Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: *New Voice Services*

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Name *Guido Gybels, Dir. Of New Technologies*   Signed (if hard copy)

RNID (The Royal National Institute for Deaf People) response to Ofcom's Consultation Questions on "New Voice Services" dated 6 September 2004.

Guido Gybels, RNID Director of New Technologies

Summary Statement

- *Traditional telephony services offer much more than just voice communication;*
- *Referring to new services simply as "voice" services is misleading;*
- *Current levels of accessibility should apply to new services;*
- *Impact of allowing inaccessible services to develop will be huge, economically and otherwise;*
- *The proposed strategy for consumer information discriminates against particular user groups;*
- *Ofcom must give greater priority to consumer protection;*
- *Evidence from past experiences should inform the policy framework for new services;*
- *Technology and cost are **not** barriers to offering interactive text over IP as part of mainstream services;*
- *Users experience a service "end-to-end" – the underlying technology is not their priority;*
- *Second line services cannot easily be differentiated from first line by Ofcom or service providers;*
- *Communicating the concept of reliability of access to emergency services to users is extremely challenging;*
- *Appropriate regulation is required from the beginning to ensure that future developments can meet basic standards of accessibility, interoperability and access to emergency services afterwards.*

Introduction

1. RNID welcomes the opportunity to respond to Ofcom's policy questions on New Voice Services. We are the largest charity representing the 9 million deaf and hard of hearing people in the UK. This response focuses on those questions of particular relevance to deaf, hard of hearing, deafblind and speech-impaired people. The phrase "deaf and hard of hearing people" in this response is used to cover all people affected by hearing loss or permanent tinnitus, unless stipulated otherwise.

2. The vision expressed in this response is of a fully inclusive society that is neither at odds with the needs of other user groups, nor ignorant of the wider social, economic and regulatory realities.

General Comments

3. While presented under the header "New Voice Services", and technically also referred to as "Voice-over-IP" (VoIP), the terminology surrounding these new services is rather misleading. Traditional telephony services do not only carry voice traffic, but are used for many purposes including text telephone conversations. "New Voice Services" refers to an infrastructure that seeks to eventually replace traditional telephony services. It therefore also needs to maintain support for such alternative services such as interactive texting. RNID believes OFCOM should explicitly recognise this.

4. It is hugely important that the policy framework is adjusted to centre more on the user's functional perspective (i.e. what do people use telecommunication networks for). There is a real

danger that some fundamental improvements that have been acquired on traditional networks over the years, will cease to exist when these emerging technologies take hold. RNID does not believe it to be acceptable that support for text telephony, access to relay services, access to directory services for people with disabilities, etc. should be encroached upon. The economic cost of retrospective action will significantly outweigh the cost of building in access from the start. It cannot make sense to allow, once again, people with disabilities to be disenfranchised.

5. In that respect, RNID was surprised to read in the press release accompanying the consultation document that Stephen Carter, Chief Executive of Ofcom, was quoted as saying: "Our first task as regulator is to keep out of the way". Whilst RNID recognises the Government's ambitions to limit State intervention in the market place, there must be balance.

6. It is explicitly the duty of Ofcom to further the interests of consumers. We know from experience that unless specific action is taken to protect people with disabilities where free market forces do not deliver, the result will be significant barriers to opportunity and fulfilment for these individuals. RNID urges Ofcom to review its proposed policy to better reflect its duty of consumer protection, in particular with regard to deaf and hard of hearing people and people with disabilities in general.

7. RNID is at the forefront of New Technologies and we participate in groundbreaking research and development in these areas. We do not wish to restrict innovation but it is no longer acceptable that such progress is achieved at the detriment of particular user groups like deaf and hard of hearing people, who often already face barriers to full engagement in an information based society.

What are the main policy challenges raised by the introduction of new voice services for consumer protection and regulation?

8. The concept of communicating with other people over a telephone network, whether by using voice telephony or indeed by using facilities like PSTN textphones that use the voice network to carry text, has become deeply embedded in our daily lives. The current legislative and regulatory framework, only recently overhauled by the Communications Act 2003, reflects the impact and economic importance of telecommunications in today's Information Society. The framework does not just institute a fair market place where competition is not stifled by monopolies or inappropriate business practices, but mandates the protection of consumers as an imperative of equal magnitude.

9. Consumers have become used to a certain scope and quality of service and have expectations about availability, functionality, cost and interoperability. This must be maintained for all interest groups. The evidence has demonstrated that unless measures are taken to protect vulnerable consumers, unregulated and unconstrained markets result in a very unequal playing field, in particular for people with disabilities. That is why specific legislative and regulatory action has been taken in order to protect those consumers and to ensure that they are not left behind in a world that is ever more deeply permeated by technology.

10. Consequently, the main challenge for policy makers and implementers, including Ofcom, will be, as part of the introduction of new services, to ensure that this technological evolution does not result in a step backwards for deaf and hard of hearing people and indeed all people with disabilities.

11. There is plenty of evidence from recent history that unless the needs of all users, including deaf and hard of hearing people, are taken into account from the earliest stages of product and service development, they will be left behind and will suffer significant barriers to opportunity and fulfilment as a result. The mobile revolution clearly shows how a large user group can end up severely disenfranchised as a result of the lack of protection in the earliest days of its

development. It would be a serious error of judgment if the same mistake were to be made once again. For years, many deaf and hard of hearing people have been excluded from opportunities in not just education, employment and health but also in social life and entertainment because they had been prevented from communicating on the move, while their hearing peers had long enjoyed such facilities. RNID firmly believes this is not just unacceptable but entirely preventable through better construction of the policy framework.

12. The open industry technical standards (and reference implementations) to support disabled consumers' needs have been developed for many years and use the same basic transport and signalling mechanisms as voice services on an IP network.

13. Ofcom's mission statement is centred on its duty to further the interests of consumers as well as the industry. That duty cannot possibly be met by allowing new services to deliberately exclude large parts of society, with social and economic disenfranchisement of the individuals concerned as a result.

Do you agree with the initial top-level aims identified by Ofcom?

14. In setting out the top-level aims, we believe Ofcom has overlooked an important issue. Although some of the wording, especially when referring to Ofcom's duties as set out in the Act, talks about bringing balance to an otherwise unconstrained market, the factual strategy laid out is heavily biased against vulnerable consumers.

15. While the document does, to some extent, discuss protecting consumers, this is only done by referring to actual users of such new services and ignores the fact that in its current form, the policy will allow large numbers of user groups to be excluded from becoming consumers of these new services. The problem of interactive text use (textphones) is mentioned from time to time, but the document presents no policy with regard to these individuals.

16. Making sure consumers are well informed is an important aspect of consumer protection, but it must not be the *only* instrument. There are many operational assumptions about how such a scheme would work, against but little evidence to show that this will effectively constitute adequate protection. In fact, the experience of deaf and hard of hearing people has abundantly demonstrated that there is a large discrepancy between the theory and practice of consumer information schemes. The proposed consumer information format needs to be evidence based and far more robust.

17. RNID does not believe that labelling of products and playing back recorded messages will be satisfactory solutions. First of all, many deaf and hard of hearing people won't be able to hear such messages at all. Deafblind users might not see the labels. Nor is there any way of making sure that such labels will remain in place, so even for other users it does not look like a workable solution.

18. Of course, merely informing consumers about the limitations of a service does not in itself overcome the more fundamental problem that the service is inaccessible to them. By telling users that they in fact cannot use a specific service, the loss of opportunity they suffer as a result is not resolved at all.

Do you agree with Ofcom's initial view that it is not necessary for all voice services to provide the same standard features as traditional telephone services, and that we should instead focus on enabling consumers to make informed decisions?

19. While RNID believes that new services should be allowed to develop gradually, and that this could mean that certain features will not be initially available to consumers, we strongly feel that this principle cannot apply to those aspects of this emerging technology that would prevent

them at a later stage from offering accessibility and usability features at least equivalent to those offered by today's telecommunication services. We cannot agree with policies and developments that would lead to new barriers to opportunity and fulfilment for deaf and hard of hearing people – especially where there are obvious technological solutions!

20. The lessons from the GSM revolution have demonstrated what happens when emerging technologies are not built with inclusivity in mind: when they have matured to mainstream technologies, large user groups are excluded from using them and this has a serious impact on their economic and social fulfilment and participation in society. RNID urges Ofcom to accept the lessons from the past and to qualify its views on new services accordingly.

21. VoIP technology has great potential to offer fully inclusive services. Existing protocols and standards can support interactive texting without notable increase of effort and cost. By making sure that such requirements are imposed on the market from the earliest stages, Ofcom will prevent the same problems that we have seen before (with for example mobile communications) from arising once more, this time in the domain of New Voice Services.

22. The proposed strategy on informing consumers is largely tangential to the problem of building inclusive public services. It does not deal with the problem that unless explicit action is taken, these emerging new technologies will not develop into inclusive services, accessible and usable by all individuals, regardless of their abilities and preferences.

23. The consultation document asserts that consumers already are aware of dissimilarities between different networks and illustrates this by quoting different expectations regarding access to 999. Extrapolating the findings of consumer research on the perception of fixed versus mobile networks onto these New Voice Services is invalid for the simple reason that in the case of mobile networks the handsets and the services look and feel significantly different from landline systems. However, with New Voice Services, many of the manifestations of these new provisions will not look substantially different from more traditional ones.

Do you agree with Ofcom's initial view that it is not desirable to draw a distinction between the regulation of services that look like traditional services and those that do not?

24. The consumer experience of a service is an end-to-end event. It is a combination of terminal and network functionality and feature sets. RNID does not feel there is a clear line between what looks like a traditional service and what does not. For example, using a Personal Computer to establish a PSTN phone call through a voice modem between two end points is probably much more traditional in terms of technology and service provision (including network resilience available to the user as well as the ability to make emergency calls) than making a VoIP call via an IP phone. Yet, it is likely that the latter will be perceived by the consumer as more traditional because of the look and feel of a phone terminal as opposed to the use of a Personal Computer.

25. Therefore, RNID feels that there should be one single policy framework to cover particular services, regardless of how the service manifests itself to the user or what terminal equipment is to be used.

Do you agree with Ofcom's initial view that a distinction should not be drawn between the regulation of "second line" services and "primary" services?

26. RNID believes that the distinction between primary and secondary services is a mainly theoretical one and that in practice it is going to be almost impossible to ascertain what consumers are actually using. Precisely because most consumers are not cognisant of the

technological differences between services, it is highly unlikely that they will be able to fully appreciate the implications of using a particular service.

27. RNID does not believe that the rather vague consumer information strategy offered by the consultation document will address this issue. The problem is further compounded by the fact that the person buying a service is in most cases not the only one to use it. When deaf and hard of hearing people are at another location than their home, and wish to connect their textphone to what looks like a telephone handset (even though it might actually not be a traditional PSTN phone, but in fact a VoIP terminal), they will expect their textphone to work and will be severely disadvantaged if it does not.

28. There is no reliable instrument for Ofcom or the service provider to verify whether or not consumers nominally use New Voice Services as a primary or a secondary service. Therefore, RNID does not believe that it is reasonable to base policy on a principle that is unverifiable and unenforceable.

Do you agree with Ofcom's initial view that not all voice services should be required to offer access to 999 but that decisions about subscribing to and using such services must be properly informed?

Do you agree with Ofcom's initial view that given some new services may not be able to offer the same degree of reliability for emergency calls as traditional voice services, it is better that these services are able to provide less reliable access to 999 rather than preventing them from offering any access at all?

29. RNID's view is that having access to emergency services over a telephone network is a very basic facility that offers potentially life-saving protection to users. As such, we feel that service providers should be strongly encouraged to offer such a facility.

30. Nevertheless, we accept that the technical and practical reality might create a situation where certain new providers would not be able to offer emergency service access. However, wherever such service is provided, it should be offered in an equivalent way to all users, including deaf and hard of hearing text users. This is in line with our view that inbuilt support for text users has to be an absolute requirement for New Voice Service providers.

31. RNID has clearly demonstrated (by the development of the RNID interactive text platform based on an IP network) that there is no technical or economic barrier to implementing proper support for interactive texting in new networks. It is mainly an issue of awareness amongst implementers and service providers. Making sure that the regulatory framework explicitly stipulates support for interactive texting as a basic requirement for providers will ensure that these services are built as inclusive provisions from the start. This will prevent the social and economic cost that exclusion would bring to the whole of society from being incurred.

32. RNID does not believe that consumers will be able to appreciate the implications of purchasing services that would offer less reliable or less functional access to emergency services. We do not believe this problem can be resolved by information at the point of sale, nor do we believe that the proposed strategy of playing back messages and having labels at the point of use will be sufficient. We have already pointed out that such messaging and labelling scheme is inherently discriminatory against certain user groups, which we believe to be unacceptable.

Do you agree with Ofcom's initial view that consumers sufficiently value having access to 999 in order for them to wish to retain at least one means of "high quality" (very reliable) access to 999 at home?

33. "Reliable access" is a difficult concept to effectively communicate to the non-specialist. Even if information about less reliable access is provided at the point of sale and at the moment of usage, many consumers may not fully appreciate the repercussions. Consequently some may not feel the need to maintain a reliable access point when they are moving to a new service provider. This would be an extremely worrying tend that could ultimately undermine supply of sufficiently reliable emergency access across the UK.

34. In addition, the need to maintain a separate connection for emergency access will in many cases impede the economic incentives for migration. Hence, consumers will feel strongly biased against maintaining such a backup solution.

35. Understanding that there is no access to 999 at all is in that respect far more comprehensible than appreciating the subtle differences in reliability between traditional and newer services. Textphone users are in a particularly vulnerable position: understanding of textphones amongst high street retailers is extremely low. Textphone users themselves will typically not have access to support and explanation of existing services let alone the subtle differences between networks for New Voice Services and more traditional networks in terms of their capability to successfully carry textphone communications. To expect these users to appreciate that when they have to make an emergency text call it could potentially fail, is simply not realistic and contradicts the experiences from the past.

RNID - The Royal National Institute for Deaf People
Guido Gybels, Director of New Technologies
November 2004.

RNID is the largest charity representing the 9 million deaf and hard of hearing people in the UK. As a membership charity, we aim to achieve a radically better quality of life for deaf and hard of hearing people. We do this in the following ways:
- ✓ Campaigning and lobbying to change laws and government policies.
- ✓ Providing information and raising awareness of deafness, hearing loss and tinnitus.
- ✓ Training courses and consultancy on deafness and disability.
- ✓ Communication services including sign language interpreters.
- ✓ Training of interpreters, lipspeakers and speech-to-text operators.
- ✓ Seeking lasting change in education for deaf children and young people.
- ✓ Employment programmes to help deaf people into work.
- ✓ Care services for deaf and hard of hearing people with additional needs.
- ✓ Typetalk, the national telephone relay service for deaf and hard of hearing people.
- ✓ Equipment and products for deaf and hard of hearing people.
- ✓ Social, medical and technical research.