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OFCOM CONSULTATION ON CHANGES TO GENERAL CONDITIONS AND UNIVERSAL SERVICE CONDITIONS

HEARING LINK TELECOMMUNICATIONS WORKING GROUP RESPONSE

Introduction

Hearing Link is a membership organisation with the aim of enabling people with acquired hearing loss to participate fully in society. It is estimated that there are, of the order of, 9 million hearing impaired people in the UK with, in addition, an extensive network of families, friends and work/education colleagues. People with acquired hearing loss include those in the early stages of losing their hearing, hearing aid users through to those with a profound hearing loss. It covers all age groups although many will be older. In this note, we use the term "deaf" to cover the wide range of people.

In the context of telecommunications, most of these people communicate using speech and residual hearing, although, for the more severely affected people, other forms of support will be required. Functionally equivalent access to telecommunications at equivalent cost is vital for hearing impaired people.

The Telecommunications Working Group of Hearing Link deals with access to telecommunications for people with acquired hearing loss and we welcome the opportunity to respond to the consultation.

All our comments relate to Section 8 - Change to General Condition 15

Q6. 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?

We do not agree fully.

We should prefer to see functionally equivalent relay services that would do a better job and we agree with the Ofcom comment in 8.6 that "Although emergency SMS does not offer 100% equivalence with making

a voice call...". However, the voluntary scheme has already shown to be beneficial so that we agree that it should be available.

However, we are concerned that untoward legislation might harm the voluntary scheme and reduce the value to hearing impaired people. Therefore, we would prefer to see the current voluntary scheme to run for some time before legislation is introduced.

We can understand the need for registration but we are concerned about the situation for hearing impaired visitors from abroad. We believe that publicity for foreign visitors is important – especially with 2012 in mind.

Ensuring equivalence in access and choice for disabled end-users.

There is no related question but we consider that the issue needs serious consideration.

Article 23a (Ensuring equivalence in access and choice for disabled end-users) relates to the EU Framework Universal Service Directive but BIS states that (para 175 of their 2010 consultation) this new Article 23a deals with equivalence for all service providers, rather than just the Universal Service operators.

Article 23a is below:

1. Member States shall enable relevant national authorities to specify, where appropriate, requirements to be met by undertakings providing publicly available electronic communication services to ensure that disabled end-users:
 - a) have access to electronic communications services equivalent to that enjoyed by the majority of end-users; and
 - (b) benefit from the choice of undertakings and services available to the majority of end-users.In order to be able to adopt and implement specific arrangements for disabled end-users, Member States shall encourage the availability of terminal equipment offering the necessary services and functions.

We therefore agree with Ocom's interpretation set out in par 8.30 to 8.31 of the consultation and and look forward to a new General Condition 15 that incorporates such changes.

We believe that Ofcom is obliged under the EU Framework Directive to cause operators to a) give access to services that are functionally equivalent to those enjoyed by the majority of end-users and b) facilitate choice of CP and services available to the majority of end-users.

We would argue that this obligation implies that new rules of proportionality should apply that permit higher costs to CPs than was the case before the EU Framework Directive.

We look forward to the consultation on GC15.

Ofcom Review of Relay Services

Whilst this is a separate exercise to the Ofcom Review of Relay Services, the latter review should surely take note of the above. This means that

Ofcom should investigate thoroughly the functional equivalence of relay services and the matter of choice of CP and service in the review.