

Ofcom review of relay services (further consultation)

Response by the National Deaf Children's Society (NDCS)

July 2012

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Introduction

The National Deaf Children's Society (NDCS) is the leading charity dedicated to creating a world without barriers for deaf children and young people. We believe that every deaf child and young person should be valued and included by society and have the same opportunities as any other child.

NDCS uses the word 'deaf' to refer to all levels of hearing loss, from mild to profound. Deaf children and young people communicate in a range of ways, including hearing amplification, sign language and lipreading. There are over 45,000 deaf children and young people in the UK. 90% of deaf children are from families with no first-hand experience of deafness. Around 85% attend mainstream schools. Many deaf children therefore grow up in an environment where ready access to telecommunication services is expected and taken for granted by their family and peers.

For deaf children and young people to be included in society, it is vital they have full access to telecommunication services. Deaf young people have 'coped' with the current lack of access in a number of ways. However, this does not detract from the fact there will still always be situations when deaf young people need access to telephony to, for example, contact their GP, a prospective employer or even just to speak their grandmother. Full access is particularly important for older deaf children as they reach independence. Failure to provide full access means that deaf young people will be less likely to be employed or gain work experience. It also risks undermining the social and emotional well-being of deaf young people as they seek to build effective relationships with hearing peers.

As a member of the UK Council on Deafness (UKCoD), NDCS has had sight of their joint response with the Telecommunications Action Group (TAG) to this consultation, and we endorse the points raised in their response.

NDCS is disappointed that we are being asked yet again to respond to a consultation on text relay services. As the UKCoD / TAG response highlights, there have been 12 consultation or research studies on this important issue since 2004. To put this into context, a deaf young person aged 18 leaving education and entering the workforce in 2004 will now be 26. It is likely he/she will be 28 before any physical improvements to relay services are finally made. This constitutes a period of 10 years where a deaf young person has had to 'cope' without functionally equivalent access to telephony. The impact this will have had on the employment prospects of a whole generation of deaf young people, as well as their general social and emotional well-being, is significant. NDCS is therefore immensely frustrated we are still in a position where Ofcom is still consulting on telephony access with actual confirmed proposals on either text or video relay services still to follow at an undetermined "later date". The lack of urgency being accorded to this issue is, in NDCS's view, unacceptable. In light of these concerns, NDCS calls on Ofcom to specify timescales and deadlines for which further announcements will be made.

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

NDCS's position on this has not changed since the last consultation; we believe that the obligation to provide or, more accurately, to ensure access should be a responsibility of all communication providers (CPs).

However, we feel that the question is slightly disingenuous as it implies that all CPs will deliver a next generation text relay (NGTR) service, when in fact, an unspoken assumption behind Ofcom's consultation is that BT will remain the sole provider, with other providers buying in BT's services. Whilst NDCS welcomes proposals to improve text relay services, we remain of the view that this outcome would be highly unsatisfactory and ignores the lessons from the past 30 years. The

quality of the existing service provided by BT and the lack of steps taken to improve the service are well-documented. We believe the approach taken by Ofcom will again create a monopoly situation whereby the quality of service from BT stagnates, with no steps taken to improve the service in light of technological developments.

We remain of the view that there needs to be a choice of relay providers. As set out in our previous response, without competition, there will be no incentive for existing providers to modernise and innovate and deliver a better service. The absence of a “natural” market for relay services does not mean that Ofcom cannot or should not take action to stimulate competition.

We have argued that a funding mechanism is needed to ensure that a range of organisations can compete to provide these services whilst ensuring that deaf children and young people do not have to pay more than the cost of a standard call. We are aware that Ofcom do not believe they have the power to establish a funding mechanism. In our last consultation response, we called on Ofcom to publish advice to the Government on how this could be achieved, as well as its own legal advice on this issue. We are disappointed that this has not been done.

NDCS was startled to read that some communication providers believe that NGTR is not needed and deaf people can use other means of communication such as email or live chat. NDCS invites people who hold this view to attempt to get through a week relying entirely on email or live chat to see if this provides functionally equivalent access. NDCS is of the view that this is an absurd notion and that there will always be a need for deaf young people to access telephony in some circumstances.

NDCS also notes that the current BT pilot around sign language access has been cited as a possible way forward. Whilst it is important for businesses to provide access to their customers, this approach seems to assume that the only people that deaf people would need to call are businesses. The proposed BT pilot does nothing to help deaf young people trying to contact their grandmother, GP, prospective employer, and so on.

The consultation proposes there will still be a period of 18 months from when an Ofcom statement on text relay services is issued before next generation text relay is mandated. This was first made last July. Given that it has now been a year since the first consultation and that considerable thought has presumably been given to how this service will be created, NDCS believes that NGTR - that is genuinely functionally equivalent and which addresses the concerns raised by deaf organisations such as NDCS - should be made available much sooner.

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

NDCS has nothing to add to what UKCoD and TAG have stated in their response to this question.

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

No. As we said in our earlier response, in the absence of competition, robust Key Performance Indicators (KPIs) will have a vital role to play in ensuring a high quality service, that move with technological developments, is in place. KPIs must be challenging and ambitious, and must also deliver greater innovation and modernisation of relay services, to ensure deaf young people have the best possible service.

The consultation states that there is nothing to stop communication providers from exceeding the standards set by Ofcom. This is true but, if this was likely, deaf people would currently be enjoying a far superior service than currently offered by BT.

We believe the proposed approach taken by Ofcom needs further development if this is to be achieved. In particular:

- The proposed transcription speed of 60 words per minute (wpm) is nowhere near sufficient and we believe the KPI should be at least 125 wpm. It is manifestly clear that 60 wpm would not provide functional equivalence. The WebcapTel service, which some deaf people were able to access for a brief period a few years ago, was able to achieve almost live real-time communication and NDCS therefore does not accept that 125 wpm is not feasible or realistic. Any proposal that does not require higher transcription speeds and which considers re-voicing of telephone calls cannot be considered to be a 'next generation' step forward in access.
- In terms of the approval criteria, Ofcom states that providers could carry out customer satisfaction surveys on a "regular basis". We feel that the term 'regular' is vague and meaningless (Halley's Comet is also 'regular'). Ideally, engagement with deaf people should be ongoing using a variety of means (such as online surveys, social media, etc.). At the very minimum, NDCS believes it would be sensible to require annual customer satisfaction surveys which should also specifically seek the views of deaf young people and organisations representing deaf people should be involved in drafting questions for customer surveys. It is also important that the results of the survey are seen to be considered and acted upon (see below).
- We strongly disagree that there is no need for a requirement for regular reviews of the KPIs. Formal reviews are necessary to ensure relay services move with technological developments. Given what UKCoD / TAG have referred to as the "glacial" pace in which the current service is being reviewed by Ofcom, NDCS does not have confidence that simply "monitoring technological developments" would lead to timely improvements.
- We are disappointed that there is no recognition of the need for the KPIs and the review process to be more closely and directly informed by the views of deaf people. NDCS believes that Ofcom should establish a consumer panel, including deaf young people, to review the results of the KPIs and recommend updates as needed. This should also be informed by customer satisfaction surveys, as above.

NDCS looks forward to seeing swift action in response to this consultation to deliver functionally equivalent access to telephony, via both text and video relay services, for deaf young people. We also look forward to seeing action taken to prevent a monopoly and stagnating service from re-occurring. Only when this happens will Ofcom gain the confidence of deaf young people that this review of relay services will genuinely improve access.