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# Proposed Disability Action Plan

## For Northern Ireland

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### **CONSULTATION:**

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**Closing Date for Responses:** 4 March 2022

# About this document

This Disability Action Plan for Northern Ireland shows how Ofcom proposes to fulfil its duties under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by article 5 of the Disability Discrimination (Northern Ireland) Order 2006), to have regard, when carrying out its functions, for the need to:

- Promote positive attitudes towards disabled people; and
- Encourage participation by disabled people in public life.

If you require this plan in an alternative format and/or language, please contact the following person to discuss your requirements: -

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Please note this document is available on request in other formats including: -

- Large font
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- Audio
- Easy read
- Other languages, including sign language

# Foreword

Ofcom's mission is 'making communications work for everyone'. In 2020, due to the Covid-19 pandemic, society relied more than ever on communications services: for connecting them to family and friends, for entertainment, shopping, bringing them news, home working and home schooling as well as accessing essential services such as health and education.

Ofcom's job has involved responding to changing consumer demands, supporting our industries through the crisis, and planning for a post-pandemic world reliant on strong networks and trusted media.

Fundamental to this is ensuring we do all we can at Ofcom to promote diversity, equality, and inclusion both inside our organisation and in the sectors we regulate.

Outlined in this document are some of the measures we have already taken in meeting our statutory duties to 'promote positive attitudes towards disabled people and encourage the participation of disabled people in public life'.

For example, we announced new rules further enhancing the provisions for contacting emergency services, where from next year, British Sign Language users will be able to contact the emergency services using video relay. We have also set new expectations on telecoms firms for supporting vulnerable consumers. Alongside this we are setting clearer rules to make TV accessible to people with hearing or sight impairments.

If we are to do our job effectively for all consumers in the UK – across our nations, regions and communities, and for people of all ages and backgrounds - Ofcom itself must also reflect the country as it is today. A diverse and inclusive culture means better decisions on behalf of diverse citizens and consumers.

In January 2021 we launched our 2021-2026 Diversity and Inclusion Strategy including our vision for the type of organisation that we want to be: representative of the citizens we serve across the four nations of the UK. To help drive these improvements, we are setting ourselves new five-year workforce targets, which include improving representation of colleagues with disabilities across our organisation.

The Action Plan in this document identifies the measures we commit to completing throughout this next five year period, in order to enhance what we have achieved so far in relation to improvements for disabled people, both within our organisation and in the sectors we regulate. We recognise that for disabled people barriers exist to full participation in all aspects of public life, including societal perceptions. Our hope is that this Action Plan, working alongside our internal strategies, and our regulatory role, will combine to make a real difference to the lives of disabled people in our community.

Maggie Carver, CBE

Interim Chair

Dame Melanie Dawes, DCB

Chief Executive

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# 1. Introduction

- 1.1 Under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by article 5 of the Disability Discrimination (Northern Ireland) Order 2006), Ofcom is required when carrying out its functions to have due regard for the need to:
- Promote positive attitudes towards disabled people; and
  - Encourage participation by disabled people in public life ('the disability duties').
- 1.2 Under Section 49B of the DDA 1995, Ofcom is also required to submit to the Equality Commission a disability action plan for Northern Ireland showing how it proposes to fulfil these duties in relation to its functions.
- 1.3 This document sets out Ofcom's proposals for our Disability Action Plan, reflecting the measures we have already implemented, and outlining those we propose to take over the period to December 2026. Responsibility for implementing, reviewing, and evaluating this disability action plan for Northern Ireland (and the point of contact within Ofcom) is:

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- 1.4 Ofcom is committed to ensuring both compliance with the disability duties and that this disability action plan for Northern Ireland is fully implemented. We will allocate the necessary resources required to effectively implement this plan and, where appropriate, build objectives and targets relating to the disability duties into corporate and annual operating plans.
- 1.5 Ofcom will ensure the effective communication of the plan to staff and provide the necessary training and guidance for staff on the disability duties and the implementation of the plan.
- 1.6 Ofcom will consult with those with disabilities in implementing and reviewing this plan, approaching such bodies as Disability Action and Ofcom's Advisory Committee on Older and Disabled People (see paragraph 3.5).
- 1.7 Ofcom will submit to the Equality Commission an annual progress report on the implementation of this plan and carry out a five-year review of it, which will also be submitted to the Commission. A copy of this plan, each annual progress report and the five-year review will be made available on [Ofcom's website](#).

## 2. Ofcom's functions

- 2.1 Ofcom makes sure people get the best from their broadband, home phone and mobile services wherever they are in the UK. We monitor standards on TV and radio. We also oversee the universal postal service, look after the airwaves used by wireless devices, and help to make sure people don't get scammed and are protected from bad practices.
- 2.2 We have recently taken on the regulation of video-sharing platforms, and we are preparing to take on new powers to ensure a safer life online for everyone. As a result of these new duties we will complete a mid-review of this Plan to ensure it remains relevant.
- 2.3 In all areas of Ofcom's regulatory work, it is essential that we consider the needs of disabled people, recognising that without accessible communication sectors, they can be left extremely vulnerable and isolated. Our statutory duties include specific responsibilities relating to disabled citizens and consumers
- 2.4 Ofcom operates under a number of Acts of Parliament, including, in particular, the Communications Act 2003. Ofcom must act within the powers and duties set for it by Parliament in legislation. Our principal duty is to further citizen and consumer interests, where appropriate by promoting competition.
- 2.5 We are independent of Government and the companies we regulate, and our duties are set out in statute, making us accountable to Parliament.

### Our legal duties guide the direction of our work

- 2.6 Our main legal duties are to ensure that:-
  - the UK has a wide range of electronic communications services;
  - radio spectrum is used in the most effective way;
  - a wide range of high-quality television and radio programmes are provided by a range of different organisations, appealing to a range of tastes and interests;
  - people are protected from harmful or offensive material, unfair treatment and invasion of privacy on the television and radio; and
  - the universal service obligation on postal services is secured in the UK.

### Our values

- 2.7 To help us with our work in promoting choice, securing standards and preventing harm, we need to make the best decisions for all UK consumers and citizens. To do this, every part of our organisation needs to be diverse and foster an inclusive culture. We aim to achieve this by adopting our values of collaboration, empowerment, agility, excellence and respect. These values shape how we treat one another, how we work together, how we relate to our stakeholders, how we judge performance and how we collaborate to achieve our priorities. Our values are central to our effectiveness and they support the organisation we want to be.

### **3. Public life positions**

3.1 Ofcom offers a range of public life positions.

#### **Ofcom Board**

3.2 Providing strategic direction for Ofcom, the Board currently consists of up to 10 members, including the Chairperson and other non-executive members, who are appointed by the Secretary of State; the Chief Executive and other executive members are appointed from Ofcom's employees. During the term of this Plan, we expect to appoint a member of the Board to represent the interests of Northern Ireland (alongside similar Board member appointments for Scotland and Wales).

#### **Communications Consumer Panel and Advisory Committee on Older and Disabled People**

- 3.3 The Communications Act 2003 requires Ofcom to set up and maintain effective arrangements for consultation with consumers. The Communications Consumer Panel (CCP) was established, representing the interest of consumers, citizens and microbusinesses in communications.
- 3.4 The CCP provides advice that is robust and independent but, at the same time, pragmatic and constructive. Ofcom shares information and ideas with the CCP at the early stages of policy development, allowing it to provide advice to ensure that the consumer voice is taken into account from the outset.
- 3.5 The Advisory Committee on Older and Disabled People (ACOD) advises Ofcom about communications sector issues relating to older and disabled people.
- 3.6 To take advantage of the synergy between the CCP and ACOD, and to avoid potential duplication, cross membership of the two bodies was established in 2012. The remits of the bodies, however, remain unchanged.
- 3.7 Independent of Ofcom, the CCP consists of up to twelve experts, including representatives from Scotland, Wales, Northern Ireland and England, with experience in many different fields.

#### **Ofcom Content Board**

- 3.8 The Content Board is a committee of the main Board and it sets and enforces quality and standards for television and radio. It has members representing each of the countries in the UK and includes members with extensive broadcasting experience. It is charged with understanding, analysing and championing the voices and interest of the viewer, the listener and citizen.

## **Advisory Committees for the Nations**

- 3.9 Ofcom has separate advisory committees for Northern Ireland, Scotland, England and Wales. Each comprises seven independent expert members who provide Ofcom with detailed and expert insights into the particular challenges faced by citizens and consumers in different parts of the UK. These committee meetings are also attended by the respective nation's member of the Communications Consumer Panel and Content Board (see above).

## 4. Previous measures

- 4.1 At Ofcom our vision is to make sure communications work for everyone. we want the UK's communications systems to be accessible to everyone. If we are to make sure communication services really do work for everyone then we must understand the needs of people across the different nations, regions and communities within the UK.
- 4.2 It also means we must look at accessibility, diversity and inclusion in the areas we regulate. Without this access, many people can be left extremely vulnerable and isolated.
- 4.3 To do our job really well we must also focus on these principles in our own organisation. We should have a workforce made up of people with a wide range of background and experiences, and we should make sure that our colleagues can bring all those diverse experiences to their work.
- 4.4 In this section we outline some of the key measures that Ofcom have already taken both within our own organisation, and in the sectors we regulate which support us meeting both statutory duties 'to promote positive attitudes towards disabled people and encourage the participation of disabled people in public life'.

### Ofcom's Northern Ireland Equality Scheme

- 4.5 Under section 75 of the Northern Ireland Act 1998 (The Act), Ofcom is required to produce an Equality Scheme in relation to its functions in Northern Ireland. Section 75 of the Act includes an obligation to promote equality in relation to those with disabilities, and those without.
- 4.6 In December 2019, Ofcom published an updated version of our Revised Northern Ireland Equality Scheme for Ofcom<sup>1</sup>, which sets out how the organisation proposes to fulfil its duty to promote equality of opportunity, including for disabled people, over the next five years. This is in addition to the Single Equality Scheme (SES) outlining our duties under the Equality Act 2010.

### Ofcom's Diversity & Inclusion Strategy 2021-2026

- 4.7 At the beginning of 2021, as part of our Diversity & Inclusion Programme we launched our Diversity & Inclusion Strategy, explaining how diversity and equality are essential to the way we operate, both as an employer and as the UK's communications regulator.
- 4.8 The Strategy outlines our priority areas of work, including our workforce diversity targets and vision as an organisation, and has been approved by the Ofcom Board and will be overseen by our Chief Executive and our Senior Management Team. Our Senior Management Team and our directors will be responsible for applying this strategy in their work. Ofcom's Board and People Committee will hold our Senior Management Team to

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<sup>1</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0023/123737/Revised-NI-Equality-Scheme.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0023/123737/Revised-NI-Equality-Scheme.pdf)

account for progress in delivering the strategy. Progress against our targets and regulatory action plans will be reported to them on a regular basis.

- 4.9 One such workforce target is that by 2026, we will increase the proportion of disabled people in Ofcom to 15%.
- 4.10 As of March 2021 Ofcom 12% of our workforce have told us that they consider themselves disabled. By disabled, we mean a disability and/or long-term condition such as arthritis, asthma, dyslexia, depression, mobility condition, sickle cell, hearing, speech or visual impairment, as examples.
- 4.11 Disabled representation has increased from 2015 when only 2% of our people said they were disabled. We have substantially reduced our ‘no data gaps’ on disability which has given us a much more accurate reflection of the profile of our colleagues. ‘No data’ means our staff have not answered this question at all on our HR system, different to ‘prefer not to say’ (which was 10% in March 2021). This enables us to better understand the impact of our processes, policies and systems around areas such as progression and retention. However, this is an area where we still have some work to do to further close the gap.
- 4.12 Our work to date has focused on making sure Ofcom is an inclusive workplace for disabled people. We have been developing our knowledge, behaviour and practices on disability through mandatory equality awareness and unconscious bias training for all, introducing a system for recording disability-related absence and improving our recruitment, development and performance-management processes to account for appropriate adjustments. We overhauled our workplace adjustments policy and process in 2019, working alongside an expert disability consultant, focusing on the removal of barriers and not the condition, establishing a dedicated workplace adjustments team and introducing a central budget for adjustments. Alongside this we provide comprehensive guidance for line managers and colleagues and introduced a workplace adjustments ‘passport’ which records any agreed adjustments and which colleagues take with them wherever they move into the organisation.
- 4.13 Now that we have put in place these fundamental measures we are setting a new ambition to make sure Ofcom is welcoming to all disabled people and setting a new workforce target of 15%.
- 4.14 We know this will be challenging, but we are clear in our ambition in this area. We will take a three-pronged approach to making progress towards this target.

## **Ofcom’s Systems and Processes**

- 4.15 The systems, processes and policies that we use as an employer have a huge impact on our ability to build a diverse workforce and an inclusive culture. We need to get these systems, processes and policies right if we are to deliver the vision we have set out in the Strategy and ultimately to do high quality work for the benefit of citizens and consumers.
- 4.16 We have made a good start over the past couple of years by introducing new or updated policies which remove barriers and provide the support that enables more of our people to

do their jobs effectively. These changes include our new workplace adjustments policy, which makes it easier to request adjustments not only for disabled colleagues but also for parents and carers, colleagues with religious or cultural observances or those going through life changes where additional time or support might be needed.

- 4.17 In our new strategy, we will now go further. We will overhaul the core systems, processes and policies that we use as an employer to make them fairer by design, recognising that in order to treat everyone fairly we will have to support some people differently. Based on consultation with our workforce, we have identified recruitment processes, career progression and performance management as the highest priorities and the areas we should initially focus on. So, we have started to review these important processes.
- 4.18 We annually report on our gender and ethnicity pay gaps and in 2021 we also published our first disability pay gap report. We will make sure our new approaches to performance management have a positive impact on our work to address pay gaps.

## Culture, wellbeing and inclusion

- 4.19 We know that fairness in our systems and processes play an important role in creating an inclusive culture, but this isn't enough on its own. As part of our strategy, we set out how our drive for a naturally inclusive culture means we all take personal responsibility for this and enable our leaders to be role models so disabled colleagues feel valued, feel able to speak up and have a voice and feel as though they belong.
- 4.20 In 2021 we added 'respect' to our organisational values for Ofcom (outlined in paragraph 2.7 of this document), and have committed to drive the behaviours which underpin this, and our other values through our interactions, processes, policies and every day work. These values and supporting behaviours set the foundations for an inclusive culture at Ofcom, and our leaders have a new, specific leadership objective to personally role model these in everything they do, every day, with their teams and across Ofcom
- 4.21 We have also launched a new way to measure and track inclusion through the strategy period. Our inclusion tracker is made up of statistically validated measures which cover feeling safe to speak up, feeling valued and a sense of belonging to the organisation, to support our understanding of our progress to drive an inclusive culture. We also track how our leaders act as role models for our values and behaviours through a new survey tool which enables us to break down the results by teams and by diverse groups, where the numbers are large enough for us to do so. Based on regular measurement and insight, this enables us to change our approach and support we give to colleagues if we need to.
- 4.22 Throughout the strategy period Ofcom commits to supporting colleagues with their physical and mental health. We are committed to ending any stigma attached to having poor mental health and are looking further at how we provide targeted mental health support for specific groups such as minority ethnic and LGBT+ colleagues. There are a range of internal and external support mechanisms at Ofcom to support our colleagues' wellbeing

- 4.23 In early 2020 we launched our wellbeing programme, Thrive@Ofcom, which has also been vital during the Covid-19 pandemic, making support to colleagues available when and where they needed it most. We have recently completed our first refresh of this programme and will do so each year. This year we will continue to focus on short term support (over the next 12 months) through the challenges created by Covid-19.
- 4.24 Our longer-term wellbeing programme (2021-2023) will focus on four strategic priorities:
- i) mental wellbeing;
  - ii) physical wellbeing;
  - iii) financial wellbeing; and
  - iv) corporate social responsibility (CSR), which involves ‘doing good to feel good’.

## Diversity of Non-Executive representatives

- 4.25 Another commitment in our Diversity & Inclusion Strategy is in relation to our boards, advisory committees and panels, that they will have a membership that reflects UK society in relation to disability
- 4.26 We recognise that the current balance of our non-executives is not representative of UK society. We are constantly looking for new ways to extend our reach so that we can attract applicants from a diverse range of backgrounds. For the first time, we published overall data on the diversity of our non-executive members in terms of gender, ethnicity and disability in our 2019/2020 Annual Report & Accounts and will continue to report on them each year.
- 4.27 The diversity of the non-executive membership of the Ofcom Board itself is a matter for the Government, but among the boards and committees to which the Ofcom Board makes appointments we will aim for a membership that reflects UK society in relation to disability (along with commitments with regard gender and ethnicity).
- 4.28 Ofcom’s boards and committees are spread across the UK, and they include some committees specifically appointed to reflect different nations within the UK. We have set our targets informed by both the UK adult populations and the relevant adult populations for those nations. We will aim for 15% of non-executive directors with disabilities.

## Monitoring and Reporting of the Strategy

- 4.29 We will publish annual updates on our diversity and inclusion strategy. These updates will include progress against our targets and areas of focus, including an annual diversity report on the profile of Ofcom colleagues and processes.
- 4.30 Separately, as part of our Annual Report and Accounts, we will report on our diversity data as an organisation, including our boards and committees. We will also continue to report on our gender pay gap, our ethnicity pay gap and our disability pay gap.

## **Our colleague networks**

- 4.31 Our Senior Management engages with the vibrant and active employee networks and groups representing some of our diverse communities within Ofcom.
- 4.32 These networks and groups play an important role in supporting colleagues. Open to everyone who wishes to join, they help Ofcom drive our diversity and inclusion programme, and hold senior managers to account both in our ambition and our delivery. They also offer us a great insight into how our people feel from different diversity groups.
- 4.33 At the end of April 2021, we launched a new colleague network at Ofcom, the SOUND network. This is a support network for neurodiverse colleagues, disabled colleagues, colleagues with a long term-health condition and their allies. The aim of the SOUND network is to provide a space within Ofcom where we can **Support** all neurodiverse and disabled colleagues and provide opportunities for all colleagues to have **Open** conversations about neurodiversity and disability so that as an organisation and as individuals, we develop our **Understanding** about **Neurodiversity and Disability**.
- 4.34 We will keep working with our networks and groups to bring our diversity and inclusion strategy to life. We will learn from and support them and take on a co-ordinating role to achieve even greater collaboration across all networks and groups, delivering a real intersectional approach to celebrating diversity and inclusion at Ofcom. We are investing in training our network chairs and leaders in a joint pilot programme with Henley Business School. We will also ensure that each network is supported and sponsored by one of Ofcom's senior leaders, and that we align funding to support the events and learning across Ofcom.

## **Staff training**

- 4.35 In order to raise awareness among staff of the issues faced by disabled people, and their relevance in the workplace, all staff now complete annual e-learning courses on Equality in the Workplace and Unconscious Bias.

## **Wider stakeholder engagement**

- 4.36 We value external perspectives on our diversity, inclusion and equality work and seek input from external partners on best practice to help us identify where we are doing well and where we can do more. We are members of the Business Disability Forum, for example, and participate in external benchmarking including Employers for Carers/Carers UK Carers Confident accreditation, and Social Mobility Foundation's Social Mobility Index, among others. We keep such memberships and participation under review.
- 4.37 Regular updates are given to the People Committee and Policy Management Board on the progress of various initiatives under our diversity and equality work programmes.

## Ofcom as a regulator

- 4.38 As previously stated, it is essential that in all areas of Ofcom's regulatory work we consider the needs of people with disabilities, recognising that without accessible communication sectors, they can be left extremely vulnerable and isolated.
- 4.39 Outlined below are measures that we have taken as a Regulator in relation to improvements for disabled people

## Telecommunications

- 4.40 In telecommunications, we have a combination of specific rules about services for disabled customers, and rules about policies for the fair and appropriate treatment of customers in vulnerable circumstances. We also have a guide to illustrate best practice on the latter, and voluntary fairness commitments. We also take the need of disabled customers in to account in general in policy making.

### We have specific rules about services for disabled customers

- 4.41 Ofcom has rules requiring communications providers (fixed and mobile) to provide a range of services designed to benefit disabled customers:
- **Access to an approved text relay service** for publicly available telephone services to and from people who because of their disability needs to make or receive calls in text format.
  - **Access to emergency services via SMS** (mobile only) for people who cannot make a voice call due to hearing or speech impairments and who need to contact the emergency services.
  - **Free directory enquiries**, with through-connection of calls, for consumers who are unable to use a printed directory because of visual impairment or another disability.
  - **Priority fault repair** (for landline and broadband but not mobile) for any disabled person who has a genuine need for an urgent repair.
  - **Third party bill management**, enabling a nominated friend or relative to act on behalf of someone with a disability who needs help to manage their account.
  - Bills, contracts, end-of-contract notifications and annual best tariff **notifications in alternative formats** such as large print and Braille, on request, for those who are blind or whose vision is impaired.
- 4.42 Communications providers are required to publicise the availability of services for disabled people.
- 4.43 We are extending our current rules on accessible formats from December 2021 to go beyond requiring accessible formats for bills, contracts, end-of-contract notifications and annual best tariff notifications. The new rules will ensure that any customer who, due to a disability, might need their communications in an accessible format (such as braille or large print) can receive all information about their communications service in this way.

- 4.44 In June 2021, we announced new rules further enhancing the provisions for contacting emergency services. From next year, British Sign Language users will be able to contact the emergency services using video relay.
- 4.45 Under our existing rules, as outlined above, people with hearing or speech impairments can already communicate with other people over the phone via an Ofcom-approved text relay service and can contact the emergency services by simply sending a text message to 999. However, these services rely on written English, which can lead to misunderstandings for British Sign Language (BSL) users in emergency situations.
- 4.46 We want BSL users to have equivalent access to the emergency services with other people in the UK. So, we are now requiring telephone and broadband companies to offer a free, 24/7 video relay service for BSL users to contact the emergency services, via a dedicated mobile app and website. As part of the public consultation process on our proposals, we published BSL videos and invited people to respond in BSL or English, to which a number of deaf people responded.
- 4.47 Given that telecoms companies will need time to contract a provider of an approved service and prepare for implementation, and the dedicated app and website also need to be designed, telecoms providers have until 17 June 2022 to introduce an emergency video relay service.

**We have rules requiring providers to have policies and procedures for the fair treatment of vulnerable customers**

- 4.48 Our rules on vulnerability recognise that anyone can face circumstances that lead to them being vulnerable, either temporarily or permanently. This might include disabilities, physical or mental health problems, specific characteristics such as age or literacy skills, or changes in circumstances such as bereavement, job loss or changes in household income. We require communications providers to have clear, effective policies and procedures in this area that staff are made aware of and appropriately trained on. These policies and procedures should include, as a minimum:
- Practices for ensuring the fair and appropriate treatment of vulnerable customers
  - How information about the needs of such customers will be recorded
  - The different channels these customers will be able to use to contact/receive information from the provider, and
  - How providers will monitor and evaluate the impact and effectiveness of the policies and procedures.
- 4.49 In July 2020 we published our guide on 'Treating vulnerable customers fairly' which suggests practical measures providers could adopt to help ensure they treat vulnerable customers fairly and give them the help, support and services they need. The guide is designed to help providers build on current practices to improve how they treat vulnerable customers, in light of their regulatory obligations. The guide does not amend or replace their previous regulatory obligations, nor does it introduce new rules. It should give providers flexibility in how they comply in this area in order to achieve the fair treatment

of vulnerable customers. The measures suggested in the guide are not prescriptive or exhaustive and will be subject to ongoing review. We also expect providers to review their own performance and take steps to continually improve their approach.

- 4.50 Since the publication of the guide, we have monitored with research whether vulnerable customers experience a service in line with the guide. Whilst there were some positive examples of customers in vulnerable circumstances being supported, there was a lack of consistency in the customer experience they received when contacting communication providers. We believe there is still more that providers can do to make sure vulnerable customers are consistently treated fairly. We will keep the guide under ongoing review and continue to work with providers and monitor their performance. We will work with individual providers later in 2021 on the specific areas where improvements could be made to ensure vulnerable customers get the level of service they need.

#### **We introduced our Fairness for Customers Commitments**

- 4.51 In 2019 we introduced our Fairness for Customers Commitments. The commitments were launched to complement our rules and voluntary schemes, to encourage signatories to embed fairness more deeply across their businesses – from the boardroom to customer service teams - and to go beyond compliance with regulatory minimums. All of the biggest phone and broadband providers in the UK have signed up to these voluntary commitments.
- 4.52 One of our fairness commitments relates specifically to customers whose circumstances may make them vulnerable, including due to a disability. It states:
- 'Customers get the support they need when their circumstances make them vulnerable.'**  
Providers understand and identify the characteristics, circumstances and needs of vulnerable customers - such as vulnerability due to a disability, age, mental illness or having recently been bereaved - and act to give them fair treatment and equal access to services."
- 4.53 In our monitoring of progress against this commitment, we found positive indicators: most signatories are making it easier for customers to self-report their circumstances or needs. Most signatories now have a named vulnerable customer champion in their senior team and/or a working group focussed on supporting vulnerable customers, and some have accessibility roles embedded in products teams. We also identified areas for further development: we want all signatories to measure the impact of the changes they are making to support vulnerable customers and we encouraged all signatories to continue to improve how they identify vulnerable customers and record their needs so they can be appropriately supported, including active promotion to all customers of the services available.
- 4.54 We will continue to engage with signatories and to challenge them to treat their customers fairly. We will also ask signatories to report on progress to us again in 2022.

## We are taking the needs of disabled people into account in our general policy making

- 4.55 An example of how we do this is in relation to the improvements we are making to the information providers must give to customers who are considering switching their mobile phone service. A customer's current provider will now also need to tell them about the impact of the switch on other services they also have with that provider. This will include, for example, any specific services for disabled customers. This will help customers understand the implications of switching so they can make an informed decision about whether to go ahead with the switch.
- 4.56 A further example is our work in relation to telephone providers moving their landline customers from the country's traditional telephone network – the 'public switched telephone network' (PSTN) - to Voice-over Internet Protocol (VoIP). This change is led by telephone providers to replace obsolete technology and will help make sure the UK's landline telephone services are fit for the future.
- 4.57 We have a role to play, however, in making sure providers have reasonable measures in place, so customers experience minimal disruption and are protected from harm. We have been working with providers to help make sure issues are identified and addressed at an early stage and have outlined measures that we expect them to adopt to protect customers, especially vulnerable people.

## Accessibility of communications services

- 4.58 We regularly carry out research in relation to the usability of devices and services, and accessibility, particularly in relation to older people and those with disabilities; specific communications technologies such as audio description and text relay; and the accessibility of communications services for the purposes of active citizenship.
- 4.59 In our Access and Inclusion report, for example, we present a range of data on the availability, take-up, use and affordability of communications services. This helps us understand how well the communications sector is meeting the needs of consumers whose circumstances make them vulnerable.
- 4.60 This report tells us, for example that while it is less likely for disabled people than non-disabled people to have household ownership of computers, games consoles and smartphones, disabled people are more likely to have a landline phone and a simple mobile phone in their household. The same pattern is true for personal use of communications services and devices.
- 4.61 The report also highlights that disabled people are most likely to say that their use of TVs is either limited or completely prevented due to their condition. Nearly two in ten (17%) said their use of TV was limited or prevented, while 14% said the same for computers (PC, laptop or tablet).

## **Post**

- 4.62 Known as Articles for the Blind scheme, free post is available through Royal Mail for blind and visually impaired people accessing books and letters in braille, large print or audio, and mobility aids such as white canes, first class and free of charge. Packages must be unsealed, marked 'Articles for the Blind', and show a return address.

## **Diversity and equal opportunities in TV and Radio**

- 4.63 Ofcom has a duty to promote equality of opportunity in relation to employment in the broadcasting sector.
- 4.64 As required by their licence conditions, broadcasters must make arrangements for promoting equality of opportunity in employment between men and women, people of different racial groups and disabled people, and make arrangements for training. To help us assess how they're meeting these obligations, we require them to provide data on the make-up of their workforces for each of these characteristics, as well as information on training. We also ask on a voluntary basis for information on other characteristics such as socio-economic background, sexual orientation, age, and religion/belief.
- 4.65 In September 2021 we published our five-year review of diversity and equal opportunities in the TV and Radio industries. The report looked at what we have learned over the last five years of monitoring TV broadcaster workforce diversity (four years for Radio). It highlighted key areas for improvement, made recommendations to broadcasters and set out how Ofcom will support and drive change.
- 4.66 Having pushed broadcasters to collect data we now know more than ever about the disability status of broadcast employees. Ofcom's monitoring has showed consistent under-representation of disabled people across broadcaster workforces. Disabled people are under-represented not just in television but across all employment, and we do not under-estimate the scale of the challenge in bringing about change. However, broadcasters are uniquely placed to drive change in this area and to change perceptions through their on-screen and on-air content. To do this though there must be significantly greater opportunity for disabled people to be employed and valued offscreen and off-air, particularly in senior, decision-making roles. Our monitoring has shown that disabled colleagues across TV and Radio are less likely to be promoted. We want broadcaster to focus not just on recruiting more disabled people but on retaining them and enabling them to progress. If current trends stay as they are, our research suggests that the proportion of disabled employees in TV is likely to decrease slightly over the next five years.
- 4.67 Over the last 5 years, it's been positive to see disability become a much greater focus for broadcasters, with collaborative initiatives such as Doubling Disability that aims to double the percentage of disabled people working on productions for the larger broadcasters by the end of 2021. However, there remains a long way to go before we see either UK TV or radio workforces' representative of the UK's disabled population.

4.68 We believe that collective action is critical to progress and have redoubled our efforts to bring industry together to collaborate and share best practice. Alongside quarterly roundtables for broadcaster diversity leads, this has been spearheaded by our five-year event this September “ALL IN: Diversity in Broadcasting 2021”.

## **Television and on-demand programme services: Access Services Report**

- 4.69 Subtitling, sign language on TV and audio description, known as television access services, help people with hearing or visual impairments to understand and enjoy television. Ofcom ensures that broadcasters provide minimum proportions of programmes with television access services through the Code of Practice and the best practice guidelines on Television Access Services that apply to television services regulated by Ofcom.
- 4.70 People using access services do not fall neatly into homogenous groups. For example, many people using audio description have visual impairments, but by no means all are completely blind, and most have had some vision at some time. By the same token, those using subtitles can range from those with normal hearing (using subtitles so that the television sound can be turned down), through those with relatively minor hearing loss, to those who are profoundly deaf.
- 4.71 Some people (particularly the deafblind) may benefit from more than one access service – certain conditions that lead to the loss of one sense may also impair another. Those using access services range from the very young to older people, but a significant proportion of viewers using access services are older people, as the incidence of hearing and sight loss increases with age.
- 4.72 As our viewing shifts however, from the traditional broadcast services to online and on-demand content, many disabled consumers are being left behind because these services are often not accessible to people with hearing and sight impairments due to not providing ‘access services’.
- 4.73 In 2018, Ofcom made recommendations to Government on new regulations to improve the accessibility of regulated video on-demand services (“ODPS”), following the Digital Economy Act 2017 which paved the way for such requirements. Following a formal request from Government, we further consulted on additional detail, looking at how the regulations should work in practice including who should be exempt.
- 4.74 As a result of this, in July 2021 we published our second report with regard making video on-demand services more accessible to people with sight and/or hearing impairments. It contains further recommendations to Government on making the accessibility of on-demand services a legal requirement.
- 4.75 Each year Ofcom publish a report setting out the extent to which broadcast television channels and on-demand programme services (“ODPS”) deliver on these access services.
- 4.76 The report allows consumers to compare the extent to which traditional broadcast television and catch-up or on-demand services are accessible to people with sight and/or hearing impairments. We have provided this report in an interactive form on our website

so that consumers can compare the accessibility of broadcast and on-demand services across a variety of platforms.

## **Electronic Programme Guides (EPGs)**

- 4.77 Ofcom produced a code of practice on EPGs setting out the practices to be followed by EPG providers so that EPGs can be used by disabled people.
- 4.78 In June 2018 following consultation, we made amendments to this EPG Code to ensure that people with visual impairments are able to use EPGs in the same way that people without such disabilities use them.
- 4.79 EPG providers now have to use reasonable endeavours, where practicable, to provide specific features (magnification, high-contrast displays, filtering/highlighting of accessible programmes, and ‘text to speech’ functionality).
- 4.80 Each year since the amendments to the EPG Code we publish an EPG Accessibility report outlining the improvements for people with visual impairments. These are available on our website.

## **Accessibility of Ofcom’s website**

- 4.81 Ofcom recognises the importance of providing a website that is accessible to everyone, including people with disabilities.
- 4.82 We are committed to making our website accessible, in accordance with the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018.
- 4.83 Our website contains an Accessibility Statement in relation to its compliance with the Web Content Accessibility Guidelines version 2.1 AA standard, and is deemed partially compliant. Work continues on resolving the non-compliant issues, with the aim of having these resolved by Summer 2022.

## **Public events**

- 4.84 Ofcom normally holds two keynote public events in Northern Ireland every year – a Plan of Work stakeholder consultation and the launch of the latest Media Nations report. A wide range of stakeholders are invited to these events, including equality and diversity organisations. In order to accommodate guests with disabilities we ensure the chosen venue is accessible, and we have provided sign language interpreters at these events, whenever required.

## 5. Action measures

- 5.1 Outlined below are the measures Ofcom proposes to take over the period to December 2026, together with related performance indicators or targets.
- 5.2 Ofcom's annual progress report on the implementation of this plan will detail the relevant outcomes associated with the above actions and will be submitted to the Equality Commission and made more widely available, as detailed in paragraph 1.7 above.

No.	Measure	Timescale	Performance indicator/target
1	Promote the advertisement of Non-Executive Director posts <sup>2</sup> through disabled stakeholder groups, such as Disability Action, and note in advertisements that we guarantee an interview to disabled candidates who meet all the essential criteria of the job description	Recruitment exercises for Non-Executive Director posts expected in 2022 and future years of the plan	To help us better reflect UK society in relation to those with disabilities, and achieve our target of having 15% of non-executive directors across Ofcom with disabilities
2	Publish our annual disability pay gap report for Ofcom	The first of these was published in May 2021, and annually throughout the plan thereafter	Demonstrates Ofcom's commitment to ensuring there is a fair and equitable pay structure, while hiring and retaining the best talent. Supports Ofcom's aim to be a diverse, fair and inclusive employer..
3	Continue work to attain Level 3 of the Government's Disability Confident Scheme, to be a Disability Confident Leader	Ongoing throughout the period of the plan	Demonstrates Ofcom's commitment to being a diverse, fair and inclusive employer.

<sup>2</sup> Posts for Ofcom Board Member for Northern Ireland, Ofcom's Content Board Member for Northern Ireland and Ofcom's Advisory Committee for Northern Ireland

4	Continue to raise disability awareness among staff through the mandatory e-learning courses of Equality in the Workplace and Unconscious Bias	Completed on an annual basis	Improved staff awareness of issues faced by those with disabilities, and of their relevance in the workplace
5	Source and rollout training for staff, on neurodiversity	Expected to commence in 2022	Improved staff awareness of issues faced by those with neurodiverse conditions, and of their relevance in the workplace
6	Aim for staff in Northern Ireland team to be JAM (Just A Minute) card friendly for those with neurodiverse conditions and those with dementia	To be complete by March 2023	Demonstrates Ofcom's commitment to fair treatment of consumers with additional needs
7	Continue to publish progress updates on our Diversity & Inclusion Strategy priorities and workforce targets, including an annual statistical report on the diversity of Ofcom colleagues; the diversity profile (disability, gender and ethnicity) of our non-executive board members and senior management team in our Annual Report and Accounts and gender, ethnicity and disability pay and equal pay audits.	Annually throughout the period of the plan	Demonstrates transparency in relation to Ofcom's commitment to being a diverse, fair and inclusive employer

8	Ensure ongoing quantitative and qualitative research includes a representative sample of disabled citizens and consumers	Ongoing throughout the period of the plan	Ofcom gains in-depth knowledge about issues of concern to disabled people, enabling regulatory resources to be directed where they can have the most impact, leading to improved communications services for those with disabilities <sup>3</sup>
9	Conduct stakeholder engagement with organisations representing the interests of disabled people	Ongoing throughout the period of the plan	
10	Monitor Ofcom complaints data to identify disability issues relevant to complaints	Ongoing throughout the period of the plan	(see above)
11	Continue the publication of the annual monitoring report on 'Diversity and equal opportunities in TV and Radio', based on equal opportunities data and information on diversity initiatives from broadcasters	Report due for annual publication in Q3	Ensure that TV and radio broadcasting represents and accurately reflects UK society
12	Continue to work with Government on accessibility of on-demand services, following our publication of further recommendations to Government on making the accessibility of on-demand services a legal requirement.	Ongoing throughout the period of this plan.	Promote accessibility of On Demand Programme Services (ODPS) for those with sight and/or hearing impairments

<sup>3</sup> Examples of outcomes to date that have led to improved communications services for those with disabilities can be found under 'Previous measures' (Section 4).

13	Publish the annual Television and on-demand programme services: Access Services Report on broadcasters' compliance with the requirement to deliver a certain proportion of their programmes with subtitles, signing, and audio description.	Publish interim report in Q4 and full year report for previous year in Q2 throughout the period of the plan	The report allows consumers to compare the extent to which traditional broadcast television and catch-up or on-demand services are accessible to people with sight and/or hearing impairments.
14	Continue to publish an annual Electronic Programmes Guide (EPG) Accessibility report outlining the improvements for people with visual impairments.	Expected in Q1 2022	Ensures that people with visual impairments are able to use EPGs in the same way that people without such disabilities use them
15	Our <u>Fairness for Customers</u> programme seeks to ensure people, particularly those who might be vulnerable (including because of a disability), are treated fairly by the companies who provide their home phone, broadband, mobile and pay-TV services. This programme informs many of our key work areas such as switching, pricing, and the use of consumer data.	Update due in 2022/23	Update on how communication companies are delivering on their commitments to ensure people, particularly those who might be vulnerable, are treated fairly
16	Implement a new package of consumer protection measures contained within the European Electronic Communications Code (EECC), a new EU directive that updates the regulatory framework for communications services.	Due to phase in from December 2021	Customers with disabilities will be able to request all communications (except marketing) are provided in accessible formats.

17	Implement new rules that require telephone and broadband companies to offer a free, 24/7 video relay service for British Sign Language (BSL) users to contact the emergency services via a dedicated mobile app and website.	Due to be introduced by Telecoms companies by June 2022.	BSL users will have equivalent access to the emergency services as other people in the UK.
18	Work with telecoms providers to ensure reasonable measures are in place to protect customers throughout the switchover from the ‘public switched telephone network’ (PSTN) to ‘Voice over Internet Protocol’ (VoIP)	Ongoing, throughout the period of the plan	Customers, particularly those more vulnerable, experience minimal disruption and are protected from harm during the switchover

- 5.3 Ofcom’s annual progress report on the implementation of this plan will detail the relevant outcomes associated with the above actions and will be submitted to the Equality Commission and made more widely available, as detailed in paragraph 1.7 above.

## Next Steps

- 5.4 Ofcom seeks stakeholders’ views on our proposed disability action plan for Northern Ireland, which should be received by no later than 5pm on Friday 4<sup>th</sup> March 2022.
- 5.5 Ofcom will then make amendments, as required, and outline them in a statement, which will also announce implementation of a final disability action plan for Northern Ireland.

Signatories [post-consultation] of this disability action plan for Northern Ireland:

\_\_\_\_\_[Maggie Carver CBE, Interim Chair] \_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_[Dame Melanie Dawes DCB, Chief Executive] \_\_\_\_/\_\_\_\_/\_\_\_\_

# 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 Friday 4 March 2022.
- A1.2 You can [download a response form](#) from the Ofcom website. 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 [ofcomnorthernirelandoffice@ofcom.org.uk](mailto:ofcomnorthernirelandoffice@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:  
Proposed Disability Action Plan consultation  
  
Jonathan Rose  
Ofcom  
Landmark House  
5 Cromac Quay  
Belfast  
BT7 2JD
- 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 of a response submitted to us by email.
- A1.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A1.9 If you want to discuss the issues and questions raised in this consultation, please contact Jonathan Rose on 028 9041 7501, or by email to [Jonathan.rose@ofcom.org.uk](mailto:Jonathan.rose@ofcom.org.uk).

## Confidentiality

- A1.10 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 responses on the Ofcom website at regular intervals during and after the consultation period.

- A1.11 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.
- A1.12 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.
- A1.13 To fulfil our pre-disclosure duty, we may share a copy of your response with the relevant government department before we publish it on our website. This is the Department for Business, Energy and Industrial Strategy (BEIS) for postal matters, and the Department for Culture, Media and Sport (DCMS) for all other matters.
- 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 May 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.  
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 an overview of no more than two pages. We will try to make it as easy as possible for people to give us a written response.
- 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 the responses on our website at regular intervals during and after the consultation period. 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 aims to publish responses at regular intervals during and after the consultation period. 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 questions

1. Do you have any comments on the Previous Measures outlined in Section 4 of this document?
2. Do you agree with the Action Measures outlined in Section 5 of this document?