

## Cover sheet for response to an Ofcom consultation

### BASIC DETAILS

**Consultation title:** Review of Relay Services Further Consultation

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**Name of respondent:** Ross Trotter

**Representing (self or organisation/s):** UK Council on Deafness  
TAG

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Name Ross Trotter

Signed (if hard copy)

## **Review of Relay Services – Ofcom further consultation Response from UKCoD/TAG**

### **Introduction**

1. UKCoD/TAG welcomes the opportunity to respond to the Ofcom further consultation on the Review of Relay Services. UKCoD is an umbrella organisation representing a broad spectrum of community and voluntary sector organisations working with deaf people. TAG is a consortium of national and regional organisations for deaf people in the UK and promotes equality of access to electronic communications, including telecommunications and broadcasting, for deaf, deafened, hard-of-hearing, deafblind people and sign language users. In this response the word “deaf” will be used to cover the complete range of hearing loss unless otherwise specified.
2. We would like to start by reiterating the principles required of any functionally equivalent relay service for deaf users and against which all proposals will be judged, which are:
  - Be real time equivalent, to allow conversation at normal speeds;
  - Available 24/7/365;
  - Meet the varying communication needs of deaf people, whether deaf with speech, BSL users, hard of hearing, deafblind or deafened, therefore treat Text Relay, Video Relay and Captioned Telephony with equal importance;
  - Ensure consumers should have a real choice between providers through open competition;
  - Be available to users at no additional cost to standard charges.
3. Services, products and networks that reflect these principles will allow the creation of a portfolio of relay services enabling deaf people to access all that modern communication networks have to offer, make a positive contribution to their communities and break down barriers to participation. Deaf people will be disappointed if what is delivered is no more than an upgrade of the current service, since telecommunications today are radically different from the time when the service was introduced.
4. We would first wish to express our concern at the glacial progress of this consultation process. Since 2004 Ofcom has issued no less than 12 consultations or research studies in this area, as listed below:
  1. May 2012, Review of Relay Services – Further Consultation
  2. July 2011, Review of Relay Services
  3. February 2011, 'Ofcom Relay Services', Opinion Leader
  4. March 2010, 'Assisted living technologies for older and disabled people in 2030', Plum Consulting
  5. March 2009 Ofcom consultation 'Access and Inclusion'
  6. July 2009, 'Voice telephony services for deaf people', Plum Consulting
  7. January 2008, 'Captioned Telephony – Extension of 2006 research report
  8. November 2006, 'Feasibility of Additional Telephone Relay Services', City University

9. March 2006, 'Review of the Universal Service Obligation'
  10. June 2005, 'Telecommunications Statement (conclusions of the USO review)'
  11. January 2005, 'Universal Service Obligation Review Consultation'
  12. June 2004, Ofcom 'deaf and hearing impaired consumer and telephone study'.
5. Despite this plethora of documents we appear to be no closer to the introduction and implementation of modernised relay services that offer functional equivalence in access to the telephone network. The current consultation does not even contain final proposals for the implementation of NGTR, which we understand will be the subject of yet another statement at an unspecified date. And the current consultation offers no progress whatsoever in developing video relay services, which we gather will require yet another consultation and a statement following that. Deaf people are continuing to experience exclusion because of the lack of appropriate current generation relay services, and need long overdue solutions **now** rather than a promise of next generation relay services in several years time. The lack of these solutions is preventing deaf people's full participation in society, and, in the current economic climate, also endangers their ability to obtain and maintain employment. We are extremely disappointed that after eight years of consultation resolution of these issues will be subject to yet further delay. We are however fully committed to work with all interested parties to develop solutions that meet the expectations of deaf people.

**Question 1: Do you agree that in the light of the additional cost data and further clarification, in light of Ofcom's assessment of relevant benefits and other relevant considerations, all CPs (BT, fixed and mobile providers) should be required to provide access to an NGTR service?**

- Q1.1 We agree that the obligation to provide access to appropriate relay services should apply to all CPs. It is of course fundamental to the principle of equality that deaf users should have the same choice of access to telephone providers as everyone else, and therefore it follows that if the user needs the intervention of a relay service to use the telephone access to such a service it should be an obligation on all providers. We note that Ofcom itself recognises this fact when it says "the ability to make and receive telephone calls remains crucially important in today's society" (paragraph 1.1). However, choice for deaf users requires not just a choice of communication provider but also a choice of relay service, so that the user can choose the service that best meets their requirements. We note that Jeremy Hunt's open letter of May 2011 stated "Competition in communications markets can be the basis of choice, innovation and value to consumers". However, we do have a number of concerns about the statements and conclusions in the current document which we wish to respond to.

- Q1.2 The whole scenario for the introduction of NGTR appears to rest on BT's stated willingness to offer such a service and to make it available to other CPs. While it would be possible for CPs to set up their own NGTR service as long as it met Ofcom's criteria the whole thrust of the document seems to assume this is unlikely to happen, and that BT will continue to be a monopoly provider of NGTR. This is bound to lead to a continuation of the current situation where the service stagnates because there is no competition and so no incentive to develop and improve beyond a minimum level. While NGTR will offer some improvements over the current Text Relay (we will consider this in more detail below) it will none the less continue to be a monopoly provision with all the drawbacks that entails. We do not believe this is a credible and forward looking solution to the requirements of text users, as there appears to be no commitment to a mechanism that encourages ongoing customer focussed service improvements or long-term investment in relay services and products.
- Q1.3 The document also sees the introduction of NGTR and the obligation on all CPs to allow access to a NGTR service as being enforced solely through General Conditions, with the current USC4, which requires BT to fund the service, being revoked. This appears to rely on BT's willingness to continue to provide an NGTR service, and we do not fully understand what legal obligation would exist to actually provide such a service, in distinction to providing access to one, once the funding obligation that exists under USC4 is withdrawn. We would welcome further explanation and assurances from Ofcom on this matter. Of course, this still does not resolve the question of the provision of more than one relay service to promote choice and drive up quality which we referred to above.
- Q1.4 We note that paragraph 3.29 of the document states that a CP who may not have a call centre would not be expected to set up its own NGTR service. That rather begs the question of whether Text Relay is simply a call centre. While we agree it has some attributes of a normal call centre it is of a very specialised nature and requires techniques and procedures that are different from those a normal call centre would be expected to use, not least the ability to handle emergency calls. We would note that BT created the service as a separate entity rather than integrating it with their existing call centre service. If NGTR is to be considered as a call centre it is vital that there are requirements for training in deaf awareness and similar issues, which we will return to under question 3. Any service would need a deep understanding of the UK cultural and social environments and for operators who can deliver clear, understandable speech over the telephone.
- Q1.5 Both on the question of choice and type of service we feel the need to stress that the relay service must meet the needs of both deaf and hearing users. The current consultation concentrates on the viewpoint of text users, and this is understandable, but it must never be forgotten that relay calls are two way communication and the solutions offered must equally be appropriate for the hearing people who wish to make calls to deaf people.

- Q1.6 There is still a great lack of clarity on how NGTR will be implemented and how it will offer an improvement on the current Text Relay service. We note that NGTR will allow interruptions, have the ability for two way speech and allow users to benefit from the use of mainstream equipment. We agree all those are beneficial additions and we welcome their introduction. However, this falls a long way short of the improved conversational flow that is achievable with captioned relay, and we will return to this when we consider the proposed KPIs. We would note that the term “captioned relay” is hardly used in the document at all, and we would contest that the proposals for NGTR as currently set out constitute what would normally be understood as an appropriate captioned relay service. We would define captioned relay as a service which allows deaf people whose speech is understood by the hearing caller, and who wants to use his or her voice, to speak directly to the called party and then listen, to the extent possible, to the other party and simultaneously read captions of what the other party is saying. In order to achieve free flowing conversation translation is provided with 98% accuracy at not less than 125 wpm with a maximum delay of 8 seconds tested using a standard script, as set out in ITU-TD 464 (PLEN/16).
- Q1.7 We are also concerned that there is some misunderstanding of the various forms of text and voice communication currently used. For instance, paragraph 2.24 says “Users primarily access the service via a text-only terminal called a textphone, although some users with good speech make use of a screenphone, which can display text but does not have a keyboard as standard.” In fact a number of different textphones allow the text user to use VCO, not just the ScreenPhone, the Uniphone being a widely used example. It is essential that any service that is developed allows the continued use of VCO on both dedicated text terminals as well as mainstream equipment.
- Q1.8 We also have concerns about the statements in paragraphs 3.17 and 3.19 that the functionality which allows text-to-text calls is beyond what is required for NGTR. We do not believe that Ofcom is intending to remove the ability to make text-to-text calls, since this would mean that deaf people would no longer be able to phone each other, as text-to-text communication is the only way for them to do so. It would also run counter to other statements that businesses should be encouraged to provide dedicated textphone numbers for deaf people as well as the ability to contact them via a relay service. So text-to-text functionality remains vital and we are sure it is not Ofcom’s intention to change this. The problem is that the current TextDirect platform allows the transmission of both direct text-to-text conversation and also text-to-hearing conversation via the Text Relay service, but it is unclear what will happen when NGTR is implemented or how that will affect the current TextDirect platform and its ability to handle both types of call. Routing text-to-text calls via that platform allows text users to benefit from rebate schemes and the call progress announcements the platform provides, which are features that need to be retained. We hope we have misunderstood Ofcom’s intentions

in this regard, but we need to state that it is essential that text-to-text communication remains possible.

Q1.9 We would also like to take this opportunity to categorically refute the claim by some CPs, as outlined in paragraph 3.10, that there is no need for NGTR to be developed as users prefer other means of communication such as email or live chat. While we agree all these various methods are useful and should remain available they are complementary, and the existence of one does not mean others are not needed. Although we recognise that use of the telephone has changed substantially over the past decade, there are many situations in which only a live telephone conversation can be used to resolve issues and where live chat, email, SMS or other methods are not viable alternatives. Moreover the majority of commercial organisations assume telephone communication is the norm, and make alternative methods more difficult to use. Live chat is only available in limited circumstances and is subject to delay and quite often does not allow direct communication with the person required. Lack of demand is a simple consequence of the services currently offered not being fit for purpose. We believe this claim by the CPs is baseless and without merit, and we note that Ofcom itself states that “voice communication – i.e. the ability to make and receive a telephone call – remains crucially important” (paragraph 2.9). However, we remain keen to work with those CPs and Ofcom to create an improved understanding of the needs of deaf users.

**Question 2: Do you agree that the need to dial a prefix to access a relay service for incoming calls to the hearing and/or speech impaired end user should be removed?**

Q2.1 We agree that the current need for hearing users to dial the 18002 prefix is a disincentive to the use of the relay service, since they do not understand it and often forget to add it. It also causes difficulties when entering the telephone number on a form. So we would agree that its discontinuation and its replacement by something that looks like an ordinary telephone number would be an advantage. We are however disappointed that there will be no attempt to replace the use of a prefix for outgoing calls as well. Text users dislike the fact that the prefix is five digits long, and although some equipment allows for it to be dialed automatically this is not a universal facility. We think that an attempt to find alternatives for both currently used prefixes should be pursued.

Q2.2 We also agree that any solution should not result in inconvenience in mixed households where there are different users some of whom require the relay service to be involved in both incoming and outgoing calls and some of whom do not.

Q2.3 However, both the proposed solutions would seem to require some form of registration process in order that a number can be identified as requiring the relay service. While the current service did have registration in its early days one of the main reasons for introducing the prefix was to

remove that requirement, which was not liked by users of the service. As we understand it two solutions are proposed, the first of which would require the look up table to be held by the CP, while the second would require the look up to be held by the relay service. The document favours the latter as being more straightforward and less costly.

Q2.4 We would first request that any requirement for registration required under any chosen solution should be as straightforward as possible, and should be similar to and no more onerous than the process for signing up to a website or registering for the Emergency SMS service. The consultation was not clear whether under the first option the look up table would be held by the CP of the person making or the person receiving the call, but we now understand it would be the former, and therefore would require that every single CP had access to the table, which we would agree would add unnecessary complexity to the process.

Q2.5 The second solution under which the look up table is held by the relay service does therefore appear to be appropriate, though we would welcome more detail how this would operate. If, as we hope, there is more than one relay service available there will need to be arrangements for number portability between services just as there are between CPs. We do also have concerns that the consultation seems to suggest the use of a number in the 03 range, which would not look like a normal residential number and might therefore give the appearance of being owned by a business.

Q2.6 Of more concern is that we are not convinced that either of the proposed solutions is fully future proof. Our understanding is that access to modernised forms of relay service will be Internet based, and developments will allow users such access without needing a telephone line or a telephone number at all. It is not clear how the current proposals would deal with such situations or cope with an environment in which connections will be made more and more using “always on” Internet addresses rather than traditional dial up telephone numbers.

**Question 3: Do you agree with the proposed approval criteria and KPIs? If not please specify your reasons.**

Q3.1 We agree with some of the proposed approval criteria but not with all of them. We do agree with the criteria set out in paragraph 4.9, and note that one of those specifies “insofar as reasonably practicable, allow for communications between end users of the service at speeds equivalent to voice communication”. We also agree with the additional bullet points in 4.11, which include “that the needs of users of the service are met on an ongoing basis”. With that in mind we are very disappointed that Ofcom does not propose to include either outreach or requirements to develop new technology in the criteria. We do not see how the requirement to meet needs on an ongoing basis can be fulfilled if there is no requirement for development. The outcome will inevitably be the one that currently exists, where the service stagnates and falls behind because there is no

sustained investment in development and no incentive to provide this. We are also disappointed that there is no intention to involve users in the creation and monitoring of approval criteria and KPIs, since it is the lack of appropriate ongoing user involvement that has led to the lack of responsiveness of the current service to user needs.

- Q3.2 We do generally support the bullet points set out in paragraph 4.27, with the exception of some of the KPIs which we will consider below. We particularly agree with the need for appropriately and adequately trained and qualified staff. However we are concerned that the proposed KPIs for the new service are based on the ones for the existing text relay service, as this implies there will be no development or improvement, and that there are no plans to review or update them, which will lead to the stagnation that is the root of the problems with the current service. For instance, if the current service, based on technology that is now 30 years old, is consistently beating the present KPI for 90% calls answered within 15 seconds, where is the incentive to improve with the use of modern service capabilities if this figure is allowed to remain unchanged? We accept that to increase it to 95% may be challenging, but if the KPIs are kept under review it would always be possible to revise the figure again if it proved impossible to meet. Again it is the complete lack of incentive to improve that is likely to be the outcome.
- Q3.3 Turning to the proposed table of KPIs one of our major concerns is transcription speed. We would first note that different users will have different needs, and some of those requirements may be a result of the equipment being used (since any new service will also need to continue to provide access to users with existing equipment). The ideal would be for customisation to be available according to user needs. The requirements of a captioned relay user for free flowing conversational dialogue are not likely to be the same as the requirements of a deafblind user who is using a Braille terminal that can only hold a limited number of characters in its buffer. However we strongly believe that the figure for transcription speed should be set high with the ability to reduce it for users with a specific need to do so, rather than the other way round.
- Q3.4 The requirement for an average transcription speed of at least 60 wpm is not in any way sufficient for those who require a captioned relay service or a modernised text relay service. Overall the current document shows very little understanding of how captioned relay differs from existing text relay. A fundamental principle of captioned relay is that the user is making use of both the voice and text elements of the call. They use what they are able to hear of the hearing person's voice and supplement that with the text display. For this to work it is crucial that the speech element and the text element are as closely synchronised as possible, because this is what allows captioned relay users to have the same free flowing conversation as a normal voice call. There is no conceivable way that a transcription speed of 60 wpm meets that need or could be said to provide a captioned relay service. Existing captioned relay services require transcribed text to be at the speaker's word for word rate which will typically be between 125

and 180 wpm. The requirement for transcription accuracy will then be 98% at 125 wpm using a standard script. Anything below that cannot be correctly called a captioned relay service. We therefore do not consider that the KPI given in the document of 60 wpm is acceptable and believe that should be changed to 125 wpm, though there would need to be a possibility of using lower speeds if the user requires this.

- Q3.5 In this regard we note that in the original consultation Ofcom stated their belief that Internet based access methods would increase conversation speeds, and we do not see how a speed of 60 wpm can possibly achieve that. We also note that in 4.28 of the current document Ofcom states the belief that the proposed KPI “are appropriate means of securing the objective of ensuring that an NGTR service would be effective in securing equivalence of access”. We would strenuously contest that any speed below 125 wpm can provide such equivalence.
- Q3.6 We are not convinced that a single NGTR as proposed can meet the requirements of both a text relay service and a captioned relay service or indeed the requirements of some deafblind users and that unless a high level of customisation is available a portfolio of relay services will be needed. We believe that the KPIs should set out the minimum functional requirements for a captioned relay service, but that it may be necessary to offer the user different standards of service that meet their own requirements. The ability to customise accessibility options or turn them on and off will be vital, including options around the inability to interrupt, controlling the speed of transcribing speech to text, favouring speed over accuracy and setting font type, size, colour and background colour. We would be happy to explore these issues with Ofcom in greater detail.

## **Conclusion**

We hope that much needed developments of a modernised relay service can now move speedily forward. The process has already been subject to a great deal of delay and even the current consultation gives no clear idea of when NGTR will actually be available, let alone much needed video relay services. We are concerned that the proposals will continue the current monolithic and monopoly situation with no competition and therefore no motivation for further development. We are also concerned that the proposals show an inadequate understanding of how captioned relay operates and what is required of a captioned relay service, and that the proposals for NGTR as they currently stand do not represent the changes and improvements that are sorely needed by text users. We reiterate our commitment and willingness to work with all interested parties to find solutions and define service requirements that meet the expectations of deaf people.

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