a queue or if put on hold. Would the person with hearing loss be cut off?

It would be useful, if restrictions are in place by minutes, if people were able to top up, but this would have to be affordable.

### *Method 4 – subsidise home calls and charge full price for business calls*

This method would be acceptable for a business to call an individual, although we do have concerns that some businesses may choose to avoid calling deaf customers / clients if the calls are significantly more expensive. However, if a person with hearing loss is employed and they wish to use the VRS for a business call, we would have concerns with this method of restriction. It may make businesses less

inclined to employ someone who uses BSL if they have to pay the full price for any video relay calls they make. Some way of covering such costs would need to be agreed with DWP via Access to Work funding.

*Method 5 – call booking system*

We do not see this method as particularly fair. Hearing people do not have to plan in advance for when they wish to make a telephone call, and we do not believe that deaf people should either.

**7. Do you agree that a monthly allocation of minutes combined with a weekday/business hours service would be the most appropriate means to restricting the service?**

We believe that the aim should be to provide a round the clock service, and that any restriction should be temporary, and as a mechanism for the service to be developed from.

We do not see an allocation of only 30 minutes as fair, as we feel that this unduly restricts access telecommunications for people with hearing loss. However, we would consider a monthly allocation of minutes if this level was increased. We do however want to reiterate the need to have direct discussion with people who would use this service prior to the next consultation, to get their views on the most appropriate mechanism of providing a limited service as it develops.

**Others comments**

We would like to raise some final issues that have not been covered in the consultation questions.

- We would want to ensure that the introduction of a limited video relay service will not have any negative impact on the allocation of communication support for people through Access to Work. We would like reassurance that this would not be the case.
- It is important that the charges for all relay services incorporate funds to enable innovation, research and development, marketing and outreach.
- We believe it is important that any relay service has some element of competition to ensure that the technology is continually developed.

## **Conclusion**

We strongly welcome Ofcom's proposal for a NGTR service. We feel that NGTR has the opportunity to provide a service to a wider range of people, some of whom will be put off from using traditional text phones and/or who are comfortable with using computers. Increased conversation speeds will also benefit both people with hearing loss and hearing people with whom they are having conversations.

We are also extremely pleased by Ofcom's proposal to introduce video relay as we believe this will help to improve communication for BSL users.

Whilst we recognise that this consultation is regarding access to telecoms for people with hearing loss, we believe that the government should be conscious of the alternative view that a combined video relay and video interpreting service offers significant economy of scale whilst securing access to all services whether through telephony or in person. We believe that it should be the role of government to consider this issue in a holistic and innovative fashion.

We would be happy to meet with Ofcom to discuss any of the issues raised in our response.

## **Contact details**

Laura Matthews  
Social Research and Policy Officer