

Ofcom review of relay services

Response by the National Deaf Children's Society (NDCS)

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Introduction

The National Deaf Children's Society (NDCS) is the leading charity dedicated to creating a world without barriers for deaf children and young people. We believe that every deaf child and young person should be valued and included by society and have the same opportunities as any other child.

NDCS uses the word 'deaf' to refer to all levels of hearing loss, from mild to profound. Deaf children and young people communicate in a range of ways, including hearing amplification, sign language and lipreading. There are over 45,000 deaf children and young people in the UK. 90% of deaf children are from families with no first-hand experience of deafness. Around 85% attend mainstream schools. Many deaf children therefore grow up in an environment where ready access to telecommunication services is expected and taken for granted by their family and peers.

For deaf children and young people to be included in society, it is vital they have full access to telecommunication services. This is particularly important for older deaf children as they reach independence. Failure to provide full access means that deaf young people will be less likely to be employed or gain work experience. It also risks undermining the social and emotional well-being of deaf young people as they seek to build effective relationships with hearing peers. NDCS therefore welcomes the opportunity to respond to this consultation.

Question 1: Do you agree that NGTR would provide greater equivalence than the existing approved TR service?

Yes. Given that calls through existing text relay services take four times as long as a conventional call, and can be extremely cumbersome and impersonal to deaf young people, any improvements would clearly help deliver greater equivalence. NDCS strongly supports the proposal to move to next generation text relay services (NGTR).

NDCS, however, would like to see greater effort made to ensure equivalence is provided through almost live real-time communication and do not accept this is unrealistic. The Webcapitel service, which some deaf people were able to access for a brief period a few years ago, was able to achieve almost live real-time communication.

NDCS would like to see greater attention on likely user experiences, how the new services will be accessed and importantly how deaf people will receive calls through NGTR through a range of devices. We also note that different users may have different needs – e.g. deaf young people may prefer different speeds of transcription. NDCS would be keen to see Ofcom explore how a personalised service can be offered, to give people choice on various aspects of the call.

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

NDCS has a number of concerns on the proposed approach. NDCS believes that to ensure equivalence, there needs to be real choice through competition. Without competition, there will be no incentive for existing providers to modernise and innovate and deliver a better service. The inevitable outcome will be that telecommunication companies seek to minimise their costs and provide the bare minimum. The absence of a "natural" market for relay services does not mean that Ofcom cannot or should not take action to stimulate competition.

NDCS believes that a funding mechanism is needed to ensure that a range of organisations can compete to provide these services whilst ensuring that deaf children and young people do not have to pay more than the cost of a standard call. If there is just one single provider, we believe that the aim of delivering modernised relay services will have failed already. We also believe that a

funding mechanism is needed to provide incentives for telecommunication companies to improve relay services, as technology develops.

NDCS is aware that Ofcom do not believe they have the power to establish a funding mechanism. If so and in light of the considerable strengthen of feeling on this issue, NDCS therefore calls on Ofcom to publish advice to the Government on how this could be achieved, as well as its own legal advice on this issue.

In the absence of competition, robust Key Performance Indicators (KPIs) will have a vital role to play in ensuring a high quality service, that moves with technological developments, is in place. Careful thought must be given on how the KPIs can deliver greater innovation and modernisation of the service – something that has been conspicuously absent in the last 30 years of relay services. KPIs must be challenging and ambitious to ensure deaf young people have the best possible service. For example, we would like to see a KPI working towards achieving near normal transcription speeds at close to 170 wpm and accuracy approaching 99% for non-technical calls.

NDCS would welcome confirmation that KPIs will be set in liaison with stakeholder groups and will be reviewed and updated annually.

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

No. Given the pace of technological developments in other areas of life, NDCS does not see why NGTR cannot be brought forward within a much shorter period, especially since much of the technology already exists. Given the importance of equivalence, the barriers facing deaf young people and the delays they have experienced in waiting for improvements, NDCS would like to see greater urgency.

Question 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?

Yes. NDCS believes it is difficult to see how the requirements of the EU Electronic Communication Framework could be interpreted in any other way as to require mandated video relay services to ensure equivalent access for BSL users.

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

Question 6: Please provide your views on methods 1 to 5 for a restricted VR service

Question 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?

No. NDCS regards the proposal of a monthly personal allocation of minutes as preposterous and should be removed from the list of options. We strongly believe that a concept of a 30 minute a month cap on usage will be regarded as offensive by many deaf young people. It would be akin to proposing deaf young people only be allowed to watch 30 minutes of subtitled TV a month or that wheelchair users only be allowed to use public transport for 30 minutes a month.

NDCS believes that a monthly use cap does not deliver equivalence. The suggestion in the consultation that deaf young people choose which calls they might make are most important is also unacceptable. Deaf young people should not be placed in a position where they have to choose to call a prospective employer, their grandmother or their GP in a single month.

A cap of 30 minutes a month also imposes a number of practical issues, some of which are identified by Ofcom, including:

- What happens when a deaf young person reaches 29 minutes of their monthly allocation.
- What happens when a call happens to take longer than expected, through no fault of the deaf young person – e.g. the deaf young person is put on hold
- Whether calls made to the deaf young person by another user are included in their monthly allocation.
- What happens when a deaf young person needs to make an urgent and important call, to their GP for example, but has already used up their monthly allocation.

NDCS recognises that a cap has been put in place because of concerns over costs becoming unmanageable. NDCS believes that some of these risks can be mitigated or are overstated.

The consultation asserts that the average use in countries where there is restricted access, usage has been around 15 minutes. The consultation provides no evidence to suggest why the average use in the UK might be significantly higher. If there is evidence, this needs to be published to allow for scrutiny. On the face of it, however, a cap therefore seems unnecessary.

NDCS also notes that, according to figure 2, no other country appears to impose a monthly cap on use of video relay services. This suggests other countries have successfully managed the “risks” of unmanageable use.

In terms of mitigation, as the consultation notes, in America, video relay calls made within the same office are blocked. NDCS assumes the same could be achieved in the UK. This would prevent video relay services being used as an alternative to face to face BSL interpretation. NDCS also expects that most deaf people will continue to prefer to use face to face BSL interpretation, even where video relay services are available. We believe that existing provisions in the Equality Act could be used to prevent businesses from coercing customers and employers to use video relay services instead of face to face interpretation.

NDCS would like to see unlimited access to video relay services for deaf young people. The EU Framework is quite clear that service providers must provide equivalence and, on the face of it, no caveats are provided in the Framework around proportionality. If Ofcom takes a different view, it would be helpful if they could publish their legal advice, as well as their own legal understanding of the terms “equivalence” and “choice”.

In relation to the options presented by Ofcom, we do not understand why the same logic on an overall financial cap for NGTR cannot also be applied to video relay services. Such an approach would generate valuable information about actual usage of video relay services.

Given the delays that deaf young people have faced in being able to access equivalent video relay services, we are dismayed that further changes will only follow after yet another consultation. NDCS believes there should be much greater urgency in delivering video relay services to inform future planning.

Throughout the consultation exercise we have repeatedly heard the view that Ofcom are limited in their powers. NDCS believes that deaf organisations have shown consistency in its strength of feeling on the importance of genuine equivalence, but that the underlying focus of this review has been not on how to deliver a 21st century telecommunications service and full access for deaf people, but instead on the possible reaction of telecommunication companies. We believe a more constructive approach is needed and therefore recommend that Ofcom publish its advice to the Government on how the law needs to be changed to meet the aspirations of deaf people.