

Title:

Mr

Forename:

Malcolm

Surname:

Bruce Mp

Representing:

Self

Organisation (if applicable):

Email:

What do you want Ofcom to keep confidential?:

Keep nothing confidential

If you want part of your response kept confidential, which parts?:

Ofcom may publish a response summary:

Yes

I confirm that I have read the declaration:

Yes

Ofcom should only publish this response after the consultation has ended:

You may publish my response on receipt

Additional comments:

I am grateful for the opportunity to respond to Ofcom's consultation on a Review of Relay Services. As the parent of a child born deaf, and the Chair of the All Party Group on Deafness, equal access to telecommunications for British Sign Language (BSL) users is an important issue to me, my family and many of my constituents as well as the Deaf and Hard of Hearing community at large.

Although references to BSL follow throughout in the document, in Northern Ireland Irish Sign Language (ISL) is preferred and should be accorded the same status as BSL.

Question 1: Do you agree that NGTR would provide greater equivalence than the existing approved TR service? Do you agree that we have considered an appropriate range of improvements:

I agree with Ofcom in their assessment about the inadequacy of the current TR service and lack of functional equivalence under the Directive. While it is slow and requires specialised equipment it is also little understood by the lay hearing community and therefore does not sufficiently break down barriers for those deaf and hard of hearing people who are often trying to communicate important information for essential services.

I welcome the stated ambition under NGTR to introduce improvements which will allow for natural interruptions in the conversation and the use of home computers for voice/text calls. I would also welcome a reduction in the size of TR telephone prefix to closer resemble regular telephone numbers as I believe this can be confusing and potentially off-putting for those hearing people not familiar with the TR service.

I agree with other deaf campaigning groups that Captioned Telephony does benefit many hard of hearing people with vocal capacity and allows for better communication of emotions and expression of thought that I believe comes under the functional equivalence requirement of the Directive.

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:

Having discussed this matter with deaf campaigning groups particularly the UK Council on Deafness, I would agree with their conclusion that the intention to implement the NGTR by amending the GC15 will help facilitate an improvement in TR services across the board by introducing greater competition in the market as well as ensuring a greater understanding and appreciation of deaf and hard of hearing people's communication needs are developed alongside the increased responsibility.

I would also echo UKCOD's request that a reassurance that equipment compatible with the NGTR is affordable and an appropriate support service is available during the period of transition.

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

Clearly the sooner the NGTR is introduced the better for users, but given an implementation period is necessary, I believe the stated objection and ambition should be 12 months. With the technology mostly in place and the willingness of Deaf user groups to see this introduced as soon as possible, I believe that putting the onus of responsibility onto the CPs will demonstrate to the Deaf and Hard of Hearing community the importance that the current outdated and inequitable service is addressed.

Question 4: Do you consider that the requirement to ensure equivalent services for disabled end-users would require a mandated VR service in some form for BSL users? Please indicate the basis of your response:

I strongly believe that British Sign Language (BSL) users do not currently have equal access to telecommunications services in the UK. For many, BSL is their primary and most

comfortable language and the current slow and outdated Text Relay service does not meet the communication needs and aspirations of BSL users, who are frustrated at the considerable innovation and new telecommunication technologies in use in other countries.

The EU Electronic Communications Framework, transposed into UK law in May 2011 clearly placed a legal requirement on the UK to ensure that disabled end-users enjoy access to telecommunications services which is functionally equivalent to that enjoyed by other end-users, albeit by different means. The current Text Relay Service does not do this, particularly for BSL users. BSL is after all an officially recognised language in Britain.

An equivalent service for disabled end-users should allow BSL users to:

- Communicate in their first language, BSL
- Communicate in speeds similar to that of normal speech
- Have 24/7 access, 365 days a year to telecommunications services
- Have to pay no more for telecommunications than hearing people do

Furthermore, such a mandated service should be provided on a competitive basis. The introduction of a competitive market for VRS would bring about improved quality of service, increased efficiency and reduced costs. This will also lead to increased innovation and a greater choice for consumers.

Without a competitive market operators will not want to encourage consumers to use their service, as this will necessarily drive up costs. In mandating a non-competitive service, the UK will end up with a VR service that does not suit the needs of Deaf consumers and is more costly than necessary.

I call on the Government therefore to look to introduce a universal VR service. Only the introduction of such a service would ensure that the EU Electronic Communications Framework is not contravened.

Question 5: Do you agree that a restricted service would be more proportionate in providing equivalence for BSL users than an unrestricted service:

I believe that BSL users should have the same access to telecommunications as hearing people do and therefore they should have access to an unrestricted telecommunications service. Ofcom's proposal for a service provided for a maximum of 30 minutes a month, Monday - Friday, 9am - 5pm is unacceptable and will be of minimal use to BSL users. The stated objective should be for coverage 24 hours a day, 356 days a year. Therefore I call on Ofcom to recommend a stated objective of unrestricted coverage which can be phased in or delivered in tranches to overcome the short-term practical constraints. The approach must be maximalist rather than minimalist and should be kept under review to ensure that the unrestricted objective is being sufficiently targeted.

There are many circumstances in which the suggested restrictions placed on the use of VRS could have serious ramifications. Just one example amongst many to consider is that in an emergency outside of office hours, BSL users would be unable to communicate in their first language, and would be forced to rely on written English, which may compromise their situation.

On a more social level, 30 minutes a month during basic office hours is so restrictive that it will not practically allow for any personal calls to family or friends meaning the very nature of calls will be dictated. This is not fair or practical to BSL users and is an infringement on their basic rights to use the calls as they would prefer, particularly if the cap also includes incoming calls over which the user has little or no control.

On another note, most banks and utility companies etc allow telephone services to customers beyond these basic hours and during weekends- on that measure alone, equivalency cannot be met.

Question 6: Please provide your views on Methods 1 ? 5 for a restricted VR service discussed above. Are there any other methods that are not mentioned that we should consider? In making your response, please provide any information on implementation costs for these solutions which you believe is relevant.:

Method 1: Time of Day Restrictions

Ofcom itself identifies in this consultation that being able to access new services 'whenever they are required' is an essential criterion for assessing functional equivalence. The restriction of any VR service by limiting the number of hours in the day that the service can be used, or the days of the week on which the service can be used ignores this premise.

Ofcom suggests in its response that there would be the possibility of an extension in the service as the interpreter base grows. However, it is unlikely that the interpreter base would grow, as there would be no incentive for organisations to increase numbers of interpreters, as this would necessarily lead to increased costs of provision.

Under the basic economic principle of supply and demand, the training and introduction of a greater number of interpreters will stem from a demand in the service. Ofcom cannot use the lack of interpreters to dictate the level of service as part of the requirement.

Furthermore, limiting the service to specific days and/or times would remove interpreters from their local communities. Whilst the consultation stipulates that research shows BSL users would gain the most benefit from access to businesses and public bodies, Deaf people with the need for an interpreter for a face-to-face meeting would struggle to be able to find one to support them. As most activity takes place during working hours, Deaf people would be particularly inconvenienced.

The service would also act to inhibit Deaf people from being able to communicate in the same way that hearing people do, a fundamental aim of the EU Communications Framework. They would be unable to call their friends and family, who are likely to be in employment during working hours.

Method 2: Financial Cap

A financial cap could have serious implications for BSL users to be able to communicate with emergency services. If a user had reached their financial cap during the month and then needed to contact the police, they would be forced to through English via Text Relay. Having to communicate in their second language without the ability for a real-time conversation could put BSL users at a serious risk.

Method 3: Monthly Allocation of Minutes

As outlined above, there are severe implications for a restriction of service based on an allocation of minutes for a month. It would leave BSL users who had reached this artificial limit unable to communicate in their first language, BSL and not experiencing a telecommunications service in the same way that hearing people do.

At the same time, a restriction to 30 minutes a month is unacceptable. Hearing people are not constrained by the amount of minutes that they are allowed to use a service for and therefore

limiting deaf people to 30 minutes a month denies them equal access to telecommunications. This limit could quite easily be reached through only a few calls, especially as it would apparently include both incoming and outgoing calls.

Question 7: 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:

No. As outlined previously, this option is highly restrictive and does not offer a functionally equivalent telecommunications service for deaf BSL users. Any restriction to days or times contravenes the EU Electronic Communications Act. Ofcom should seek to mandate a 24/7, 365 days a year, universal VR service in the UK.

Whilst it would not be possible to establish such a service immediately, Ofcom should ensure that they establish the framework which would make a universal VR service possible.