

*OFCOM Consultation on changes to General Conditions and Universal Service Conditions*

**Response from PhoneAbility**

**Question 1: Do you agree with our proposed approach to definitions?:**

We agree

**Question 2: Do you agree with our proposal to add CEPT to the list of standardisation bodies?:**

We agree

**Question 3: Do you agree with our proposals to extend the requirements of GC3 beyond 'fixed locations' and to require CPs to 'take all necessary measures' to maintain their networks and services and access to emergency services?:**

We agree

**Question 4: Do you agree with our proposals for emergency call numbers - which includes amending the definition of CP and requiring that location information is provided free of charge, as soon as the call reaches the emergency organisations and is accurate and reliable (in line with our proposed high level criteria)?:**

We agree

**Question 5: Do you agree with our proposed approach to contract related requirements relating to the provision of additional information, the length of contracts and the conditions for termination?:**

We agree

**Q6. Do you agree with our proposals to ensure equivalent access to the emergency services for disabled users and to mandate the provision of Emergency SMS?**

We do not agree.

Although we continue to regard Emergency SMS as a very important and most useful supplementary service, for which we have pressed hard, we take the view that it has little to do with the pursuit of equivalence. The majority of users communicate with the emergency services through the mode of interactive voice communication, not through a 'store and forward' facility such as SMS. This interaction may be vital in

emergency situations and even with the intermediary of a text relay it cannot be matched through the SMS facility.

We strongly disagree with the views set out in paragraph 8.6 of the consultation document and we would have grave concerns if the addition of emergency SMS to the General Conditions should serve as a digression from the real objective. Even with emergency SMS, disabled end-users will not receive 'as equivalent access as is currently possible to that enjoyed by other end-users' (for the reasons set out in the following paragraph), and we are not entirely convinced that mandating the service is necessary to prevent operators from withdrawing from it. The highly successful experience in its voluntary provision has fully demonstrated that the 999 SMS facility is a reasonable adjustment to be made available by operators, such that the UK's equality legislation should effectively ensure its continued availability.

We note that it is currently possible for deaf and speech-impaired people who use BSL to converse with the emergency services in a manner very closely equivalent to that enjoyed by other end-users. To do this requires the use of commercially available video relay services. Those with limited hearing but having good speech can also use similarly available captioned telephony services. By such means it is possible to have real-time interactive communication with the emergency service personnel, and the value of this is frequently demonstrated by instances in which control room personnel have 'talked through' callers in life-threatening situations while the emergency vehicle is still on its journey. However 'equivalence' may come to be defined, we do not see how a service can be described as equivalent when it effectively excludes this vital aspect despite the technology to deliver it being available. Since Article 26(4) makes equivalence an obligation upon Member States – in respect of calls to the emergency numbers if not for other types of call - it is in our view incumbent upon the UK Government to acknowledge that the commercial services mentioned have a crucial role to play. That in turn means that Ofcom has to find a way of applying the other Community obligations concerning emergency calls to such calls made through these services.

We believe that a mechanism is therefore needed to ensure that users of commercial video relay and captioned telephony services are not charged for calls made to 999 and 112 numbers. That mechanism must also provide for the transmission of the caller location information to the emergency service in these cases and make such provisions as are necessary to maintain a sufficient degree of resilience in the relay services.

We are of course aware that the Community obligations on access to emergency services do not extend beyond the point where the call is actually connected to the emergency number, since the procedures beyond that point are matters for national subsidiarity. It may be concluded that the arrival of the call at the Call Handling Agency marks the point where the Community obligations no longer apply, but the equivalence obligations are there up to that point. We contend that the Equality Duty in the UK will act, from that point onwards, against any tendency to offer a lesser standard of service to deaf or speech-impaired people – for example, by treating their calls as 'silent calls' when it is in fact possible to enable a two-way conversation. It is

our view that the outcome will then form a very close approximation to genuine equivalence. It is not possible as yet for the disabled caller to make the connections without dialling special prefixes, so we accept that for the time being this is an unavoidable departure from equivalence which will eventually be resolved.

We will not comment in any detail upon the use of TextRelay, beyond stating that the service is capable of improvement to make it less cumbersome for the caller. If the other services were made available upon similar terms, as we have insisted above, then disabled end-users would have the opportunity to choose that which best suited their needs.

We look forward to the extension of the equivalence principle beyond access to emergency services, so that the wider aspirations of the revised Directives can be accomplished once the immediate obligations have been satisfied.

**Q7. Do you agree that given the existing measures that are in place to help disabled users to access 116XXX services, it is not necessary to make further changes to GC15 in this respect?**

We have commented on previous occasions that the arrangements for 116XXX services were inadequately prepared. The numbers are supposed to be memorable, like 112, and to be operational in all parts of the Community. However, deaf and speech-impaired people cannot use these numbers; they must first of all dial national prefixes to connect to an appropriate relay or support service. This would appear to nullify the basic aim of the 116 services as far as a very large section of the EU's population is concerned.

Arguably, it is not technically feasible to address this shortcoming but it should nevertheless be recognised. We would have preferred to see a statement to the effect that it is necessary, but not at the moment possible, to make changes to General Conditions to help disabled users.

**Question 8: Do you agree with our proposals on conditions for transferring the rights of use of telephone numbers and also for granting their use for a limited period of time?:**

We agree

**Question 9: Do you agree with our proposals on the one working day requirement in relation to bulk mobile ports and in relation to fixed porting? If not, please explain why?:**

We agree

**Question 10: Do you agree with our proposed approach to the porting compensation scheme requirement?:**

We agree

**Question 11: Do you agree with our proposed approach on requirements relating to ensuring access to all numbers within the Community, the charging of ETNS numbers and calling the hotline for missing children on 116000?:**

We agree

**Question 12: Do you agree with the proposed obligation on universal service providers to notify us when they are disposing of part or all their local access network assets?:**

We agree

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