

Review of Relay Services – Ofcom consultation Response from TAG

Introduction

1. TAG welcomes the opportunity to respond to the Ofcom consultation on the Review of Relay Services. 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. TAG has agreed the following as being the principles required of any functionally equivalent relay service for deaf users:
 - 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. Ofcom’s proposals as set out in the consultation will therefore be judged against these principles in this response, as anything that falls short will not, in our view, offer deaf people equivalence. We recognise that the principles set out above overlap with the equivalence criteria proposed by Ofcom in Section 3 of the consultation but are not exactly the same.

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

Q1.1. TAG welcomes the recognition by Ofcom that the current Text Relay service does not provide true functional equivalence. We agree that if they are appropriately implemented the proposals for NGTR will provide greater equivalence than the current service, especially in the ability to use mainstream devices such as computers, and also the ability to interrupt which will provide a more natural conversational flow. The introduction of a captioned telephony function will be of great potential benefit to large numbers of hard of hearing people who would not consider using the current Text Relay. However the service as described in the consultation is as yet untested and much will depend on how it is implemented and whether the way in which this is done reflects the functional equivalence that was possible with previous commercial captioned telephony services. TAG believes that more detail of how the implementation will be achieved is required before we can be convinced that the service will deliver what is required.

- Q1.2 TAG does however have a number of concerns about the proposals for NGTR as set out in the consultation. We believe that they are likely to continue the current situation of a single relay provider and that they will do little to promote continued development of the service. We will return to this in our response to question 2. TAG is also concerned that there is no mention in the consultation of the need to promote the service. Although the current service has been operating for twenty years there is a worrying lack of knowledge about it among both deaf and hearing people, and the level of outreach activity that is carried out at present is minimal. There is a pressing need for more promotion and outreach to create awareness of the service. TAG is disappointed that the consultation is silent on this.
- Q1.3 While the development of additional functionality such as the ability to interrupt will be welcomed by many users it needs to be recognised that this may cause additional difficulties for some categories of users. For instance, if not properly handled, the ability to interrupt and the use of split screen displays could cause problems for deafblind users, both for those who use Braille terminals and also for those with a very restricted field of vision. TAG hopes that the development of additional functionality will also incorporate a greater degree of customisation so that the way the service is presented can be changed to reflect the needs of individual users, e.g. some users may prefer all text to be displayed in upper case.
- Q1.4 TAG welcomes the proposal to remove the need to dial a prefix to ensure the call is routed via the relay service, as mentioned in section 4.115. However we would like to know how this would be implemented and whether it would apply only to incoming calls to text users or to both incoming and outgoing calls. If the means of implementation was by means of personal telephone numbers for deaf users how would it cope with mixed households in which deaf and hearing people share the same phone line, and would the geographic nature of the phone number be preserved? We would also welcome clarification of how access to NGTR would work for users who have an Internet connection but no phone line. TAG feels the way this is implemented could also have relevance to our desire to increase the amount of customisation possible under any improved service.
- Q1.5 Section 4.23 of the document seems to indicate that NGTR will be extended to VoIP services, although the Interconnect report (page 84) indicates there currently technical difficulties achieving that aim. TAG fully supports that NGTR should work with VoIP services as well as traditional PSTN and mobile services, but queries whether the current obligations on fixed line providers extend to VoIP services and whether the revision of General Condition 15 will change this.
- Q1.6 TAG also has concerns about the way in which conversation speeds have been calculated in the consultation (section 4.23). The report assumes that NGTR will still continue to use Relay Assistants who type what the hearing person is saying and that this will be at about 60 wpm. TAG's understanding is that the minimum speed currently required by Text Relay

is in fact 40 wpm, and that the average across all Relay Assistants is lower than 60 wpm. The consultation also suggests that the current average is actually 30 wpm due to the time taken to switch between send and receive modes. However, if the deaf user types their side of the conversation and does not use VCO there is no need to switch and on that basis the figures would seem to be unreliable. The document also seems to assume that if the speed of Relay Assistant typing is 60 wpm and the text user is using CT and speaking at 170 wpm this gives an overall average of 110 wpm. But this is no different to a text user who is using VCO with the current system and TAG does not consider calculating an average in this way is meaningful.

- Q1.7 A more natural conversation speed can only be attained if the Relay Assistant is able to increase the rate at which they relay what the hearing person is saying to the deaf user and it is that figure which is the most crucial. The previous commercial caption service achieved this by the use of speech recognition in the Relay Assistant positions rather than typing, and it is difficult to see how any real increase in speed over the current service when used with VCO can be achieved without an increase in the rate at which the hearing person's words are relayed to the deaf user. We would also challenge the statement in section 4.37 of the document that speech recognition is not sufficiently advanced, as commercial services both here and abroad have operated successfully using this technology and have enabled more natural conversation. However, TAG agrees that any proposals from Ofcom must be technology neutral, and fully understands why the consultation does not mandate any specific means of delivery (see section 4.37), but we do not feel that what is proposed in the document is any real advance over what is currently possible using VCO or that it is meaningful in the way it has been calculated. We would like to see an increase in speed mandated through the mechanism of improved KPIs, and will refer to this in Q2.8 below.
- Q1.8 At the same time TAG would also like to point out that users of relay services have varying abilities and use different equipment, so while faster transcription may suit some users it may at the same time cause difficulties for others. For example, those using Braille terminals or users who have additional learning difficulties or visual impairments that restrict their ability to follow fast moving text. Again this requires a level of customisation as suggested in Q1.3 above to ensure that improvements in transcription speeds can be enjoyed by those who require them without penalising those who do not.
- Q1.9 Despite these reservations TAG agrees that the proposals for NGTR are potentially an improvement on the text relay service that is currently available but they need to be implemented in a way that will lead to real competition and choice in the way they are delivered.

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

- Q2.1 TAG feels that neither of the currently available legal routes to implementation, General Conditions or Universal Service, is satisfactory, as each has its own benefits and drawbacks. However, TAG welcomes the fact that the GC15 approach allows Ofcom to place obligations for an improved relay service on all telephone service providers, and assume that will be the case whether they are fixed line, mobile or VoIP and that this approach will be future proof against any other means of delivery that there might be.
- Q2.2 Our reluctance stems from the fact that the use of this route places the obligation to cover the costs of the provision of a relay service on each provider individually, which will undoubtedly lead them to deliver what is required at the minimum possible cost, since any relay service is likely to be loss making. Therefore unless there is some requirement laid on them to undertake research and development it is likely that the service will remain at whatever minimum level is required by GC15, and will leave users in exactly the same position as they are now, with a service that has not developed with the pace of new technology. We will return to this when we consider KPIs.
- Q2.3 It also means that because of the high capital cost of setting up a relay service the GC15 route is likely to see the continuance of the same monolithic situation that currently exists, with NGTR being delivered by a single relay provider, inevitably BT as it is now. This in no way meets one of TAG's principles of equivalence, that consumers should have a real choice between providers through open competition, because for deaf users choice can only mean choice of relay service as well as choice of provider. TAG is well aware that Ofcom has chosen to interpret the requirement for choice in this area as meaning only choice of telephone provider, but we do not agree that this in any way represents equivalence for deaf users – only choice of relay services can provide that, and while the GC route does not preclude this we do not believe it will encourage it to happen. TAG thinks this is a great pity, as the nature of the developments that will be required to deliver NGTR do actually represent an excellent opportunity for different providers to offer different services that would be customised in different ways and to recognise that one size does not fit all. For instance, it might be possible for one service to continue to offer Text Relay as it currently exists for users who wish to continue to use traditional textphones, another to offer IP based text relay, while a separate provider could offer a fully developed captioned telephony service, or different providers could implement NGTR in different ways that would be attractive to different categories of users. TAG notes the statement on Ofcom's website that its aim is to "make sure that people in the UK get the best from their communication services...while ensuring that competition can thrive" and we would like to see this reflected in a choice of relay services being offered to users.
- Q2.4 One way in which this competition could be encouraged would be by means of a fund on which all providers could draw according to the relay

service they were providing and the number of users they had. While this would still be the same providers both paying into the fund and drawing money from it, the fact that it was separately administered would encourage competition as each provider would be able to claim depending on the amount they had spent to develop the service and make it more attractive to users. TAG realises that under current legislation the only way to establish such a fund is through the Universal Service route, and TAG also understands the pitfalls of establishing a fund using this route, both that all providers would need to be designated and that each would have to undergo a net burden assessment. But the lack of any means of establishing a fund is a major drawback of using the GC route.

- Q2.5 TAG would also note that allowing deaf users access to properly developed relay services carries with it a more general social and economic benefit, and thus there could be an argument that government and business might be required to make some form of contribution. TAG recognises that there is no provision for this in the current Communications Act but believes this is something that Ofcom, industry and consumers could usefully explore further with government.
- Q2.6 TAG is disappointed that the proposed revision of GC15.5 still only makes reference to “text”. We understand that if Video Relay is to be mandated the route under which that would be implemented has yet to be decided, but if the GC route is again to be used that will require yet further amendment. TAG feels this is an opportunity for the wording of the GC to be made more future proof by widening it beyond just text (for instance so that it could incorporate proposals for Total Conversation as are being currently explored by the REACH112 project).
- Q2.7 TAG has serious concerns about the timing of any revocation of USC4 as proposed in section 4.113 and Annex 8. It is absolutely essential that implementation of NGTR has been carried out and that sustainable funding arrangements for NGTR relay services are in place before USC4 is revoked. This is especially the case as there are a number of uncertainties as to how NGTR would be developed or who might act as a provider, especially if separate text relay, IP text relay and NGTR are established as proposed in Q2.3 above. Under current legislation only BT and Kingston have an obligation to provide and therefore fund a text relay service, while other providers are only required to provide access to one. If USC4 is revoked before other arrangements are in place BT could justifiably feel their obligation to fund the service no longer exists, and other providers could say that they are unable to fulfil their obligation to provide access since no service exists for them to connect with. TAG therefore believes it is vital that USC4 remains in place until NGTR is in place, is working satisfactorily and is sustainably funded.
- Q2.8 TAG fully agrees with Ofcom that wider KPIs than currently exist need to be established and that they should all be met as an ongoing requirement of any relay service being designated as such. TAG supports the whole of the list that is given in section 4.118 of the consultation document, but

feels that additional KPIs are also needed. There should be KPIs covering the need for outreach activity, and also for the establishment of research and development to ensure the service keeps pace with new technology. TAG also believes the KPIs should be extended to include the proposals in the Interconnect report (see pages 90-94), e.g. there should be a revised KPI of 95% of calls answered within 5 seconds, and a revised KPI for operator handovers. There should also be KPIs covering the speed at which the conversation is relayed by the service, and the accuracy of the text received by the deaf user, although heed needs to be paid to varying user requirements as set out in Q1.8 above. TAG also believes it is essential that users of the service are involved with both the creation and the monitoring of all KPIs.

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

Q3.1 TAG understands that Ofcom has a legal requirement to allow twelve months for the implementation of any proposals and cannot require a shorter timescale than that. We also recognise that there is a considerable amount of development work to be undertaken before NGTR can be successfully launched. TAG would not want the service to be introduced before it has been properly tested, as an unreliable service would be an undesirable outcome. However, deaf users have been forced to put up with an outdated and inequitable service for far too long, and therefore TAG would wish to see NGTR introduced as soon as possible, and would therefore prefer that implementation was in 12 months rather than 18. One possibility might be for a pilot NGTR service to be introduced quickly and run in parallel with the existing Text Relay which would allow any problems to be identified and rectified before the new service was fully rolled out.

Q3.2 TAG would also welcome clarification on how long legacy equipment will continue to be supported. We realise that the full benefits of NGTR will only be available to those who move on from the use of traditional textphones. We also recognise that not everyone will be able to benefit immediately and existing users must not be disenfranchised. But one reason for some of the problems of the existing service is the complexity of making it accessible to a range of equipment using different technical standards, and therefore it would benefit everyone if the use of legacy equipment could be curtailed so that everyone reaps the full benefits of improved services. TAG would encourage Ofcom to keep the position under review and perhaps at some point encourage setting a term on the support of such legacy equipment if the number who continue to use it falls to very low levels.

Question 4: Do you consider that the requirement to ensure equivalent services for disabled people would require a mandated VR. service in some form for BSL users?

Q4.1 TAG strongly agrees that the mandating of video relay is the only possible way of achieving equivalence in use of the telephone network both for those deaf people whose first or preferred language is BSL and also for hearing people who wish to make telephone calls to BSL users. The recognition that the provision of video relay services is the only way that equivalence can truly be achieved is an important development in use of the telephone for BSL users and as such is welcomed by TAG.

Questions 5-7 Do you agree that a restricted service would be more proportionate in providing equivalence for BSL users than an unrestricted service? Provide your views on methods 1-5. Do you agree that a monthly allocation of minutes combined with a weekday/business hours service would be the most appropriate means to restricting the service?

Q5.1 TAG set out at the start of this response the principles that we believe are necessary to achieve equivalence in use of the telephone network for deaf people. It therefore follows that only a service that is available 24/7/365 at no additional cost to standard charges meets those principles. This remains TAG's objective and we believe that any service that offers less than this cannot be equivalent and will result in discrimination. TAG therefore wishes to work with Ofcom to find ways in which to achieve this objective at an early date.

Q5.2 TAG does not believe that a monthly allocation of thirty minutes can ever be an appropriate option as it falls far short of any true measure of equivalence and penalises those who have the greatest need to make calls, which is inherently inequitable. It also leaves a number of issues unresolved, such as how any such allocation would be applied to hearing people who wish to telephone BSL users, since all forms of relay service are for two-way communication. The whole of the consultation document seems to focus on calls originating from BSL users, but incoming calls received by them are of equal importance, and providers of commercial video relay services in the UK have made it clear that these represent a significant proportion of video relay calls.

Q5.3 TAG notes that the consultation document proposes that if the mandating of video relay is accepted, as we believe it should be, there will then be a further consultation in 2012 to consider ways in which it might be implemented, since the current document does not propose which legislative route would be used to achieve this. While we are disappointed that this will create further delay in meeting an urgent need TAG looks forward to working with Ofcom on this and we would therefore prefer not to make further comment at this time.

Q5.4 We would however like to comment on what we perceive as an inconsistency in Ofcom's approach to the management of costs and the achievement of a proportionate outcome. A financial cap is already used with Text Relay and Ofcom intends to continue to impose this cap with NGTR as set out in the consultation, and therefore appears to believe that this is the appropriate means to contain costs, even though the proposals

for NGTR will make it attractive to a greater number of users than the current service. Yet a similar approach for VR is given only very cursory discussion. TAG is not at this time in any way proposing that the imposition of a financial cap might be appropriate for VR, but we would be interested in Ofcom's views on why it has such differing views on the use of a financial cap for the two possible services.

Q5.6 TAG accepts that initially VR may need to be a registration service, as indeed was RNID Typetalk when it first started, but it is our view that a fully equivalent service must allow anybody to use it at any time, so that the requirement for registration is only the first step in the process. We would again note that all forms of relay service are two way communication, so if any registration system is required it must in some way allow hearing people to use the service to contact BSL users without the need for cumbersome registration procedures.

Q5.7 TAG agrees that, as mentioned in section 5.17, distinguishing between VR and VRI is a potential problem. We also agree it would be unfair to expect telephone providers to bear the costs of using the service for the purposes of VRI, which is covered by the provisions of the Equality Act. TAG feels that as it has proved possible to find ways to mitigate the effects of this in other countries, e.g. by forbidding the use of the service in certain circumstances, this problem is capable of resolution and should not in any way act as a barrier to the mandating of VR. TAG would be happy to work with Ofcom on creating appropriate solutions.

Conclusion

TAG welcomes the proposed improvements which would be introduced through the implementation of NGTR and also the proposal to mandate VR. TAG looks forward to working with Ofcom in developing these proposals, but again stresses that the ultimate aim is to achieve the principles of equivalence set out in the introduction to this response.

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TAG's members supporting this response are: Action on Hearing Loss, British Deaf Association (Sign Community), Deaf Connections, Deafness Support Network, DeafPLUS, Hearing Link, National Association of Deafened People (NADP), National Deaf Children's Society (NDCS), Royal Association for Deaf People (RAD), Sense. Other, non-voting, individuals are co-opted onto TAG because of their particular expertise.