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## Emergency video relay

### Proposal to approve Sign Language Interactions' service

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Non-confidential version – [X] indicates redacted information

[Emergency video relay: proposal to approve Sign Language Interactions' service](#) – Welsh overview

#### **CONSULTATION:**

Publication date: 17 November 2021

Closing date for responses: 17 December 2021

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# 1. Overview

Video relay services are a way of enabling people who use British Sign Language (BSL) to communicate effectively with people who do not use BSL. The deaf BSL user makes a video call using a connected device to call a hearing person via an interpreter in a call centre. The interpreter translates what the deaf user is signing into spoken English for the hearing person to hear, and signs what the hearing person is saying to the deaf user.

In June 2021, we published our decision to require communications providers<sup>1</sup> to provide, or contract to provide, a free 24/7 emergency video relay service approved by Ofcom.<sup>2</sup> We also set out the criteria that would need to be met in order for an emergency video relay service to be approved.

We invited formal applications for approval of a service by 1 October 2021. This consultation document sets out our assessment of Sign Language Interactions’ proposed service against our approval criteria.

## **What we are proposing – in brief**

Having assessed the application received from Sign Language Interactions against our approval criteria, we are consulting on approving its proposed service for the purpose of General Condition C5, which is the new rule for communications providers.

We invite comments on our proposal as set out in this consultation by 17 December 2021. We welcome submissions in BSL.

We will consider any responses we receive by the closing date before reaching a final decision on whether to approve Sign Language Interactions’ emergency video relay service.

We aim to publish a statement setting out our decision in January 2022. The obligation imposed on communications providers to provide emergency video relay will come into effect on 17 June 2022.

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<sup>1</sup> For the purpose of the relevant General Condition, we mean providers of fixed and mobile telephony services i.e. number-based interpersonal communications services (where it is technically feasible), and providers of internet access services.

<sup>2</sup> This obligation will be implemented through Ofcom’s General Conditions of Entitlement, in particular General Condition C5.

## 2. Introduction and background

### Background

- 2.1 Ofcom has a duty under the Communications Act 2003 to further the interests of citizens and consumers in relation to communications matters. This includes having regard to the needs of disabled citizens. Ofcom also needs to adhere to the principle contained in the regulatory framework that people with disabilities should have access to emergency communications that is equivalent to that experienced by other end-users.
- 2.2 In June 2021, Ofcom published a statement (“the June Statement”)<sup>3</sup> setting out our decision to require providers of fixed and mobile telephony services<sup>4</sup> and providers of internet access services, to provide, or contract to provide, a free 24/7 video relay service for deaf BSL users to enable communication with the emergency services. This emergency video relay service would need to be approved by Ofcom. This requirement will be implemented through new General Conditions (the “new GCs”) which were made on 22 June 2021 and which come into effect on 17 June 2022.
- 2.3 The emergency video relay service will allow deaf BSL users to communicate with non-BSL users clearly and effectively, and will allow instructions from the emergency services to be more easily understood by BSL users. It will involve a deaf BSL user signing via a video link to an interpreter in a location such as a call centre using a connected device such as a smartphone, tablet or PC. The interpreter translates what is signed to the hearing person (in this case the emergency services) and signs the responses from the emergency services back to the deaf BSL user.
- 2.4 The June Statement set out the new GCs imposed in relation to emergency video relay<sup>5</sup> and also set out the approval criteria that would have to be met in order for a service to be approved by Ofcom as an emergency video relay service (“the Approval Criteria”).<sup>6</sup> The new GCs and the Approval Criteria from the June Statement are set out below.
- 2.5 The June Statement also set out the expected timeline for implementing the emergency video relay service, which we have reproduced below.

**Table 1: Timetable for implementation**

Expected timing	Action
22 June 2021	Publication of final approval criteria
1 September 2021	Deadline for expressions of interest
1 October 2021	Deadline for formal applications

<sup>3</sup> [Statement: Emergency video relay, Ofcom, June 2021](#).

<sup>4</sup> Number-based interpersonal communications services where this is technically feasible.

<sup>5</sup> Annex 2, Statement: Emergency video relay, Ofcom, June 2021.

<sup>6</sup> Annex 1, Statement: Emergency video relay, Ofcom, June 2021.

<b>November 2021</b>	Consultation on any proposal to approve services
<b>January 2022</b>	Publication of a decision by Ofcom to approve one or more services
<b>January-June 2022</b>	Regulated providers contract with a supplier of an approved service, either via a wholesaler or direct

## Purpose of this document

- 2.6 Ofcom received an application from Sign Language Interactions (“SLI”) for the approval of its proposed emergency video relay service. We are consulting on our proposal to approve this proposed service. The non-confidential version of this application is included in Annex 5; we set out our assessment of this application, including a summary of what the service will provide, in section 3.
- 2.7 Following this consultation, we will consider any consultation responses that we receive by the closing date before reaching a final decision on whether to approve SLI’s proposed service as an emergency video relay service.
- 2.8 We aim to publish our final decision in January 2022, ahead of the emergency video relay provision requirement coming into effect on 17 June 2022.
- 2.9 The rest of this document is structured as follows:
- Our legal framework is at the end of this section, below.
  - Section 3 covers the assessment of SLI’s application against the Approval Criteria, which we also set out in that section.
  - Section 4 sets out how we consider the legal tests have been met
- 2.10 The annexes are then as follows:
- Annex 1: Responding to this consultation
  - Annex 2: Ofcom’s consultation principles
  - Annex 3: Consultation cover sheet
  - Annex 4: Consultation question
  - Annex 5: SLI’s non-confidential application
  - Annex 6: Statutory Notification (under section 49A(3) of the Act)

## Legal framework

- 2.11 The legal framework by reference to which Ofcom amended the General Conditions to require the provision of an emergency video relay service is set out in full in the June Statement.<sup>7</sup>
- 2.12 In relation to the approval of an emergency video relay service, section 49(2) of the Act sets out the legal tests that Ofcom is required to satisfy when considering approvals for the

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<sup>7</sup> See paragraphs 2.19 to 2.26.

purpose of a General Condition. Ofcom must not give an approval for the purposes of a General Condition unless we are satisfied that to do so is non-discriminatory, proportionate and transparent in relation to what it is intended to achieve.

- 2.13 In addition to these legal tests, Ofcom has a range of statutory duties under sections 3 and 4 of the Act (including our principal duty of furthering the interests of citizens and consumers and having regard to the needs of persons with disabilities) and is also required to have regard to the Statement of Strategic Priorities when carrying out its functions relating to telecommunications.<sup>8</sup> We explain in our assessment below how our proposal meets the legal tests in section 49 of the Act and how our proposal is consistent with our statutory duties.
- 2.14 Ofcom carried out an impact assessment, for the purposes of section 7 of the Act, and an equality impact assessment, of its proposals and decisions to: amend General Condition C5 so as to require the provision of an emergency video relay service, and set the relevant Approval Criteria.<sup>9</sup> Our proposal in this consultation, i.e. approving a service as an emergency video relay service based on the Approval Criteria, implements and gives effect to these decisions. Accordingly, Ofcom does not consider a further impact assessment to be necessary.<sup>10</sup>

## Statutory consultation process

- 2.15 Section 49A of the Act sets out the statutory consultation process that Ofcom must adhere to when proposing to give approval for the purposes of a condition set under section 45 where what is proposed would, in their opinion, have a significant impact on a market for any of the services, facilities, apparatus or directories in relation to which it has functions.
- 2.16 Section 49A(3) of the Act requires us to publish a notification
- a) stating that there is a proposal to give, modify or withdraw the direction, approval or consent;
  - b) identifying the responsible person;
  - c) setting out the direction, approval or consent to which the proposal relates;
  - d) setting out the effect of the direction, approval or consent or of its proposed modification or withdrawal;
  - e) giving reasons for the making of the proposal; and

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<sup>8</sup> Section 2B(2)(a) of the Act. For this consultation, we have had regard to [the Statement of Strategic Priorities for telecommunications, the management of radio spectrum, and postal services](#) published by DCMS. In particular, section 2.4 “Supporting telecoms consumers, including the most vulnerable” provides that Ofcom should continue to take all opportunities to improve the consumer experience in the telecoms sector including for those with disabilities.

<sup>9</sup> See: [EECC Consultation, Ofcom, December 2019](#), [Further consultation: emergency video relay, Ofcom, February 2021](#), [Statement: emergency video relay, Ofcom, June 2021](#)

<sup>10</sup> For further information about Ofcom’s approach to impact assessments, see the guidelines, [Better policy-making: Ofcom’s approach to impact assessment](#), which are on the Ofcom website.

- f) specifying the period within which representations may be made about the proposal to the responsible person (this period must end no less than 30 days after the day of the publication of the notification<sup>11</sup>).
- 2.17 Section 49A(6) of the Act requires us to consider every representation about the proposal made to us during the period specified in the notification; and have regard to every international obligation of the United Kingdom (if any) which has been notified to Ofcom for the purposes of section 49A(6)(b) of the Act by the Secretary of State.
- 2.18 Ofcom must publish a notification in such manner as appears to it to be appropriate for bringing the contents of the notification to the attention of such persons as it considers appropriate<sup>12</sup> and send a copy of this notification to the Secretary of State.<sup>13</sup>

## Approval of an Emergency Video Relay Service

- 2.19 Under the new GCs, which we reproduce below, any emergency video relay service that providers of Internet Access Services and Number-based Interpersonal Communications Services provide, or contract to provide, is subject to prior approval by Ofcom.
- 2.20 In the June Statement, we set out in detail the Approval Criteria by which we would assess whether a service would be approved as an emergency video relay service for the purposes of the new GCs, and also explained that:
- a) in order for an Emergency Video Relay Service to be approved by Ofcom, the service must satisfy all the Approval Criteria on an ongoing basis;
  - b) a service provider seeking approval must submit evidence to Ofcom that it can satisfy the Approval Criteria on an ongoing basis; and,
  - c) where Ofcom has approved a service, Ofcom may, at any time, by notification in writing to the service provider, withdraw its approval where Ofcom considers that the service provider no longer meets the Approval Criteria.
- 2.21 Below we reproduce the relevant new GCs as set out in the June Statement (including the related definition of an emergency video relay service).

## General Conditions

- C5.1 *The provisions of this **Condition** apply as follows:*
- (a) **Conditions** C5.2 to C5.10 and C5.13 to C5.18 apply to providers of **Public Electronic Communications Services**; and
  - (b) **Conditions** C5.11 and C5.12 apply to any person who provides:
    - (i) **Internet Access Services to End-Users**; or

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<sup>11</sup> Section 49A(4) of the Act.

<sup>12</sup> Section 49A(8) of the Act.

<sup>13</sup> Section 49C(1)(a) of the Act.

- (ii) **Number-based Interpersonal Communications Services, where it is technically feasible to provide an Emergency Video Relay Service to End-Users;**

*each person to whom a provision applies is a “Regulated Provider” for the purposes of that provision.*

**C5.11 Regulated Providers must:**

- (a) provide or contract to provide an **Emergency Video Relay Service** which has been approved by **Ofcom**; and
- (b) ensure that any **End-User of Internet Access Services or Number-based Interpersonal Communications Services** they provide, who communicates in British Sign Language because of their disabilities, can access and use the **Emergency Video Relay Service**.

**C5.12 In providing access to and facilitating use of Emergency Video Relay Services under Condition C5.11, Regulated Providers must:**

- (a) provide the **Emergency Video Relay Service** free of charge to the **End-User**;
- (b) where technically feasible, apply an incremental price of zero to any data traffic associated with the use of the **Emergency Video Relay Service**;
- (c) ensure measures are taken to protect the confidentiality of communications between **End-Users** of the **Emergency Video Relay Service** and the **Emergency Organisations**;
- (d) subject to **Condition C3.11**, ensure that the **Emergency Video Relay Service** is available for lawful use by **End-Users** at all times; and
- (e) comply with any directions in respect of the **Emergency Video Relay Service** which **Ofcom** may make from time to time.

**‘Emergency Video Relay Service’** means any service which:

- (a) for the purposes of requesting and receiving emergency relief from **Emergency Organisations**, provides British Sign Language translation and relay facilities for emergency communications to be conveyed via video between any **End-User** and **Emergency Organisations**;
- (b) is capable of being accessed by **End-Users** of the service from readily available compatible terminal equipment with video capabilities, including smartphones and computers or tablets;
- (c) provides facilities for access to **Emergency Organisations** and is available twenty-four hours a day, seven days a week;
- (d) insofar as reasonably practicable, allows for communication between **End-Users** of the service at speeds equivalent to voice communications;
- (e) provides a means of communicating by text in conjunction with video relay.



## 3. Our assessment of Sign Language Interactions’ application

### Summary

- 3.1 In this section, we set out our assessment of Sign Language Interactions’ proposed emergency video relay service, as set out in its application received on 2 September 2021 and further submissions received on 12 October and 2 November 2021. We explain how, in our view, SLI’s application demonstrates how its proposed service would comply, on an ongoing basis, with all of the Approval Criteria; and we set out our assessment of its application against the criteria.<sup>14</sup>
- 3.2 Sign Language Interactions (“SLI”) is a company specialising in providing communication support for deaf and deafblind people, including video relay. SLI explained in its application that it has previous experience of delivering new video relay services in a timely way, for example the implementation, in conjunction with SignHealth, of SLI’s 24/7 BSL Health Access Service, which went from zero to 35,000 video relay calls across England, Wales and Scotland in its first 12 months. SLI said it is confident that it can develop and implement the emergency video relay service by 17 June 2022.
- 3.3 Subject to any responses received to this consultation, our provisional view, based on the information provided and undertakings given by SLI and upon which detail Ofcom relies, is that SLI’s proposed emergency video relay service meets, and should be capable of meeting on an ongoing basis, all the Approval Criteria. We therefore propose to exercise our power under section 49 of the Act to give approval to the proposed service as an emergency video relay service for the purposes of General Condition C5.

### Assessment against Approval Criteria

- 3.4 Each criterion is shown in the boxes below.

#### Approval Criterion 1: General compliance

The service must be an Emergency Video Relay Service as referred to in the General Conditions and must be capable of satisfying all the requirements set out in the Emergency Video Relay General Condition at C5.

- 3.5 In its application, SLI stated that its proposed emergency video relay service will be capable of satisfying all the requirements set out in the Emergency Video Relay General Conditions. In particular, SLI explained that:

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<sup>14</sup> Our reasoning takes regard of all material included in SLI’s formal application. Any confidential information shared by SLI with us as part of its formal application has been taken into account but may not be referred to explicitly in our published assessment below.

- a) it will provide facilities for access to Emergency Organisations. It explained that it has 18 years’ experience of delivering British Sign Language interpreting supporting over [8<] Deaf and Deafblind BSL users each year, UK-wide, through high profile face to face and video relay interpreting services.
  - b) the video interpreting platform used by SLI, MMX, is fully accessible via a range of current (and emerging) devices across multiple options such as videophone, website, standalone app, smartphone or tablet.
  - c) its service would be available 24 hours a day all year (we discuss this provision further under our assessment of criteria 5 and 6 below).
  - d) insofar as is reasonably practicable, its service would allow for communication between end users at speeds equivalent to voice communications.
  - e) its service would provide a means of communicating by text in conjunction with video relay through the MMX platform.
- 3.6 We further discuss, under criteria 3 to 6, below how SLI’s proposed service would meet the requirements set out in GC C5.
- 3.7 Taking into account SLI’s submission as a whole, our provisional view is that SLI’s proposed service meets Approval Criterion 1.

## Approval Criterion 2: Accountability and reporting

The service provider must monitor and report to Ofcom, every quarter, on its operation. The report must be in a form specified by Ofcom and must include the following information:

- a) number of app downloads;
- b) number of emergency communications;
- c) average speed of answering, measured in 15-minute intervals; and
- d) number of complaints and information about the nature of the complaint (without sharing or publication of details that could identify any complainant).

The provider must also publish an annual report covering compliance with the Approval Criteria and any related issues as directed by Ofcom.

- 3.8 SLI provided information relating to internal accountability by referencing how staff at various levels of the organisation will have responsibility for various aspects of the emergency video relay service. Namely, the CEO will be the senior point of contact for all stakeholders such as Ofcom and industry. The CEO will maintain top level oversight of all contractual matters throughout the agreed contract term, lead service development and implementation, and ensure compliance with any directions that Ofcom may make from time to time. SLI prospectively appointed a dedicated project manager, setting out this person’s experience and proposed line of accountability through the Director of Operations.

- 3.9 SLI stated that “Quarterly Management Information” reports would be submitted to Ofcom in the format specified by Ofcom. This report would be collated by the dedicated project manager before being reviewed by the Director of Operations to ensure accuracy, and would as a minimum include the number of app downloads, number of emergency communications, average speed of answering, and number and summary of any complaints.
- 3.10 SLI stated that it would publish an annual report that set out compliance with the Approval Criteria and any related issues as directed by Ofcom.
- 3.11 Taking into account SLI’s submission as a whole, our provisional view is that SLI’s proposed service meets Approval Criterion 2.

### Approval Criterion 3: Access

The service provider must do the following:

- a) Make provision for End-Users to access the Emergency Video Relay Service via a dedicated app and a dedicated website, free of charge (including but not limited to the app itself being available free of charge).
- b) Ensure clear and user-friendly instructions on how to use the Emergency Video Relay Service are made available in both British Sign Language (BSL) and English on the app and the website.
- c) Ensure, where technically feasible, that the incident location information is automatically obtained from the device being used by the End-User in an efficient and timely way e.g. automatically via the app or website. The validity of the incident location information must always be verified with the End-User in BSL.
- d) Maintain a system whereby telephone numbers and/or other contact information from the End-User are obtained to enable call-backs and/or other contact to be made. The retention period for this information must be in line with the retention period used for other emergency relay services and the service provider must comply with all applicable data protection and privacy laws.
- e) Liaise with regulated providers, including during the design and development phase of the service and/or app, with a view to facilitating zero-rating of data used in connection with the service and/or app.
- f) Ensure that the service shall be available to end-users without any requirement to register to use or access the service.

- 3.12 SLI set out its intent to provide both a free, dedicated app and website for emergency video relay with clear, user-friendly instructions in both BSL and English on how to use the service. Users would have the option of registering, but registration would not be required to use or access the app or website. The app and website would connect users to the technical platform that SLI uses (MMX) which has been in use for nine years, delivering SLI’s other video relay services such as NHS 111.

- 3.13 The platform is fully accessible using a variety of devices on different operating systems, currently iOS, Android and Windows. SLI stated that the platform is backwards compatible and also stated it will keep up with future updates to device operating systems to ensure compatibility with current and future versions of operating systems available in end user devices.
- 3.14 Automatic geographic location is a feature of the MMX platform and SLI stated that interpreters would confirm the end-user’s location on the call.
- 3.15 SLI can support call-backs by using information submitted via the optional registration process but also, interpreters can be prompted to request users’ caller information during the emergency call if the user has not registered. SLI stated that the information would be held according to the agreed retention period and in line with all applicable data protection and privacy laws.
- 3.16 SLI has confirmed that it will liaise with regulated providers, including during the design and development phase, with a view to facilitating that the communications data used during the service is zero-rated. It noted that it has existing relationships with some of the in-scope regulated providers and this will facilitate collaborative working.
- 3.17 Taking into account SLI’s submission as a whole, our provisional view is that SLI’s proposed service meets Approval Criterion 3.

#### Approval Criterion 4: Operational matters

All persons acting as interpreters for the Emergency Video Relay Service must:

- a) be on the National Registers of Communication Professionals working with Deaf and Deafblind People (NRCPD) register for qualified interpreters;
- b) have at least three years’ post-qualification experience acting as a BSL interpreter in a range of settings; and
- c) have had a clear Disclosure and Barring Service (DBS) check within the last two years.

The Emergency Video Relay Service must have a dedicated, well-lit and soundproofed video interpreting room. There should be restricted access to the room.

The interpreter should be equipped with a suitable microphone and headset.

- 3.18 SLI stated that its interpreters working on this service will meet the requirements of the Approval Criteria, namely that all interpreters will be registered with the National Registers of Communication Professionals working with Deaf and Deafblind People, have at least three years’ post-qualification experience in a range of settings, and have received a clear DBS check within the last two years.
- 3.19 SLI provided details of its interpreters’ working environment. In particular, it stated that the emergency video relay interpreters would work in a dedicated, well-lit and soundproofed room and all interpreters will be given a pre-configured Dell workstation

(only facilitating access to video relay service software), including webcam, headset and microphone.

- 3.20 SLI explained that all its interpreters, regardless of location,<sup>15</sup> will be required to meet the same set-up standards. These include having restricted access to the room, including having a standard door which can be closed (and not pocket, sliding or accordion doors) so that no one can gain access while the interpreter is working.
- 3.21 Taking into account SLI’s submission as a whole, our provisional view is that SLI’s proposed service meets Approval Criterion 4.

## Approval Criterion 5: Quality of service

Emergency communications must be answered within 5 seconds 95% of the time, measured in 15-minute intervals.

Emergency communications should not be subject to a handover from one interpreter to another unless they continue for more than 30 minutes.

Regular bi-monthly quality of service checks of emergency communications must be carried out by senior interpreters retained by the Emergency Video Relay Service.

Video conversations must be recorded. Retention of any recording should be in line with the retention periods for emergency voice calls and recordings must be stored safely, securely and accurately, in line with standards for voice calls and the service provider must comply with all applicable data protection and privacy laws.

- 3.22 SLI said that by having a ring-fenced on-demand team of interpreters it would be able to achieve a response time within 5 seconds for at least 95% of emergency video relay calls. The MMX platform would [§<]. Service usage and capacity would be monitored, and resource levels reviewed and scaled up or down as appropriate.
- 3.23 SLI said, where possible, an interpreter would complete a call even if it lasts longer than 30 minutes. It explained that interpreters would normally only hand over a call to another interpreter in certain circumstances such as where there is a technical issue. It further explained that interpreters will be trained to use their professional judgment on when/how to bring a second interpreter onto the call to ensure they capture all information in highly charged situations.
- 3.24 Regarding quality of service checks, SLI specified how its Head of Operations would oversee its performance management processes and ISO 9001-accredited Quality Management System. This would include carrying out systematic quality assurance processes for example live call monitoring by interpreter supervisors; audits of recorded calls (recording is a technical facility already available on the MMX platform); and collation and analysis of stakeholder and end-user feedback. SLI confirmed there would be bi-

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<sup>15</sup> SLI explained that its interpreters work from a hybrid of SLI’s offices across the UK and remote locations.

monthly checks carried out by senior interpreters retained by the emergency video relay service.

- 3.25 SLI said it would record all video conversations as required. It stated that retention of any recording would be in line with the retention periods for emergency voice calls and recordings would be stored safely, securely and accurately, in line with standards for voice calls. SLI also stated it would comply with all applicable data protection and privacy laws.
- 3.26 Taking into account SLI’s submission as a whole, our provisional view is that SLI’s proposed service meets Approval Criterion 5.

## Approval Criterion 6: Adequate resources

The service provider must be able to demonstrate that:

- a) it has sufficient funds, facilities and staff to provide the Emergency Video Relay Service and enable it to perform properly the administrative, technical and professional work associated with the tasks for which it has been appointed;
- b) the systems deployed and managed by the service provider have sufficient technical resilience and resources to provide an uninterrupted service, so far as is technically feasible; and
- c) it has appropriate provision for complaints handling.

- 3.27 SLI confirmed that it has sufficient funds, facilities and staff to provide the emergency video relay service and to enable it to perform properly the administrative, technical and professional work in scope. In support of this:
- a) it provided us with information in relation to its financial status [redacted]. Based on the information we have, we understand that SLI is in a stable financial position.
  - b) SLI set out in its application the technical resources available for the service. These included details of the PCs, cameras, headphones, lighting and internet connections that are in use. It explained that these resources are administered and supported by SLI’s Operations and Technical & Engineering Support teams.
  - c) it explained that it would bring an experienced, long-standing senior management team which has experience of successfully overseeing the implementation and delivery of 24/7/365 video relay services including NHS111, contactSCOTLAND-BSL and the 24/7 BSL Health and Social Care Remote Sign Language Interpreting Service. SLI explained that these are underpinned by the same systems and facilities that SLI will deploy for the emergency video relay service.
- 3.28 SLI also explained that its systems have sufficient technical resilience and resources to provide an uninterrupted service (so far as is technically feasible). It explained that the MMX platform is purpose-built for handling emergency services and has been successfully used to underpin SLI’s contactSCOTLAND-BSL service since 2012 and as mentioned above, is also used on its other services, including NHS 111. SLI explained that it has dedicated in-

house systems support through its Engineering and Technical Team and [SLI]’s team of engineers and software developers (24/7/365, as needed). It also explained that [SLI] it receives technical support on a 24/7/365 basis; full platform performance monitoring, service escalation and reporting; technical development/upgrades; and app support.

- 3.29 SLI provided us with detailed information about its current complaints handling process, including the ability to receive complaints in BSL.
- 3.30 Taking into account SLI’s submission as a whole, our provisional view is that SLI’s proposed service meets Approval Criterion 6.

### Approval Criterion 7: Provision on fair, reasonable and non-discriminatory terms

(1) The Emergency Video Relay Service provider must:

- a) undertake to agree to contract in respect of the service on a fair, reasonable and non-discriminatory basis as part of any contract with any Regulated Provider or wholesaler and/or some other third party intermediary; and
- b) to ensure the inclusion of a clause in such contracts, documenting that the contract has been agreed on that basis.

(2) If the Emergency Video Relay Service provider enters into a contract with an intermediary in respect of Emergency Video Relay, the Emergency Video Relay Service provider must:

require as part of that contract, that the intermediary shall contract with Regulated Providers on a fair, reasonable and non-discriminatory basis; and that the intermediary shall ensure the inclusion of a clause in its contracts, documenting that the contract has been agreed on that basis.

- 3.31 In its application, SLI gave a written undertaking that it would agree to contract in respect of the service on a fair, reasonable and non-discriminatory basis as part of any contract with any regulated provider, wholesaler, and/or another third party intermediary. It also undertook to ensure the inclusion of a clause in such contracts, documenting that the contract has been agreed on that basis. It further undertook that if it were to enter into a contract with an intermediary in respect of this service, it would require as part of that contract, that the intermediary will contract with regulated providers on a fair, reasonable and non-discriminatory basis and that the intermediary will ensure the inclusion of a clause in its contracts, documenting that the contract has been agreed on that basis. These undertakings were given by a director of the company.
- 3.32 Taking into account the undertakings given by SLI, our provisional view is that SLI’s proposed service meets Approval Criterion 7.

## Other information submitted by SLI

- 3.33 Below we set out some further information that SLI submitted in its application that, while it was not relevant or considered in relation to the specified Approval Criteria, we consider might be of interest to stakeholders.
- 3.34 SLI explained that it can provide additional quality and performance metrics.
- 3.35 SLI provided additional information about the MMX platform such as its ability to enable Deafblind end-users to receive messages from the interpreter in Braille.
- 3.36 It also said that interpreters would follow other protocols in their working environment such as not having devices or objects (such as pen or paper) on their desks.<sup>16</sup>
- 3.37 SLI added that its interpreters will adhere to industry Codes of Conduct<sup>17</sup> and guidelines and complete specialist emergency call training.
- 3.38 SLI suggested undertaking more frequent quality of service checks than bi-monthly in the early stages of implementation.

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<sup>16</sup> This would facilitate confidentiality by not allowing notes or unofficial recordings to be made.

<sup>17</sup> NRCPD [Code of Conduct for Communication Professionals](#).



## 4. Legal tests

- 4.1 We consider that our proposal to approve SLI’s proposed service satisfies the legal tests set out in section 49 of the Act. In particular, we consider that our proposal to approve SLI’s proposed service is:
- a) **not unduly discriminatory** because we are assessing any applications received for approval of an emergency video relay service against the same set of Approval Criteria;
  - b) **proportionate** because we consider the evidence and undertakings given by the applicant in support of its application to become an approved emergency video relay service supplier demonstrate that the applicant’s proposed service meets the Approval Criteria. Additionally, as explained in our previous consultations and statement on the matter,<sup>18</sup> the provision of an emergency video relay service will have a positive impact on deaf BSL users including: increased dignity and peace of mind by being able to communicate and receive life-saving information in their first language; faster responses to their requests for assistance thereby possibly lessening the extent of injuries and reducing the likelihood an emergency will result in death; and
  - c) **transparent** because this consultation explains how we have assessed SLI’s application against each of the Approval Criteria and explains why we consider SLI’s proposed service to meet these.
- 4.2 Therefore, we consider that our proposal to give approval is in line with the requirements under section 49(2) of the Act.
- 4.3 Furthermore, we have acted in accordance with our general duties in section 3 of the Act and the six requirements in section 4 of the Act. We have had particular regard to the needs of persons with disabilities and believe our proposal to approve SLI’s proposed emergency video relay service would be in line with Ofcom’s primary duty to further the interests of citizens and consumers.

### Summary of our proposed decision

- 4.4 We propose to approve SLI’s proposed service as an emergency video relay service for the purposes of GC C5. We consider that our proposal is appropriate and consistent with the Approval Criteria.

### Consultation question

Do you agree with our proposal to approve Sign Language Interactions’ proposed emergency video relay service? If not, please set out your reasoning with particular reference to the Approval Criteria.

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<sup>18</sup> See: [EECC Consultation, Ofcom, December 2019](#), [Further consultation: emergency video relay, Ofcom, February 2021](#), [Statement: emergency video relay, Ofcom, June 2021](#)

# A1. Responding to this consultation

## How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 17 December 2021.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-3/emergency-video-relay-sli-service>. You can return this by email or post to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to [emergencybsl@ofcom.org.uk](mailto:emergencybsl@ofcom.org.uk), as an attachment in Microsoft Word format, together with the [cover sheet](#).
- A1.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Emergency video relay team  
Ofcom  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA
- A1.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
- Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A1.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A1.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A1.8 We welcome joint responses to the consultation.
- A1.9 It would be helpful if your response could include direct answers to the question asked in the consultation document and align these with the Approval Criteria. The question is listed at Annex 4. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom’s proposals would be.
- A1.10 If you want to discuss the issues and question raised in this consultation, please contact Katie Hanson on 020 7783 4219, or by email to [emergencybsl@ofcom.org.uk](mailto:emergencybsl@ofcom.org.uk)

## Confidentiality

- A1.11 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents’ views, we usually publish all responses on [the Ofcom website](#) as soon as we receive them.
- A1.12 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don’t have to edit your response.
- A1.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.14 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom’s intellectual property rights are explained further in our [Terms of Use](#).

## Next steps

- A1.15 Following this consultation period, Ofcom plans to publish a statement in January 2022.
- A1.16 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

## Ofcom's consultation processes

- A1.17 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.18 If you have any comments or suggestions on how we manage our consultations, please email us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk). We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.19 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary  
Ofcom  
Riverside House  
2a Southwark Bridge Road  
London SE1 9HA  
Email: [corporationsecretary@ofcom.org.uk](mailto:corporationsecretary@ofcom.org.uk)

## A2. Ofcom's consultation principles

### Ofcom has seven principles that it follows for every public written consultation:

#### Before the consultation

- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

#### During the consultation

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 We will make the consultation document as short and simple as possible, with a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English / Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

#### After the consultation

- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

## A3. Consultation coversheet

### BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

### CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? \_\_\_\_\_

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If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

### DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

## A4. Consultation question

A4.1 In order to fulfil our legal duties, we are required to consult on our proposals to approve Sign Language Interactions’ proposed service.

Question 1: Do you agree with our proposal to approve Sign Language Interactions’ proposed emergency video relay service? If not, please set out your reasoning with particular reference to the Approval Criteria.

## A5. Sign Language Interactions’ non-confidential application

A5.1 Sign Language Interactions’ [non-confidential application](#) has been published separately on the Ofcom website.

### Sign Language Interactions’ further submission – 12 October 2021

#### Approval Criterion 3: Access

##### Ofcom request

If the emergency video relay button were added to the directory and a user were to choose this option, would it still be possible for the data to be zero-rated? In the event that this is not technically feasible, may we please have an undertaking that it would not be added?

##### Sign Language Interactions’ response

We can produce specific and collated CDR and MI data, using both a dedicated app and calls made via the SV directory (which is optional). We supply contactSCOTLAND-BSL through a dedicated app and the SV directory. Monthly reports are produced using an agreed range metrics, which allows for accurate billing.

Our team of engineers are eager to work with CP’s and Ofcom to understand how the call data will be zero rated.

##### Ofcom request

Could you confirm that interpreters will prompt users to provide contact information during emergency calls, to enable call-backs?

##### Sign Language Interactions’ response

Yes – our video platform has a screen prompt which the interpreter will read when accepting a call. We can include instructions such as to check the person is registered if calls backs are required.

#### Approval Criterion 4: Operational matters

##### Ofcom request

How is access to the interpreting room restricted, e.g. is the door required to be capable of being secured from the inside? We consider that this would be particularly important if homeworking were deployed.

##### Sign Language Interactions’ response



Our current remote working policy requires that the interpreters must only work in a confidential room with a door “which can be closed” but we don’t require interpreters to lock it. We can discuss the option of being able to secure the door from inside the room, however there are few interpreters who may raise concerns over health and safety reasons.

SV still operate interpreting contact centres in England and Scotland. Prior to COVID remote working was permitted by some customers, however the banking centre had strict rules in place and required interpreters to operate out of a compliant contact centre. During COVID and for the feasible future, the banks and other customers provided a waiver for remote working, subject to interpreters being compliant with the remote working policy and inspection checks.

For your information, contact SCOTLAND-BSL and NHS 111 is delivered through a mix of remote and contact centre delivery.

## **Approval Criterion 5: Quality of service**

### **Ofcom request**

Could you provide more information about the pre-defined set of rules mentioned on page 4 of your application?

### **Sign Language Interactions’ response**

Our video interpreting platform has the capability to be configured to manage different queues, prioritise calls and include skill based routing.

## **Sign Language Interactions’ further submission – 2 November 2021**

## **Approval Criterion 3: Access**

### **Ofcom request**

#### **Obtaining contact details**

Your email [received 12 October 2021, above] mentions that you have a screen prompt which the interpreter will read and that you could check if the caller is registered. Do we understand correctly that if a caller is not registered, that they will be asked for their telephone number and/or other contact information to enable call-backs and that this information can be retained for the appropriate period without the user needing to register?

### **Sign Language Interactions’ response**

The screen prompt can contain any call flow handling instructions, i.e. request the caller’s number and location. Interpreters can tell if a caller is registered on the app, as the caller’s name will appear on screen when calling. If a caller is not registered, the call is presented as anonymous caller.

## **Approval Criterion 4: Operational matters**

### **Ofcom request**

### Relevant industry code of conduct

May we check that you are referring to the [NRCPD Code of Conduct](http://www.nrcpd.org.uk/documents/misc/code_of_conduct_for_communication_professionals.pdf) published here:  
<[www.nrcpd.org.uk/documents/misc/code\\_of\\_conduct\\_for\\_communication\\_professionals.pdf](http://www.nrcpd.org.uk/documents/misc/code_of_conduct_for_communication_professionals.pdf)>?

### Sign Language Interactions’ response

Yes

## Approval Criterion 5: Quality of service

### Ofcom request

#### Handovers

Your application mentions that where possible, an interpreter will complete a call even if it lasts longer than 30 minutes. Do we understand correctly that handovers would not take place before 30 minutes have elapsed?

### Sign Language Interactions’ response

The interpreter who takes the call will where possible and safe to do so complete the emergency call. Interpreters will normally only hand over a call to another interpreter if they are suffering from fatigue, struggling to handle and manage the call or have a technical issue. It is normal for NHS 111 calls to last between 20-50 minutes. In some cases, they can last up to 1hr 30 mins. It is better for the patient journey and interpreter to complete the call, even if it last longer than 30 minutes - if possible. Interpreters are supported by shift leads and will take necessary breaks after calls and have the opportunity to debrief. For emergency calls, there may be cases where two interpreters are required to support each other on a call and team interpret.

## A6. Statutory notification

### Notification under section 49A(3) of the Communications Act 2003

#### Proposal to approve an Emergency Video Relay Service for the purposes of General Condition C5 which was set under section 45 of the Communications Act 2003.

- A6.1 In June 2021, Ofcom published a statement (“the June Statement”)<sup>19</sup> setting out its decision to require providers of fixed and mobile telephony services (i.e. number-based interpersonal communications services), where it is technically feasible, and providers of internet access services, to provide, or contract to provide, a free 24/7 video relay service for deaf BSL users which has been approved by Ofcom, to enable communication with the emergency services. General Condition C5 will be amended, with effect from 17 June 2022, to implement the provision of this Emergency Video Relay Service.
- A6.2 The June Statement set out the new GCs imposed in relation to emergency video relay<sup>20</sup> and also set out the approval criteria that would have to be met in order for a service to be approved by Ofcom as an emergency video relay service (“the Approval Criteria”)<sup>21</sup>.
- A6.3 In the June Statement, we also explained that:
- i) in order for an emergency video relay service to be approved by Ofcom, the service must satisfy all the Approval Criteria on an ongoing basis;
  - ii) a service provider seeking approval must submit evidence to Ofcom that it can satisfy the Approval Criteria on an ongoing basis; and,
  - iii) where Ofcom has approved a service, Ofcom may, at any time, by notification in writing to the service provider, withdraw its approval where Ofcom considers that the service provider no longer meets the Approval Criteria.
- A6.4 Ofcom received an application from Sign Language Interactions seeking approval of its proposed emergency video relay service.
- A6.5 Having assessed the application against the Approval Criteria and all the relevant tests under the Communications Act 2003 (“the Act”), Ofcom is today consulting on a proposal to approve Sign Language Interactions’ proposed emergency video relay service.

#### Proposal to give approval

- A6.6 Ofcom hereby gives a notification, in accordance with section 49A(3) of the Act, of its proposal to give approval to Sign Language Interactions’ proposed emergency video relay

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<sup>19</sup> Statement: Emergency video relay, Ofcom, June 2021.

<sup>20</sup> Annex 2, Statement: Emergency video relay, Ofcom, June 2021.

<sup>21</sup> Annex 1, Statement: Emergency video relay, Ofcom, June 2021.

service for the purposes of GC C5, as amended. The proposed approval is set out in the Schedule to this notification.

- A6.7 The proposed approval shall apply in relation to Sign Language Interactions’ proposed emergency video relay service and shall take effect on the date we issue a decision approving Sign Language Interactions’ proposed emergency video relay service for the purposes of GC C5, as amended.
- A6.8 Ofcom’s reasons for giving the proposed approval are set out in the accompanying consultation document.

### **Ofcom’s legal duties and tests**

- A6.9 The effect of the proposed approval, and Ofcom’s reasons for giving it, are set out in the accompanying consultation document and, for the reasons therein, Ofcom provisionally considers that the approval of Sign Language Interactions’ proposed emergency video relay service would comply with the requirements of section 49(2) of the Act.
- A6.10 As explained in the accompanying consultation, Ofcom has considered and acted in accordance with its general duties set out in section 3 of the Act and the six requirements in section 4 of the Act.
- A6.11 Ofcom has also had regard to the Statement of Strategic Priorities in making the proposals referred to in this notification.

### **Making representations**

- A6.12 Representations may be made to Ofcom about the proposals set out in this notification and the accompanying consultation document by no later than 17 December 2021.
- A6.13 In accordance with section 49C(1)(a) of the Act, a copy of this notification has been sent to the Secretary of State.

### **Interpretation**

- A6.14 For the purpose of interpreting this notification, save where otherwise defined in this notification, and except in so far as the context otherwise requires, words or expressions shall have the same meaning as they have been ascribed in the Act, and the Interpretation Act 1978 (c. 30) shall apply as if this Notification were an Act of Parliament.
- A6.15 The attached Schedule forms part of this notification.

Signed:



Fergal Farragher

**Director of Telecoms Consumer Protection – Digital and Vulnerability**

A person duly authorised in accordance with paragraph 18 of the Schedule to the Office of Communications Act 2002

Date: 17 November 2021

## SCHEDULE

### **[Proposed] Approval of an Emergency Video Relay Service, in accordance with section 49 of the Act, for the purpose of General Condition C5.**

#### **Background**

1. Sign Language Interactions (SLI) applied to Ofcom for approval of its proposed Emergency Video Relay Service for the purposes of General Condition C5 as amended (“GC C5”).
2. Prior to giving approval for the purposes of a General Condition set under section 45, Ofcom must publish a notification of its proposal to give the approval and consider every representation about the proposal made to Ofcom during the period specified in the notification; and have regard to every international obligation of the United Kingdom (if any) which has been notified to Ofcom for the purposes of section 49A(6)(a) of the Act by the Secretary of State<sup>22</sup>.
3. On 17 November 2021, Ofcom published a notification in accordance with section 49A(3) of the Act of its proposal to approve SLI’s proposed emergency video relay service for the purposes of GC C5 (the “Notification”). The Notification invited representations to Ofcom by no later than 5pm on 17 December 2021.
4. The Notification was accompanied by a consultation setting out our assessment of SLI’s proposed emergency video relay service against the Approval Criteria.
5. *[Ofcom has considered every representation about the proposal made to it/Ofcom did not receive any representations about the proposal]*. For the reasons set out in Ofcom’s consultation, Ofcom has had regard, in particular, to the Approval Criteria as set out in the June Statement. Furthermore, Ofcom has considered and acted in accordance with its general duties in section 3 of the Act and the six requirements in section 4 of the Act.
6. The Secretary of State has [not] notified Ofcom of any international obligation of the United Kingdom for the purposes of section 49A(6)(a) of the Act.

#### **Decision**

7. Ofcom hereby approves SLI’s proposed emergency video relay service for the purposes of GC C5 (as amended).
8. This approval shall take effect on the day this schedule is published.
9. In accordance with section 49C(1)(b) of the Act, a copy of this approval has been sent to the Secretary of State.

#### **Interpretation**

In this schedule —

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<sup>22</sup> Section 49A(6) of the Act

- (a) “**Act**” means the Communications Act 2003;
- (b) “**Approval Criteria**” means the final approval criteria as set out in Annex A1 in the Emergency Video Relay statement published on 22 June 2021;
- (c) “**Ofcom**” means the Office of Communications.

For the purpose of interpreting this schedule —

- (a) headings and titles shall be disregarded;
- (b) the Interpretation Act 1978 shall apply as if this Notification were an Act of Parliament.

**Signed**

**Fergal Farragher**

**Director of Telecoms Consumer Protection - Digital and Vulnerability**

A person duly authorised in accordance with paragraph 18 of the Schedule to the Office of Communications Act 2002

[date]