

**Ofcom consultation on
Changes to General Conditions and
Universal Service Conditions:
Implementing the revised EU framework**

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

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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. This 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.

NDCS welcomes the opportunity to respond to this consultation. Our response focuses on question 6.

Question 6: Do you agree with our proposals to ensure equivalent access to the emergency services for disabled users and to mandate the provision of Emergency SMS?

NDCS strongly supports any action to ensure equivalent access to emergency SMS for deaf people. No value can be placed on a service which could literally save the life of a deaf person or his/her friends and family. By mandating this service, many deaf young people will no longer be in a position where they will be unable to help themselves or others in an emergency.

However, NDCS has a number of reservations and comments about Ofcom's approach to ensure "equivalence":

- 1) The consultation notes in paragraph 8.7 that being able to access IP relay would "probably" deliver greater equivalence. However, the consultation goes on to kick making IP relay access to emergency services mandatory into the long grass. By Ofcom's own admission, the consultation's proposals therefore fail to ensure equivalence. NDCS does not believe this delay is acceptable.
- 2) This proposal does not achieve equivalence for deaf people who communicate in British Sign Language, which is a separate language from English. NDCS is disappointed that the consultation does not consider this issue. Access to a video relay service is needed to ensure equivalence in this respect.
- 3) Ofcom proposes that emergency SMS messages are routed through the existing BT Text Relay centre. The justification for this appears to be because "it's already there". There is no real assessment of whether BT is best-placed to offer this service and whether other

providers could be mandated to do this. NDCS is surprised that this role would simply be given to BT without any attempt to explore whether other providers could take on this role, perhaps through open tendering and competition.

- 4) NDCS does not believe it is enough to simply mandate the provision of Emergency SMS. Ofcom should also set out how it will monitor the service and ensure that incentives are in place for the service to improve in light of any future technological developments. The absence of any such incentive for BT's current text relay service has resulted in a service which is no longer fit for purpose. It would be tragic if the same mistake was made in relation to Emergency SMS services.

Other comments

NDCS is disappointed that this consultation contains no proposals to improve relay services for deaf people, a key aspect of the revised EU framework. We note that a separate consultation is to follow on this. However, given that the EU framework has an implementation deadline of May, we are surprised and disappointed that steps to implement the Directive's requirements on relay services are proceeding at a slower pace. Many deaf people will be frustrated at this delay, particularly in light of concerns that the existing service is not fit for purpose. This concern has been raised with Ofcom consistently over the past few years.

NDCS is concerned by the implication in paragraph 8.33 of the consultation that many current measures already seek to promote equivalence. NDCS believes this statement is remarkably complacent and potentially prejudices the outcome of any further consultation on relay services. NDCS also expects Ofcom to do more than just "promote" equivalence. To ensure compliance with the EU Framework, NDCS expects Ofcom to deliver and provide equivalence.

We believe that for the needs of disabled young people and adults to be met, a framework for relay services, which provides genuine equivalence, needs to be in place which is:

- Fully funded and which provides a service which is available to users at no cost other than the cost of a standard call, and with the same quality experienced by other users.
- Provides fast and functionally equivalent access (i.e. almost live real-time communication) and with genuine interoperability / interconnectivity.
- Provides access to all deaf children and young people including those for whom written and spoken English is their preferred communication approach and those who communicate in British Sign Language.
- Provide meaningful choice and competition between a range of providers, as well as between a range of types of services.

However, at present:

- Only a single text relay service is available, and from only one provider. Captioned relay and video relay are not widely available for those who prefer different communication approaches, including those who communicate in British Sign Language, an officially recognised language in the UK.

- Access is not equivalent. Calls taken through text relay take four times as long as a conventional call. Many deaf children and young people find it cumbersome and impersonal, and it denies them an equivalent opportunity to contact employers or their peers.
- The system is inadequately funded. BT is the only provider and there does not appear to be any real incentive for it to improve, modernise or market this service.

In addition, we believe that disabled end-users should also have a choice of both providers and services. We believe it is essential that deaf children and young people have real choice through open competition. Without open competition, there will be no incentive for existing providers to modernise and innovate and deliver a better service. As technology advances, this is vital. It may be possible to achieve this in a range of ways. However, NDCS believes 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.

NDCS recommends Ofcom act urgently to produce proposals that will genuinely allow functionally equivalent telecommunications access with a choice of both providers and services. A failure to amend the Order in this way means that, in NDCS's view, Ofcom could risk not being in full compliance with the relevant Directive requirement for telecommunication services that are "functionally equivalent" and which provide "choice of undertakings and services". It also means that a vital opportunity to provide genuine access to deaf children and young people, already enjoyed in many other countries, is missed.