



Improving access to electronic communications services for disabled people

Call for inputs

Publication date: 12 December 2012

Closing Date for Responses: 22 February 2013

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Section 1

Executive Summary

Purpose

- 1.1 Communications services are important for all citizens in today's connected society. They provide people with access to cultural and educational activities and resources, and to services and commerce. They make it easier to participate in civil society, to learn and develop new skills, to connect with family, friends and community, and to search for work. They also allow businesses to engage with a wider range of customers and suppliers.
- 1.2 Many disabled people are active users of communications services, but may, because of their disabilities, face difficulties when using services which other people take for granted. We are carrying out a review of the range of services available to promote access to communication services for disabled people. The review is being carried out in light of social and technological changes affecting communication services and some recent changes to relevant European legislation.
- 1.3 Through this call for inputs, we want to better understand difficulties faced by disabled people in accessing communication services and the impacts this is having on them as well as understand the potential costs and benefits of possible changes to services aimed at improving access for disabled people. We have a number of hypotheses that we would like to test with stakeholders, and invite submissions from interested parties.

Existing provisions

- 1.4 Ofcom requires communications providers to offer a range of services designed to promote access to communications services for disabled people. These include:
 - Provision of free directory enquiries for visually impaired people;
 - Access to a text relay service for deaf and speech-impaired people;
 - Provision of a priority fault repair service for users with disabilities who have a genuine need for an urgent repair;
 - Provision of a safeguard scheme for disabled users who are dependent on the telephone, which must provide for third party bill management;
 - Mobile SMS access to the emergency services for users with hearing and/or speech impairments;
 - Provision of bills and contracts in accessible formats for blind or visually impaired users; and
 - An obligation to take reasonable steps to ensure that the services it provides in order to comply with General Condition 15 are widely publicised, including in appropriate formats and through appropriate channels for disabled end-users.

- 1.5 The requirement to provide these services is set out in General Condition 15, which applies to all providers of communications services in the UK.

Protections under consideration

- 1.6 The measures we are exploring through this call for inputs are:
- Updating the rules on the provision of accessible contracts to benefit other disabled end users, not just blind and visually impaired people, and to require fixed and mobile broadband providers to comply with this condition (not just voice operators).
 - To extend the requirement to provide a priority fault repair service for certain disabled end users to fixed broadband providers (not just voice operators).
 - To extend the current safeguard scheme for third party bill management to benefit all disabled end users who could benefit with help in managing their affairs, and to require fixed and mobile broadband providers to comply with this condition (not just voice operators);
 - To extend the safeguard scheme to allow disabled end users to nominate a third party who can notify their provider of faults with the service (to apply to voice and broadband providers); and
 - To add an obligation for Communications Providers to regularly inform disabled subscribers of the products and services suitable for them.

Next steps

- 1.7 We invite responses to this call for inputs by 22 February 2013. We plan to engage with a range of stakeholders during the consultation period. Subject to the responses we receive and any further evidence we are able to collect, we would be looking to consult on any specific proposals later in 2013.

Section 2

Introduction

- 2.1 Communications services are important for all citizens in today's connected society. They provide people with access to cultural and educational activities and resources, and to services and commerce. They make it easier to participate in civil society, to learn and develop new skills, to connect with family, friends and community, and to search for work. They also allow businesses to engage with a wider range of customers and suppliers.¹
- 2.2 Many disabled people are active users of communications services, but may, because of their disabilities, face difficulties when using services which other people take for granted. In light of social, technological and legal changes, we are carrying out a review of the range of services available to promote access to communication services for disabled people. This call for inputs forms part of the review.

Social inclusion

- 2.3 The inability to access communications services risks excluding certain disabled people from active participation in civil society and the workplace. For example, a deaf or speech-impaired person may find it more difficult to use the telephone. Visually impaired people are likely to find reading bills and correspondence from their provider more difficult. Not being able to use the telephone may make it more difficult to keep in touch with friends and family, to contact the doctor's surgery or the bank. An inability to read or comprehend bills and correspondence may inhibit the take-up of services and/or could result in missed payments, meaning that people may face additional charges for late payment or risk having their services stopped or their creditworthiness impaired.

Reliance on communications services

- 2.4 Disabled people may also be more reliant on certain services; for example, they may find online shopping or banking more accessible than using the high street, or they may rely on a device that depends on reliable communications services, such as a community alarm. Some communications services need to be modified in order to enable disabled people to benefit from them and use them independently; for example, deaf and speech impaired people may need a relay service in order to be able to make and receive telephone calls.
- 2.5 Ofcom's principal duty is to further the interests of citizens in relation to communications matters, and we must have regard when performing our duties to the needs of, amongst others, disabled people.² Ofcom is committed to delivering effectively on that duty and, in appropriate cases, to using our legal powers to ensure that disabled people are equipped with equivalent access to modern communications services.

¹ This was also highlighted in our Access and Inclusion statement in 2009, page 10: http://stakeholders.ofcom.org.uk/binaries/consultations/access/summary/access_inc.pdf

² <http://www.legislation.gov.uk/ukpga/2003/21/section/3>

General Condition 15

- 2.6 The General Conditions are a set of rules that apply to all providers of communications services in the UK. In order to lawfully provide communications services, Communications Providers are required to comply with the terms of the General Conditions. General Condition 15 contains a number of measures designed to promote equivalent access to communications services for disabled people.³
- 2.7 Although revisions have taken place over time (for example the addition in 2011 of the requirement to provide access to the emergency services via SMS and, more recently, the provisions on Next Generation Text Relay), many of the obligations in General Condition 15 are now approaching ten years old. Indeed, a number of the provisions were carried over from the former Telecommunications Act licences which were abolished when the current regulatory regime entered into force in 2003.
- 2.8 The measures in General Condition 15, which are set out in full at Annex 5, can be summarised as follows:
- Provision of free directory enquiries for visually impaired people;
 - Access to a text relay service for deaf and speech-impaired people;
 - Provision of a priority fault repair service for users people with disabilities who have a genuine need for an urgent repair;
 - Provision of a safeguard scheme for disabled users who are dependent on the telephone, which must provide for third party bill management;
 - Mobile SMS access to the emergency services for users with hearing and/or speech impairments;
 - Provision of bills and contracts in accessible formats for blind or visually impaired end-users; and
 - An obligation on Communications Providers to take reasonable steps to ensure that the services they provide in order to comply with General Condition 15 are widely publicised, including in appropriate formats and through appropriate channels for disabled end-users.

Social and technological change

- 2.9 The way that many people engage with technology has changed dramatically since 2003. Communications services have proliferated, offering new ways to communicate. Research published in the Communications Market Report 2012 found that 64% of adults said that technology had changed the way they communicate and 57% of adults said that new communications methods have made their lives easier.⁴

³ <http://stakeholders.ofcom.org.uk/binaries/telecoms/ga/general-conditions.pdf>

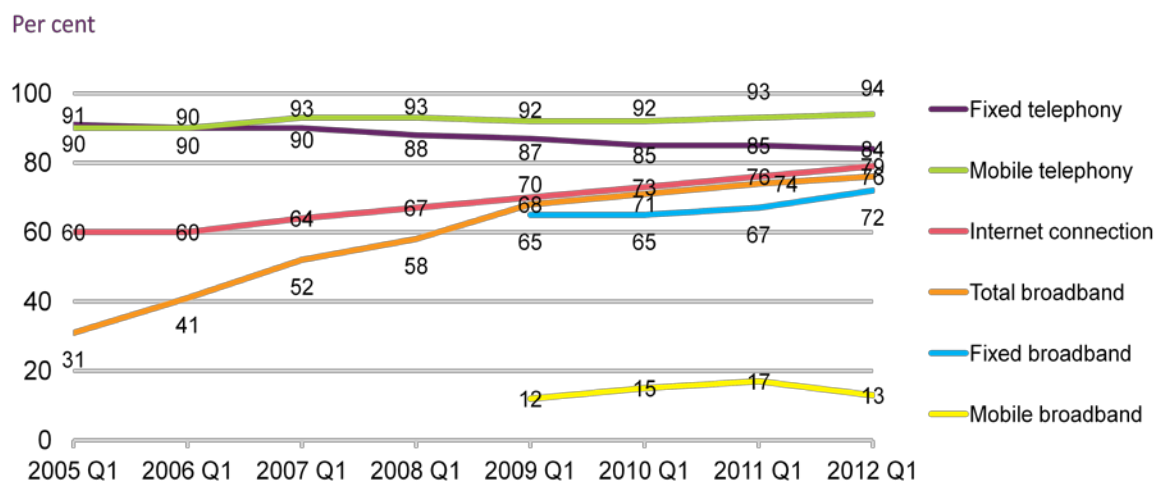
⁴ See page 5 http://stakeholders.ofcom.org.uk/binaries/research/cmr/cmr12/CMR_UK_2012.pdf

2.10 In 2003, the predominant form of communication was by fixed line telephone. We have since witnessed a shift away from the fixed line telephone to mobile devices and the growing importance of services delivered over broadband. We have seen a rapid transition from UK households only having access to a basic landline with limited mobile and internet use to a position where 92% of adults have mobile telephones (compared to 82% having a landline) and where 80% have internet access.⁵ Such services allow consumers increased choice in how to communicate e.g. via email, social networking sites, instant messenger, text as well as voice calls. The rapid emergence of digital technology has changed the way that communications services work for consumers. It has also changed the way in which businesses and public services communicate with their customers e.g. email, online billing.

2.11 Figure 1 shows household take-up of key telecoms technologies.

Figure 1: Household take-up of key telecoms technologies

Household take-up of key telecoms technologies



Source: Ofcom research
Base: All adults aged 16+

Changes to legal powers

2.12 In addition to these social and technological developments, there have been recent additions to the legal powers available to regulators derived from the European Common Regulatory Framework for electronic communications, which includes the Universal Service Directive. The scope for several of the current provisions in General Condition 15 is set by the Universal Service Directive. We announced in our statement on transposition of the revised Universal Service Directive (May 2011) that we would conduct a full review of General Condition 15 at a later date in

⁵ http://stakeholders.ofcom.org.uk/binaries/research/cmr/cmr12/CMR_UK_2012.pdf

light of the transposition changes as well as social and technological changes.⁶ This call for inputs forms part of that review.

- 2.13 We want to ascertain whether the provisions set out in General Condition 15 provide the right level of service to ensure that disabled people can participate in the modern communications market in light of the needs of disabled people, or whether it would be appropriate to take steps to improve or add to those measures.
- 2.14 The revised Universal Service Directive⁷ introduced a number of new provisions designed to protect disabled end-users, including:
- Article 23a of the Universal Service Directive, which obliges Member States to empower national regulatory authorities such as Ofcom to specify, where appropriate, requirements to be met by undertakings providing publicly available electronic communications services (“PECS”, which includes voice and broadband) to ensure that disabled end users have access to services of those undertakings equivalent to that enjoyed by the majority of end users; and benefit from the choice of undertakings and services available to the majority of end users.
 - Article 21(3)(f) of the Universal Service Directive, which requires Member States to empower National Regulatory Authorities to impose a duty on providers of PECS to regularly inform disabled subscribers of details of products and services designed for them.
- 2.15 Recitals 12 and 36 of the Citizens’ Rights Directive⁸, which added the above provisions to the Universal Service Directive, are helpful in interpreting the meaning of these provisions. They say:

Recital 12

“Equivalence in disabled end-users’ access to services should be guaranteed to the level available to other end-users. To this end, access should be functionally equivalent, such that disabled end-users benefit from the same usability of services as other end-users, but by different means.”

Recital 36

“In order to ensure that disabled end-users benefit from competition and the choice of service providers enjoyed by the majority of end-users, relevant national authorities should specify, where appropriate and in light of national conditions, consumer protection requirements to be met by undertakings providing publicly available electronic communications services. Such requirements may include, in particular, that undertakings ensure that disabled end-users take advantage of their services on equivalent terms and conditions, including prices and tariffs, as those offered to their other end-users, irrespective of any additional costs incurred by

⁶ <http://stakeholders.ofcom.org.uk/binaries/consultations/gc-usc/statement/Statement.pdf>

⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:337:0011:0036:EN:PDF>

⁸ Directive 2009/136, the “Citizens’ Rights Directive” (DIRECTIVE 2009/136/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 November 2009 amending Directive 2002/22/EC on universal service and users’ rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible).

them. Other requirements may relate to wholesale arrangements between undertakings.”

- 2.16 Section 51 of the Communications Act 2003 was amended to incorporate these provisions. Section 51(2) provides that the power to set General Conditions for protecting the interests of consumers includes the power to set conditions for that purpose which specify requirements in relation to the provision of services to disabled end-users (section 51(5)(c) of the 2003 Act).

About the review

- 2.17 We have drawn on a variety of inputs and information sources to help assist us with the review, including meetings with, and information received from, disability and industry stakeholders. We have also taken advantage of the large body of specialist research that has been conducted or commissioned by Ofcom into the use by disabled people of communications services and the difficulties they encounter with this. This has provided evidence about the value of communications services to disabled people, as well as about the barriers they face when using them. There are four pieces of specialist research in this series:

- People with hearing impairments (2007)⁹
- People with visual impairments (2008)¹⁰
- People with learning disabilities (2008)¹¹
- People with mobility and dexterity impairments (2009)¹²

In 2012 Ofcom purchased data from the British Population Survey, allowing us for the first time to look at differences in take-up of communications services within disability groups with greater certainty over the results than has been possible via previous methodologies. The information is currently being analysed and will be published in early 2013.

- 2.18 So far, our review has shown us that the provision of services for disabled end users is good in many areas and that, with a few exceptions, the provisions of General Condition 15 are generally working well for consumers. However, there are some areas which we have identified may benefit from updating. Through this call for inputs, we want to better understand any difficulties faced by disabled people in accessing communication services and the impacts this is having on them as well as understand the potential costs and benefits of possible changes. Some of the issues we think it would be helpful to take forward in the review are outlined below and discussed in more detail in Section 3.
- 2.19 We will continue to work with industry and disability stakeholders to help promote positive outcomes for disabled people and to ensure that Communications Providers uphold their legal obligations.

The importance of broadband services and whether it is appropriate to impose measures to ensure equivalence of access for disabled users

⁹ <http://stakeholders.ofcom.org.uk/binaries/research/consumer-experience/annex5.pdf>

¹⁰ <http://stakeholders.ofcom.org.uk/market-data-research/tv-research/visual>

¹¹ <http://stakeholders.ofcom.org.uk/binaries/research/consumer-experience/disabilities.pdf>

¹² <http://stakeholders.ofcom.org.uk/binaries/research/consumer-experience/GfKNOP.pdf>

- 2.20 One of the purposes of this review is to help us consider whether it would be appropriate, in the light of developments in the communications markets, to exercise our regulatory powers derived from the provisions of the Universal Service Directive set out above. In particular, one issue we are considering is the growing importance of broadband for all consumers and for disabled consumers in particular. In the light of the objective of equivalence of access for disabled end users to services in Article 23a of the Universal Service Directive, we are considering whether it would be appropriate for Ofcom to take steps to secure equivalence of access for disabled end users to broadband services, and what those steps might be.
- 2.21 Recent research set out in the Communications Market Report 2012 shows that the number of fixed broadband lines in the UK has now passed 20 million, with take-up, as of Q1 2012, standing at 72% of UK households. Total home internet access has continued to increase and stood at 80% of UK homes as of Q1 2012 (this includes fixed broadband, mobile broadband and dial-up internet access).¹³ In the proposals below we refer to both fixed and mobile broadband, distinguishing between the two where appropriate.
- 2.22 The internet is now at the heart of how many people communicate, find information, seek entertainment, and participate in society and the democratic process. More and more devices are internet-enabled, including tablet computers and smart TVs, and as a result it is in some respects becoming increasingly difficult to separate the use of internet services from conventional television, radio and voice communications services.
- 2.23 An Oxford Internet Institute (OxIS) survey from 2011 shows that the proportion of internet users who shop online grew from 74% in 2005 to 86% in 2011; online banking usage grew from 45% in 2005 to 60% in 2011; and internet users who pay bills online grew from 39% in 2005 to 57% in 2011.¹⁴
- 2.24 The OxIS research also showed that the number of people using online government services has increased from 39% in 2005 to 57% in 2011. The Government is seeking to increase both the percentage of people using online government services and the number of different services they access online. The Government's Digital Strategy states that the Government's principle is "More users, using more [digital] services, more often".¹⁵ (The strategy also states that 'digital by default' means that digital self-service is the default option for people who can use it, not the only option.) The Government's Digital Efficiency Report found that the average cost of a central government digital transaction can be almost 20 times lower than the cost of telephone and 50 times lower than face to face.¹⁶
- 2.25 There are also potential savings available for consumers shopping online. Research by the Centre for Economics and Business Research (CEBR) in 2012 found that online prices fell by 0.7 per cent in the last 12 months compared to a 1.6 per cent rise over the same period for the same items in-store.¹⁷
- 2.26 The Interactive Media in Retail Group estimates that British online shoppers spent £68 billion online in 2011, and were likely to spend £77 billion online in 2012.

¹³ http://stakeholders.ofcom.org.uk/binaries/research/cmr/cmr12/CMR_UK_2012.pdf

¹⁴ Next Generation Users: The Internet in Britain, William H. Dutton and Grant Blank, OxIS 2011

¹⁵ <http://publications.cabinetoffice.gov.uk/digital/strategy/#principles-and-actions>

¹⁶ <http://publications.cabinetoffice.gov.uk/digital/efficiency/>

¹⁷ <http://teams.loop/kc/elib/topic/Consumer/Digital-Retail-Price-Index1.pdf>

According to the IMRG index, e-retail now accounts for 17% of the total UK retail market and is likely to increase with the rise of mobile commerce and following high sales of tablet computers in the last year.¹⁸

- 2.27 And a paper by Booz & Company (2012) argued that individuals can expect better quality of life through improved education, health, wealth, and wellbeing through being online.¹⁹
- 2.28 Broadband, and the services delivered over broadband, can therefore be seen as an integral aspect of the communications landscape in the UK for an ever-growing majority of the population. In some cases, broadband is particularly important for disabled people for reasons associated with their disability. Ofcom research with hearing impaired users of communications services, for example, demonstrated that the internet was perceived by those who used it as an extremely important, possibly the most important, development in communication services, with users saying that it had transformed many aspects of their lives.²⁰
- 2.29 Other disabled people may find online shopping or banking more accessible than using the high street. For example, our 2009 disability research found that many participants carried out grocery shopping online and noted that they would otherwise struggle to walk around a supermarket, handle heavy goods or stand in queues.
- 2.30 Submissions made to us by Sense, a charity supporting and representing deafblind people, report that some deafblind people who do not make voice calls rely on their broadband connection for email contact with friends, family, businesses and public services. We also note that a small but increasing amount of telecare services are delivered over broadband.²¹ Telecare provided over broadband can offer, for example, a virtual consultation between a patient and a doctor, reducing the need for hospital appointments.
- 2.31 But as with voice communications, there are risks that certain people find difficulties with, or are excluded from, accessing broadband services by virtue of their disabilities. Ofcom's Consumer Experience Report 2011 included information on the disability profile of those who have broadband access at home. It noted that disabled people with visual, hearing and mobility impairments are much less likely to have access to home broadband than the general population (visual 46%, hearing 39%, mobility 47%).²²

¹⁸ <http://www.imrg.org/IMRGWebSite/user/pages/homepage.aspx>

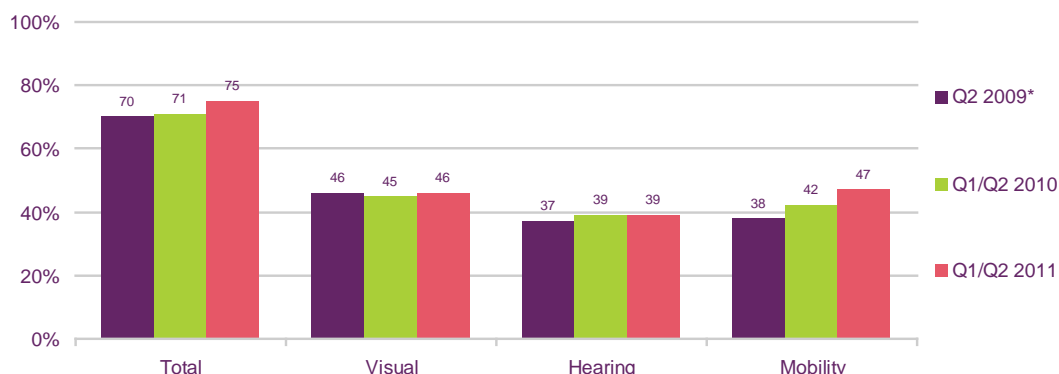
¹⁹ http://www.booz.com/media/uploads/BoozCo_This-Is-for-Everyone.pdf

²¹ The Department of Health defines Telecare as: Personal and environmental sensors in the home that enable people to remain safe and independent in their own home for longer.

²² http://stakeholders.ofcom.org.uk/binaries/research/consumer-experience/tce-11/research_report_of511a.pdf

Figure 2: Disability profile of people who have broadband access at home

Disability profile of those who have broadband access at home



*Low base size in 2009 for visual; treat as indicative only

Source: Ofcom communications tracking survey

Base: All adults 15+ (Q2 2005, 2206) (Q2 2006, 2439) (Q2 2007, 2265) (Q2 2008, 2109, 106 visual, 110 hearing, 171 mobility) (Q2 2009, 2085, 69 visual, 100 hearing, 124 mobility) (Q1/Q2 2010, 11098, 326 visual, 400 hearing, 744 mobility) (Q1/Q2 2011, 6336, 185 visual, 249 hearing, 473 mobility)

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2.32 Whilst it is possible that the lower level of broadband take-up among disabled people partly reflects the fact that there is a higher level of non-ownership of internet connected devices among disabled people than in the UK adult population (for example, a higher proportion of disabled people do not have a PC, or may not have the skills to use one), we are looking to explore whether there are also other barriers for disabled people to accessing broadband services as a result of their disability.

2.33 As for traditional voice telephony, there may be a number of barriers for disabled people to access broadband services. These could include:

- the cost of the service;
- an inability to read or understand their bills and contractual information;
- difficulties with managing payments or dealing with faults or problems with the service;
- increased difficulty in using alternative services when faults arise in existing services; and
- a lack of information on the services available, and particularly suited, to them.

2.34 One of the objectives of this call for inputs is to set out our current views on these, and other, issues and to gather evidence from stakeholders to test whether it would be appropriate for Ofcom to take certain steps to help secure equivalence of access for disabled end users to broadband services where we have identified potential concerns.

Potential changes to General Condition 15

2.35 At this stage, Ofcom is exploring a number of measures that may be appropriate to impose by way of amendment to General Condition 15, including the following:

- (i) Updating the rules on the provision of accessible contracts and bills to benefit other disabled people, not just blind and visually impaired people, and to require broadband providers to comply with this condition (not just voice providers).
- (ii) To extend the requirement to provide a priority fault repair service for certain disabled end users to fixed broadband providers (not just voice providers).
- (iii) To extend the current safeguard scheme for third party bill management to benefit all disabled end users who could benefit from help in managing their bills, and to require broadband providers to comply with this condition (not just voice providers).
- (iv) To extend the safeguard scheme to allow disabled end users to nominate a third party who can notify their provider of faults with the service (to apply to voice and broadband providers).
- (v) To add an obligation for Communications Providers to regularly inform disabled subscribers of the products and services suitable for them.

These are set out in more detail in Section 3.

Tests that any changes must meet

2.36 Under section 47 of the Communications Act 2003, Ofcom can set or modify a General Condition only where it is satisfied that the tests set out in section 47(2) are satisfied, namely that the proposal is:

- objectively justifiable in relation to the networks, services, facilities, apparatus or directories which Ofcom regulates;
- not such as to discriminate unduly against particular persons or against a description of persons;
- proportionate to what the condition or modification is intended to achieve; and
- transparent.

2.37 Collectively, these conditions mean that Ofcom must be satisfied that the measures it intends to impose are necessary and appropriate to take in the light of the policy objective pursued. That objective, in this case, would relate to securing equivalence of access to certain services for disabled users. Proportionality also requires Ofcom to be satisfied that the proposed requirements for Communications Providers are commensurate with the objective pursued and impose no more burden than is necessary. This means that any rules must not be unduly burdensome and, were there are a range of options available to meet a particular outcome, Ofcom must adopt the approach that is the least onerous for those on whom it places obligations.

- 2.38 To help Ofcom assess whether the section 47 tests are met we carry out impact assessments. Impact assessments include gathering and assessing the evidence that is necessary for Ofcom to use its regulatory powers to satisfy a particular policy objective. This could include, for example, evidence that there is a particular problem in the market or a gap in protection for citizens and consumers and an analysis of the associated level of harm. It will also involve an assessment of whether it is appropriate and proportionate for Ofcom to act. This will normally involve consideration of a number of options for intervention and an assessment of the costs to industry of the measures in question and the benefits accruing to citizens and consumers.
- 2.39 In order to carry out an impact assessment Ofcom needs to be equipped with the right evidence. This call for inputs sets out Ofcom's current view on a range of potential measures based on its review so far and seeks evidence from stakeholders to inform our impact assessment as the review progresses. For each proposal we are asking industry and disability stakeholders to provide their views and supporting evidence.
- 2.40 We set out specific questions on each of the proposals in Section 3 but in general terms we are interested to receive submissions and evidence on:
- the extent to which disabled users rely on, or would benefit from, the services to which the proposals relate, particularly in the aspects outlined in paragraph 2.35 above (for example, the extent to which they rely on having accessible bills and priority fault repair);
 - the extent to which disabled users benefit from services currently offered by providers, again particularly in the aspects outlined in paragraph 2.35;
 - the extent to which disabled users currently experience an absence of provision, again in the aspects outlined in particular, or experience difficulties in accessing communications services;
 - the likely cost to service providers should they be required to implement any of the proposed measures;
 - the ways in, and extent to, which disabled users may benefit from the proposed measures; and
 - alternative measures that may be available to deliver the same or equivalent outcomes.
- 2.41 We intend to use the information received as a result of this call for inputs to inform and progress our review. Subject to the responses and other evidence we may be able to collect, we would be looking to consult on any specific proposals later in 2013. We invite responses to the questions set out in this call for inputs by 22 February 2013.

Section 3

The potential changes to General Condition 15

- 3.1 In this section we set out the measures that we are currently exploring with a view to possible amendments to General Condition 15 together with the policy case, or hypothesis for intervention, we consider exists at this time. They are:
- (i) Updating the rules on the provision of accessible contracts and bills to benefit other disabled end users, not just blind and visually impaired people, and to require broadband providers to comply with this condition (not just voice operators).
 - (ii) To extend the requirement to provide a priority fault repair service for disabled end users to broadband providers (not just voice operators).
 - (iii) To extend the current safeguard scheme for third party bill management to benefit all disabled end users who could benefit with help in managing their affairs, and to require broadband providers to comply with this condition (not just voice operators);
 - (iv) To extend the safeguard scheme to allow disabled end users to nominate a third party who can notify their provider of faults with the service (to apply to voice and broadband providers); and
 - (v) To add an obligation for Communications Providers to regularly inform disabled subscribers of the products and services suitable for them.

Bills and contracts in accessible formats

- 3.2 At present, General Condition 15.9 requires providers of Publicly Available Telephone Services²³ to make available, free of charge, and in a format reasonably acceptable to any subscriber who is blind or whose vision is impaired, upon their request (a) any contract (or variation to that contract) between the subscriber and the provider, and (b) any bill rendered for those services. General Condition 15.9 goes on to provide that an acceptable format would, for these purposes, consist of print large enough for the subscriber to read, Braille or an electronic format appropriate to the reasonable needs of the subscriber.
- 3.3 The rationale for this obligation is that it enables blind and visually impaired end-users to read and understand bills and contracts without assistance from a third party. This promotes independence and privacy, ensuring equivalence with non-disabled people who can read regular print contracts, bills and correspondence without assistance. It also allows them to read and understand the terms of their contract and therefore what is required of them so that they can meet their obligations under the contract and know what providers are required to do under

²³ The General Conditions define Publicly Available Telephone Services as “a service made available to the public for originating and receiving calls, directly or indirectly, national or international calls through a number of numbers in a national or international telephone numbering plan”. This definition therefore includes both fixed and mobile voice telephony providers.

the contract. This is key to consumers being empowered and able to assert their rights and get the service they are paying for.

- 3.4 This measure therefore assists in securing of equivalence of access to the relevant services themselves.

Extension of disabled people covered by this provision

- 3.5 We are considering the case for extending the scope of General Condition 15.9 to include not just blind and visually impaired subscribers, but also to include subscribers which, by reason of their disability, would benefit from the provision of contracts and bills in an accessible format. This would, for example, extend GC15.9 to include people with learning disabilities who may struggle at present to understand the contracts and bills provided to them.
- 3.6 Extending GC15.9 in this way may make it appropriate also to update the list of acceptable formats included in the General Condition (although we would note that Ofcom would regard it as a non-exhaustive list). The Disability Rights Commission (now part of the Equality Commission) has previously suggested to Ofcom that the requirement for the provision of accessible formats should be extended to include the provision of bills and contracts in “Easy Read” format. Easy Read is a format designed to make documents more accessible to people with learning disabilities.²⁴ It uses clear language and fewer difficult words to help simplify the text and help promote understanding.
- 3.7 There may also be other ways in which the list of acceptable formats should be updated and/or expanded. Although, as noted above, Ofcom regards the list of acceptable formats in GC15.9 to be illustrative rather than exhaustive, there may be benefits in terms of clarity to businesses and disabled people in expressly including a greater number of formats that would be regarded as acceptable. For example, the list could include using tinted paper (rather than bright white paper), as some visually impaired people find this easier.
- 3.8 A particular hypothesis we are seeking to test in relation to this part of GC15 is that difficulties with understanding bills do not just affect those with disabilities relating to their vision, thereby inhibiting their take-up of, and so the equivalence of, their access to, relevant services. A similar position could well apply in relation to people with other disabilities.
- 3.9 According to the 2011 Skills for Life survey, over five million adults in the United Kingdom have a literacy level which is Entry Level 3 or below.²⁵ Those with skills levels at Entry Level 3 or below “... may not be able to understand price labels on pre-packaged food or pay household bills”.
- 3.10 Previous Ofcom research has found that people with learning disabilities struggle to understand their bills.²⁶ Few of the participants could read and understand bills on their own, and most tended to need help from other people; some had never even seen a bill.

²⁴ See further: <http://odi.dwp.gov.uk/inclusive-communications/alternative-formats/easy-read-and-makaton.php>

²⁵ <http://www.bis.gov.uk/assets/biscore/further-education-skills/docs/0-9/11-1367-2011-skills-for-life-survey-findings>

²⁶ <http://stakeholders.ofcom.org.uk/binaries/research/consumer-experience/disabilities.pdf>

- 3.11 The research found that participants living with their parents did not see this as an issue. Their parents covered the cost of their living expenses, and they were only responsible for topping-up their mobile phone or paying for their landline calls. However, those in supported living accommodation were paying their own household bills with help from their carer or support worker. Bills for pay TV and internet packages were relatively simple to monitor, because the amount was usually constant. Landline phone bills, however, were more likely to change with the frequency of use and not everyone was able to verify whether or not the call charges were accurate, even if helped by their carer.

Extension to broadband services

- 3.12 In the light of the growing importance of broadband to consumers (outlined above in section 2), we are also considering extending General Condition 15.8 to require providers of fixed and mobile broadband services, as well as providers of fixed and mobile telephone services, to comply with the condition. This would be a new obligation for broadband service providers. It would seek to ensure that those disabled users of broadband services who struggle to read and understand their contracts, bills and related correspondence are able to benefit from the provision of accessible formats in the same way that they can from their mobile and fixed telephone supplier.
- 3.13 The hypothesis we are seeking to test in this respect is that, in the same way as voice services, equivalence in the accessibility of contract and billing information is appropriate in order to secure equivalence of access to broadband services, by removing an information-related barrier or hindrance to the take-up of the service. In particular, we wish to examine further whether there is an unmet need for accessible bills and contracts in respect of broadband services and whether this is adversely affecting disabled peoples' access to these services. It may, for example, be a factor in the lower rate of take-up of these services by disabled people. That may, in light of the importance of broadband services to some disabled people, make regulatory intervention appropriate.
- 3.14 We consider that a requirement to provide bills and contracts in accessible formats could be complementary to the rules applying generally to businesses under the Equality Act 2010. In broad terms, this Act requires all service providers generally, not just those of telecommunications services, to make 'reasonable adjustments' to make their services accessible to disabled people. When deciding what is reasonable, a number of factors may be taken into account, including the size and nature of the service provider and the resources available to them.²⁷ We are concerned to examine the extent to which providers of relevant telecommunications services make adjustments pursuant to this Act, whether they are sufficient to secure equivalence of access to relevant communication services and whether there is a need for more specific regulatory intervention by Ofcom to secure such equivalence.
- 3.15 We have given some initial consideration to the costs that may arise to providers as a result of these proposals. We understand that the cost of providing contracts and

²⁷ www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/equality-act-guidance-downloads

bills in accessible formats can vary significantly.²⁸ One reason for the wide variation is likely to be the costs of providing different types of accessible documents.

- 3.16 For example, we understand that Braille bills cost an estimated £3.50 per page to produce. However, only around 5% of blind and partially sighted people use Braille, and other formats such as large print can be produced far more cheaply. On the other hand, the Easy Read format may be time consuming to produce and the estimated cost could be up to £50/page, although costs vary with the complexity of the material. We would welcome additional input from stakeholders as to the costs that may be involved in providing contracts and bills in accessible formats.
- 3.17 We do not have detailed information on the volume of customers who ask for their voice bills and contracts in alternative formats. Indicative information from Communications Providers suggests that the volumes are low and estimated to be less than 0.01% of customers. Based on the number of fixed residential phone lines in the UK (23.872 million), we estimate the maximum number of people likely to request this service could be around 23,000.
- 3.18 The majority of the alternative format requests are for large print bills, which are cheaper to produce than Braille and audio bills.²⁹ We consider it likely that the number of people who might take up this service for their broadband bills and contracts will be similar or lower.
- 3.19 One factor that may limit the costs to providers of extending the obligations to cover broadband services is the numbers of such services purchased as a bundle with voice services. 27% of households now take fixed voice and broadband as a bundle, and 19% of UK homes have a triple-play bundle of fixed voice, broadband and multichannel TV. Overall, take-up of bundled communication services continues to grow, with 57% of UK homes taking a bundle in Q1 2012, against 53% in 2011. Where providers already give relevant users accessible contracts and bills covering voice services, or a single accessible contract or bill covering multiple services, the incremental costs of an obligation covering broadband may well be limited.
- 3.20 Although it is difficult to attach a monetary value to the benefits of this service to the recipients, we would expect there to be clear, if intangible, benefits to disabled end-users in being able to read and understand contracts and bills without assistance from a third party. Not only does this promote independence, privacy and dignity, but it also means that if there are problems with the account, for example an unpaid or unusually large bill, the disabled user is more likely to become aware of it at an early stage, reducing the chance of having to pay additional charges or of being disconnected.
- 3.21 *We invite stakeholders' views, submissions and evidence about these proposals for accessible bills and contracts. In particular:*

²⁸ On the basis of information provided by stakeholders to Ofcom in response to an informal information request in 2011, the cost of providing bills in accessible formats is estimated to vary between £4 and about £300 per disabled customer per year depending on the format requested. However, the data submitted by stakeholders refer to different cost elements and are therefore not directly comparable. (The information supplied just related to bills.)

²⁹ This is consistent with figures published by the Talking Newspaper Association of the UK, which calculates that there are at least 1.5 million people in the UK who cannot read standard print and that of these, 75% can access large print.

- (i) *What do communications providers currently do in order to comply with General Condition 15.9?*
- (ii) *Do fixed and mobile broadband service providers currently offer bills and contracts in accessible formats? If not, does this cause particular problems for disabled users?*
- (iii) *What is the experience of disabled people in terms of the ability to read and understand bills and contracts from communications providers?*
- (iv) *What evidence is there of the effect of disabled peoples' experience with regard to billing and contract formats on their access to relevant communications services?*
- (v) *Are there any groups of disabled people that are not adequately served by General Condition 15.9 and how might this be addressed?*
- (vi) *Which accessible formats should be expressly included in GC15.9?*
- (vii) *For fixed and mobile telephony providers, how many disabled customers currently request bills and contracts to be provided in accessible formats?*
- (viii) *What are the costs of providing contracts and bills in accessible formats for fixed voices services and what might be the additional costs of providing broadband contracts and bills in accessible formats?*
- (ix) *How are the costs on (viii) affected by the bundling of voice and broadband services and providers' ability to give customers single contracts and bills covering both?*

Extending priority fault repair to include broadband

- 3.22 General Condition 15.6 currently requires providers of fixed and mobile telephony to provide a priority fault repair service as swiftly as practicable to any subscriber with disabilities who has a genuine need for an urgent repair.³⁰ (In practice this issue only tends to arise in relation to fixed lines.) Charges for the priority fault repair service must not exceed the provider's standard charge for a regular fault repair service.
- 3.23 The obligation to ensure a priority fault repair service for disabled users with a genuine need for an urgent repair ensures that disabled users who depend on the telephone receive a rapid repair in the event of a fault on their line. This requirement originally formed part of BT's and Kingston Communications' licence conditions and was then transposed into the General Conditions in 2003.³¹ BT offers this service to its own customers who are registered for the service, and also offers priority fault repair as a wholesale service to other fixed line providers.

³⁰ Defined as: "a service consisting of such repair, maintenance, adjustment or replacement of any part of the Communications Provider's Electronic Communications Network, or such repair or adjustment of any connected or connectable network, or such repair or replacement for any Apparatus for which the Communication Provider has undertaken the responsibility for repair and maintenance, as is necessary to restore and maintain a sufficient service." (GC15.11(b)).

³¹ http://www.ofcom.org.uk/static/archive/oftel/publications/1995_98/consumer/dis298.htm

- 3.24 A rationale, relating to the equivalence of access to relevant voice services, is that those voice services are an essential means of access to services necessary for participation in society, and in particular for access to emergency services. Disabled people may find it harder to access an alternative service, for example a public call box or a telephone in someone else's home or business premises. Prioritising the repair of such faults helps to preserve equivalence of access to voice services.
- 3.25 Ofcom's concern is that a similar position may apply in respect of broadband services. We are seeking evidence of whether that is the case and whether there is need for regulatory intervention to secure the appropriate equivalence.
- 3.26 In this connection, we have been asked by disability stakeholders to consider extending the requirement to offer a priority fault repair service to fixed broadband service providers (in addition to fixed telecoms providers). This would mirror the fixed telecoms offering, i.e. would be restricted to customers who are disabled and in genuine need of an urgent repair.
- 3.27 It has been put to Ofcom that this proposal would greatly benefit disabled people who, because of the nature of their disability (for example, because they are deafblind) cannot make fixed or mobile voice calls but depend on a broadband connection for communication. Broadband can enable some people to live independently who would not otherwise be able to do so: for example, online food shopping may give independence to someone who could not access physical shops because of their disability.
- 3.28 Moreover, other forms of communication, such as mobile text messaging may not always be a good substitute for certain people because of the need to see large print on a computer screen or, for a small number of people, to use a refreshable Braille display. It is also not possible for some people to use a public payphone or use the phone or broadband in someone else's house because of the nature of their disability, for example if they could not leave the house unaided or if they were visually impaired. For this reason, a loss of broadband service could have a serious impact.
- 3.29 As to other evidence of the need for an extension of the measure to broadband services, we note that, in a large number of cases where there is a fault affecting the line (or if the line is physically damaged), it will affect both the consumer's telephone and broadband services. In such an instance, the qualifying disabled end-user's voice provider would already be required under GC15.6 to provide a priority fault repair service.
- 3.30 However, there could be circumstances where such a user suffers a loss of broadband connection that does not affect their voice telephone line. This could be as a result of failure of broadband-specific equipment in the exchange.³² In such circumstances, disabled people for whom broadband is essential (for example some deafblind people who cannot make voice calls) would not be protected by a requirement to offer priority repair for voice telephony.
- 3.31 As to the possible costs and benefits of intervention, in terms of costs we note that fault repair needs to take place in all cases irrespective of the identity of the person affected. BT has advised Ofcom that the additional costs arising for *priority* repair in

³² See for example para 6.10 of <http://stakeholders.ofcom.org.uk/binaries/research/telecoms-research/infrastructure-report/Infrastructure-report2012.pdf>

the case of fixed telephony are due to out of hours support and the need to expedite repairs. In other words, 'going to the front of the queue'.

- 3.32 Although we would not expect the number to be large, at present we do not have information on the number of people who rely on a broadband connection because of the nature of their disability. We would welcome information about this from stakeholders. We would expect that only a small proportion of these users would need to call on the service in any given year. (There are currently around 162,000 people with BT lines registered for priority fault repair, although only about 3.6% of these people use the service in any given year.) We anticipate that the benefit to these users, when faced with a fault, could be significant, and likely to be more significant on average than the equivalent service for users of fixed telephony).
- 3.33 These benefits may be difficult to quantify in financial terms, but they are likely to include the ability to contact friends, family, business and services by email or on the internet and to carry out other activities that may be difficult as a result of the person's disability, for instance to do online shopping, during periods when no service would be available without priority fault repair.
- 3.34 In order to consider whether this proposal should be taken forward, Ofcom requires further information from stakeholders. In particular, Ofcom would welcome submissions and evidence from interested parties on the possible costs and benefits in light of the foregoing analysis.
- 3.35 *We invite stakeholders' views, submissions and evidence about extending the requirement to offer a priority fault repair service to fixed broadband service providers. In particular:*
- (i) Which groups of disabled people depend on a broadband connection in order to communicate?*
 - (ii) How large are these groups?*
 - (iii) In what ways do these groups depend on a fixed broadband service?*
 - (iv) In practice, what faults occur with fixed broadband connections and are these typically related or unrelated to an underlying fault with the fixed telephone line and how frequently do they occur?*
 - (v) What problems (if any) do disabled people face in the event of a fault with a fixed broadband connection and what alternative means of accessing broadband and other services are practicably accessible to them?*
 - (vi) What measures do fixed broadband service providers take to repair faults identified with their service and is any priority currently accorded to certain classes of user?*
 - (vii) What are the costs associated with repairing faults with fixed broadband connections? What additional costs would be associated with providing a priority repair service?*
 - (viii) What are the financial and other benefits for disabled people associated with providing a priority repair service for faults with fixed broadband services?*

- (ix) *Are there any specific issues that stakeholders think it would be helpful for us to consider in relation to mobile broadband connections?*

Safeguard scheme for disabled users: third party bill management

- 3.36 General Condition 15.7 requires providers of fixed and mobile telephony to ensure that their customers who are so disabled such that they are dependent on the telephone are able to participate in a scheme to safeguard telephone services. The scheme must enable such disabled subscribers to nominate a person to whom the provider should send the user's bills and direct enquires regarding bills. It must also allow the nominee to pay the disabled customer's bill on their behalf. The scheme requires that the nominee consents to this role and must not require the nominee to accept liability for the disabled customer's bills.
- 3.37 The safeguard scheme therefore provides for a system of third party bill management, which enables a nominated friend or relative to receive copies of bills and correspondence relating to bills, without themselves becoming liable to pay the bill. The benefit of this scheme is that the nominated third party can help to ensure that bills are paid on time, thus reducing the risk of disconnection for the disabled consumer. This safeguards the vulnerable consumer's communication service and helps to avoid additional charges for late payment or reconnection or potential problems with creditworthiness. It also enables the third party to deal with the communications provider in the event of a problem with the bill. In each of these respects, the scheme provides a disabled person with assistance in matters with which they may otherwise struggle and which may restrict their access to relevant services. In this way, the scheme goes to secure equivalence of access to those services.
- 3.38 Ofcom is considering whether this scheme should be extended in two areas. First, in respect of the disabled people who are entitled to benefit from it in relation to voice telephony services. Second, in respect of the services to which it applies; in particular, that it may be appropriate for the scheme also to apply to broadband services.

Extension of disabled people covered by this provision.

- 3.39 We are considering amending General Condition 15.7 to say that the safeguard scheme must be offered to customers of the provider who would benefit from help with managing their bills by reason of their disability. This change would be intended to extend the safeguard service beyond users whose disability means that they are dependent on the telephone, to include people who, by virtue of their disability, would benefit from the ability to nominate a third party to help manage their bills.
- 3.40 Ofcom's hypothesis in this respect is that the restriction of the scheme's scope to disabled end-users who are so disabled that they are dependent on the telephone does not appropriately give effect to the rationale for the rule described above. That is, the purpose of the rule is to address difficulties that would prevent equivalence of access to telephony services, as required by the Universal Service Directive. Those difficulties may well arise from a person being dependent on telephony services, but not necessarily so. They may well similarly arise for a disabled person with a lesser degree of disability and/or dependence on the telephone and thereby preclude equivalence of access to the service.

- 3.41 For example, a disabled person may be dependent on the telephone, but not need assistance with paying their bills, whereas another disabled person may use, but not be dependent on, the telephone but struggle to read or understand the bills sent to them. Under the present provision the latter would not necessarily qualify to use the safeguard scheme when it may be of greater benefit to them and secure for them equivalence of access to the service. Ofcom's preliminary view, therefore, is that the proposed change would align the class of disabled people able to benefit from the scheme more closely with the intention of, and underlying rationale for, General Condition 15.7.
- 3.42 Some communications providers have advised us that they do not require any evidence of disability before third party bill management is provided and several have told us that they provide it to anyone on request. This suggests that the service is inexpensive to provide.
- 3.43 Our concern is that not all providers offer this service or not the same service: the minimum scope of the service may differ between providers. We understand, for example, that for some providers the service as currently offered to all subscribers may simply consist of a note on the customer's file to say that a friend or relative has been nominated as a proxy on the account, rather than ensuring that copies of bills are sent to them. This lack of consistency - which may easily be rectifiable with a simple, cost-limited, amendment to the scheme - may restrict both the equivalence of access to services for disabled end-users and the extent to which they can benefit from the choice of providers available to the majority of end-users.

Extension to broadband services

- 3.44 In addition, we have been asked by disability stakeholders to consider extending the obligation to provide access to a safeguard scheme to providers of fixed and mobile broadband services. By extending this obligation, the condition would cover disabled users of broadband services who would:
- benefit from the ability to nominate a third party to manage their bills; and
 - potentially suffer harm if they were cut off as a result of non-payment or a dispute over a bill. This could include being charged late payment and/or reconnection fees and could in turn affect credit scores.
- 3.45 A possible concern in this regard is that, in line with our general hypothesis about the importance of broadband services to disabled people, the lack of a scheme of this kind in respect of such services:
- may be an inhibiting factor in the take-up of those services and result in a lack of equivalence in access to them; and
 - may be a matter in relation to which regulatory intervention, to help secure that equivalence, may be appropriate.
- 3.46 We would expect third party bill management for broadband to benefit consumers who need help managing their affairs in the same way that it does for voice telephony. As we indicate above, our current understanding, based on information received from communications providers, is that such a service is, or would be, inexpensive to provide.

- 3.47 Again, a factor that may limit the costs to providers of extending the obligations to cover broadband services is the numbers of such services purchased as a bundle with voice services (described above). Where providers already provide third party bill management for voice services, or for broadband (or all) components of a bundle, the incremental costs of an obligation covering broadband may well be limited.
- 3.48 However, we do not at this stage have specific information from providers on those costs. Similarly, we do not have specific information enabling us to make a detailed assessment of the possible benefits to disabled end-users. Our working hypothesis, though, is that there would be benefits and that, given the limited likely cost, the costs and benefits would likely be in appropriate balance with one another.
- 3.49 *We invite stakeholders' views, submissions and evidence about the proposals for extending the safeguard scheme to broadband providers and to cover disabled people who would benefit with help with managing their affairs. In particular:*
- (i) Which groups of disabled people would benefit from the ability to nominate a third party to manage their bills?*
 - (ii) How large are these groups?*
 - (iii) In what ways do these groups depend on telephony and broadband services?*
 - (iv) What problems (if any) do disabled people face in managing their bills and with what consequences?*
 - (v) What measures do fixed and mobile voice and broadband providers currently provide to disabled customers in terms of enabling a third party nominee to manage their account?*
 - (vi) How many disabled people currently take advantage of this provision?*
 - (vii) What costs do fixed and mobile providers currently incur in providing access to disabled customers to a safeguard scheme?*
 - (viii) What other barriers (if any) may exist to prevent the operation of such a scheme?*
 - (ix) What would be the benefits to relevant disabled people of the possible changes to the scheme?*
 - (x) How could such a scheme best be publicised?*

Safeguard scheme for disabled users: third party fault notification

- 3.50 As explained above, General Condition 15.7 obliges providers of fixed and mobile telephony to establish a safeguard scheme for disabled end users which provides for third party bill management. Ofcom is considering whether there is a case for introducing a new obligation for Communication Providers that would require them to allow their disabled customers to give prior notice of a nominee who can notify the Communications Provider of faults with the customer's service (this would not necessarily be the same person nominated for third party bill management purposes). There is currently no requirement for Communications Providers to accept notification of faults from third parties and we understand that some

Communications Providers are reluctant to do so for reasons relating to data protection.

- 3.51 The essential rationale for such a measure would again be similar to that described elsewhere in this document. Some people, by virtue of their disabilities, may find it difficult to correspond and deal with organisations like Communications Providers, and this may be a particular problem in difficult or stressful situations such as loss of service. They may also have no, or limited, access to other means of communications such as a mobile telephone or a telephone in someone else's home or premises. If they are unable to notify, or inhibited from notifying, their providers of faults, this has clear potential to affect their access to a telephony service on an equivalent basis to other people.
- 3.52 The kind of measure Ofcom is considering would, for instance, enable reputable providers of community alarm or telecare services to notify and deal with the Communications Provider in circumstances where they are aware of, or suspect, a fault on the customer's line. Telecare and community alarm providers provide key services using the customer's telephone line and are therefore often able to see that a line is, or may be, faulty using their interfaces. They are therefore well-placed to notify Communications Providers of possible faults on their customers' lines. The measure under consideration would also enable a nominated friend, relative or carer to report faults on the person's line if this was more convenient. It would go towards removing barriers to access that might otherwise exist.
- 3.53 Our view at this stage, therefore, is that it would be very much in the interests of disabled people if they could nominate a third party, such as a trusted neighbour or relative, or a provider of telecare services, who would be able to contact the Communications Provider should there be a fault with the customer's line or service. Ofcom anticipates that introducing such a measure would impose a small administrative burden on Communication Providers. It would not, on its face, appear to involve significant costs. We do not at this stage, however, have specific information on the likely costs involved and against which we could test this intuitive view.
- 3.54 Subject to the responses to this call for inputs, our view is that there would be clear benefits from such a provision, albeit that such benefits would be hard to quantify. For instance, enabling a third party to notify faults on a disabled person's line could result in more rapid fault notification (for instance because it is not apparent to the customer that their line is faulty) in circumstances in which vital services are delivered over the customer's line. It could also result in increased peace of mind for these people and their families where community alarm or telecare services are delivered over the customer's line.
- 3.55 *We invite stakeholders' views, submissions and evidence about the proposals for extending the safeguard scheme to enable third parties to notify Communications Providers of faults. In particular:*
- (i) What problems (if any) do disabled users face in personally notifying communications providers of faults in their services, and with what consequences?*
 - (ii) What would be the benefits to relevant disabled users of the possible changes to allow third-party fault notification?*

- (iii) *Do Communications Providers currently allow third parties to report faults with a disabled person's service? If so, on what terms? If not, are there any particular reasons why?*
- (iv) *What barriers (if any) are there to implementing such a system of third party fault notification?*
- (v) *What additional costs (if any) would Communications Providers incur to implement a third party fault notification system?*

A duty on Communications Providers to regularly inform disabled subscribers of details of products and services suitable for them

3.56 Article 21(3)(f) of the revised Universal Service Directive provides that Member States shall:

“ensure that national regulatory authorities are able to oblige undertakings providing public electronic communications networks and/or publicly available electronic communications services to...regularly inform disabled subscribers of details of products and services designed for them.”

3.57 General Condition 15.10 currently requires providers of fixed and mobile telephony to take steps to ensure that the services they provide in order to comply with General Conditions 15.1 to 15.9 are widely publicised, taking account of the need for appropriate formats and appropriate channels of communication for disabled end-users.

3.58 Ofcom has previously taken the view that, as a minimum, meeting this obligation would involve publishing clear and easy to find information on the provider's website, as well as accurate advice to customers on the phone and in high street shops. Other measures to promote these services could include regular training for staff in high street shops and inclusion of information in printed materials such as catalogues.³³

3.59 At present, however, there is no more general obligation on Communications Providers to publish or make available information on the products and services that they offer that are suitable for disabled people. Ofcom's concern is that this is a shortfall that may require regulatory intervention.

3.60 Research conducted by Ofcom has shown that disabled people often have difficulty finding out which equipment is suitable for them.

3.61 In particular, Ofcom's research with people with hearing impairments has shown that respondents felt that awareness should be raised about the equipment and aids available.³⁴ Respondents felt that awareness should be raised about the equipment and aids available. Suggestions included clear labelling of products and services in terms of how they meet the needs of consumers with hearing impairments and training of call centre and retail staff, to enable them to communicate with customers who have a hearing impairment.

³³ <http://stakeholders.ofcom.org.uk/binaries/research/telecoms-research/783922/DisabilitiesMysteryShoppin.pdf>

³⁴ <http://stakeholders.ofcom.org.uk/binaries/research/consumer-experience/annex5.pdf>

- 3.62 That research also indicated that respondents with hearing impairments wanted information about what consumers should consider when purchasing specialist or mainstream equipment (other research with disabled consumers also demonstrates that many disabled people prefer to use mainstream equipment but have difficulty knowing which equipment will be suitable for them).³⁵
- 3.63 Charities representing people with hearing impairments have also raised with Ofcom their view that people who use hearing aids would greatly benefit from knowing how particular handsets perform. They have, for example, raised with us concerns that certain mobile handsets can interfere with hearing aids, causing buzzing or other noises.³⁶
- 3.64 The new provision in the revised Universal Service Directive significantly expands on the previous transparency obligations in the Universal Service Directive. Given the difficulties for disabled people that we have identified, we are considering adding an obligation in the General Conditions to implement this provision in the UK.
- 3.65 Our policy hypothesis is that, without appropriate information about the products and services designed for and/or suitable for their use, disabled people are denied the means by which their equivalent access to relevant services is secured. Ofcom anticipates that disabled people would, therefore, derive considerable benefit from knowing which communications products and services are most suitable for them.
- 3.66 Possessing the relevant information is particularly important for disabled people in mobile telecommunications, where handsets may be supplied as part of a contract and where the price of the handset is reflected in the cost of the package. It would have the potential to stop disabled people suffering financial detriment, by helping to ensure that they do not purchase products and services that are not suitable for their needs. It should also help to facilitate effective use of communications services by disabled people, promoting social and digital inclusion.
- 3.67 Accordingly, in addition to the current obligation on Communications Providers to publicise the services they offer in order to comply with GC15.1-15.9, Ofcom is considering an amended provision which would impose a distinct and new obligation for Communications Providers to regularly inform their disabled users of details of the products and services designed for them. It would also include an obligation to have due regard to the need to disseminate relevant information in appropriate formats and channels for disabled users.
- 3.68 In line with our policy rationale, and the findings of research with disabled people, this new provision would apply not only to products and services designed specifically for disabled people (for example, talking handsets for visually impaired people), but also to mainstream communication products and services that are particularly suitable for disabled customers. This might include, for example, information on which telephone handsets are compatible with hearing aids or have well-defined and easy to press keys.

³⁵ For example the hearing impairment research published November 2007 and the learning disability research published 2010

³⁶ For instance, they have highlighted that some handsets have an integral telecoil, meaning that they can be used by hearing aid users on the 'T' setting. There is an American standard used to rate how well a particular handset works with a hearing aid on 'T' (telecoil) and also on 'M' (microphone mode). The scale is from 1-4, with 4 being the best. A phone rated T3/M3 or T4/M4 will generally work best for people using hearing aids.

- 3.69 Ofcom anticipates that such a provision would give rise to some increased marketing costs for Communications Providers. We do not expect, however, that these or any other costs arising out of the contemplated obligation would be significant. This is on the basis that it will be possible to add text to publications such as websites and catalogues which would be produced whether or not this obligation existed. There would be no obligation for Communication Providers to undertake work such as testing of compatibility with hearing aids, but where such information was available from manufacturers it would be reasonable to expect them to publish it, or to tell customers where they could find it.
- 3.70 We would also expect this provision to give rise to benefits to disabled people in terms of increased awareness of the products and services that are available to them and which can potentially improve their quality of life. We are seeking from interested parties information to help us more fully assess these benefits, as well as the associated costs.
- 3.71 *We invite stakeholders' views, submissions and evidence on the proposal to add an obligation for Communications Providers to regularly inform disabled subscribers of the products and services suitable for them. In particular:*
- (i) What measures do fixed and mobile Communications Providers take at present to inform disabled customers of the products and services suitable for them?*
 - (ii) What barriers (if any) do disabled people currently face when trying to purchase communications products and services and with what effects?*
 - (iii) What additional costs would fixed and mobile Communications Providers anticipate incurring in order to comply with such a provision?*
 - (iv) What would be the qualitative and quantitative benefits of such a provision for disabled people?*
 - (v) Are there other organisations that could usefully play a role in providing disabled people with information on the products and services suitable for them? How might such organisations and fixed and mobile Communication Providers work together to ensure disabled people have access to this information?*

Next steps

- 3.72 We invite responses to this call for inputs by 22 February 2013. We plan to engage with a range of stakeholders during the consultation period. Subject to the responses we receive and any further evidence we are able to collect, we would be looking to consult on any specific proposals later in 2013.

Annex 1

Responding to this call for inputs

How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made by 22 February 2013.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <https://stakeholders.ofcom.org.uk/consultations/access-electronic-services/howtorespond/form>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger responses - particularly those with supporting charts, tables or other data - please email disabled.people@ofcom.org.uk, attaching your response in Microsoft Word format, together with a response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the call for inputs.
- Katie Hanson
Consumer Affairs
Second floor
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- Fax: 020 7981 3333
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Katie Hanson on katie.hanson@ofcom.org.uk or 020 7783 4219.

Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt. If you think your

response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.

- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

Next steps

- A1.11 Subject to the responses to this call for inputs and any other evidence we may be able to collect, Ofcom would be looking to publish a consultation document later in 2013.
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: http://www.ofcom.org.uk/static/subscribe/select_list.htm

Ofcom's consultation processes

- A1.13 Ofcom seeks to ensure that responding to a consultation (or, in this case, a call for inputs) is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.14 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.15 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Graham Howell, Secretary to the Corporation, who is Ofcom's consultation champion:

Graham Howell
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA

Tel: 020 7981 3601

Email Graham.Howell@ofcom.org.uk

Annex 2

Ofcom's consultation principles

A2.16 Ofcom has published the following seven principles that it will follow for each public written consultation (and, with appropriate adaptations, in this call for inputs):

Before the consultation

A2.17 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

A2.18 We will be clear about who we are consulting, why, on what questions and for how long.

A2.19 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.20 We will consult for up to 10 weeks depending on the potential impact of our proposals.

A2.21 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.

A2.22 If we are not able to follow one of these principles, we will explain why.

After the consultation

A2.23 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Annex 3

Response cover sheet

- A3.24 In the interests of transparency and good regulatory practice, we will publish all responses in full on our website, www.ofcom.org.uk.
- A3.25 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.26 The quality of consultation and calls for inputs can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.27 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at www.ofcom.org.uk/consult/.
- A3.28 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation and/or calls for inputs

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response Organisation

Part of the response If there is no separate annex, which parts?

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

Annex 4

Call for inputs questions

Bills and contracts in accessible formats

- (i) *What do communications providers currently do in order to comply with General Condition 15.9?*
- (ii) *Do fixed and mobile broadband service providers currently offer bills and contracts in accessible formats? If not, does this cause particular problems for disabled users?*
- (iii) *What is the experience of disabled people in terms of the ability to read and understand bills and contracts from communications providers?*
- (iv) *What evidence is there of the effect of disabled peoples' experience with regard to billing and contract formats on their access to relevant communications services?*
- (v) *Are there any groups of disabled people that are not adequately served by General Condition 15.9 and how might this be addressed?*
- (vi) *Which accessible formats should be expressly included in GC15.9?*
- (vii) *For fixed and mobile telephony providers, how many disabled customers currently request bills and contracts to be provided in accessible formats?*
- (viii) *What are the costs of providing contracts and bills in accessible formats for fixed voices services and what might be the additional costs of providing broadband contracts and bills in accessible formats?*
- (ix) *How are the costs on (viii) affected by the bundling of voice and broadband services and providers' ability to give customers single contracts and bills covering both?*

Extending priority fault repair to include broadband

- (i) *Which groups of disabled people depend on a broadband connection in order to communicate?*
- (ii) *How large are these groups?*
- (iii) *In what ways do these groups depend on a fixed broadband service?*
- (iv) *In practice, what faults occur with fixed broadband connections and are these typically related or unrelated to an underlying fault with the fixed telephone line and how frequently do they occur?*
- (v) *What problems (if any) do disabled people face in the event of a fault with a fixed broadband connection and what alternative means of accessing broadband and other services are practicably accessible to them?*

- (vi) *What measures do fixed broadband service providers take to repair faults identified with their service and is any priority currently accorded to certain classes of user?*
- (vii) *What are the costs associated with repairing faults with fixed broadband connections? What additional costs would be associated with providing a priority repair service?*
- (viii) *What are the financial and other benefits for disabled people associated with providing a priority repair service for faults with fixed broadband services?*
- (ix) *Are there any specific issues that stakeholders think it would be helpful for us to consider in relation to mobile broadband connections?*

Safeguard scheme for disabled users: third party bill management

- (i) *Which groups of disabled people would benefit from the ability to nominate a third party to manage their bills?*
- (ii) *How large are these groups?*
- (iii) *In what ways do these groups depend on telephony and broadband services?*
- (iv) *What problems (if any) do disabled people face in managing their bills and with what consequences?*
- (v) *What measures do fixed and mobile voice and broadband providers currently provide to disabled customers in terms of enabling a third party nominee to manage their account?*
- (vi) *How many disabled people currently take advantage of this provision?*
- (vii) *What costs do fixed and mobile providers currently incur in providing access to disabled customers to a safeguard scheme?*
- (viii) *What other barriers (if any) may exist to prevent the operation of such a scheme?*
- (ix) *What would be the benefits to relevant disabled people of the possible changes to the scheme?*
- (x) *How could such a scheme best be publicised?*

Safeguard scheme for disabled users: third party fault notification

- (i) *What problems (if any) do disabled people face in personally notifying communications providers of faults in their services, and with what consequences?*
- (ii) *What would be the benefits to relevant disabled people of the possible changes to allow third-party fault notification?*
- (iii) *Do Communications Providers currently allow third parties to report faults with a disabled customer's service? If so, on what terms? If not, are there any particular reasons why?*
- (iv) *What barriers (if any) are there to implementing such a system of third party fault notification?*

- (v) *What additional costs (if any) would Communications Providers incur to implement a third party fault notification system?*

A duty on Communications Providers to regularly inform disabled subscribers of details of products and services suitable for them

- (i) *What measures do fixed and mobile Communications Providers take at present to inform disabled customers of the products and services suitable for them?*
- (ii) *What barriers (if any) do disabled people currently face when trying to purchase communications products and services and with what effects?*
- (iii) *What additional costs would fixed and mobile Communications Providers anticipate incurring in order to comply with such a provision?*
- (iv) *What would be the qualitative and quantitative benefits of such a provision for disabled people?*
- (v) *Are there other organisations that could usefully play a role in providing disabled people with information on the products and services suitable for them? How might such organisations and fixed and mobile Communication Providers work together to ensure disabled people have access to this information?*

Annex 5

Current wording of General Condition 15

15. SPECIAL MEASURES FOR END-USERS WITH DISABILITIES

- 15.1 The Communications Provider shall from time to time consult the Consumer Panel to ensure that the requirements and interests of disabled End-Users are fully taken into account in the development and provision of its services.
- 15.2 Subject to paragraph 15.10, the Communications Provider shall ensure that any End-User of its services who is so visually impaired or otherwise disabled as to be unable to use a printed Directory, can access, free of charge, Directory Information and Directory Enquiry Facilities in a form which is appropriate to meet their needs. The Communications Provider shall ensure that such a Directory Enquiry Facility is capable of connecting such an End-User to a requested Telephone Number at the request of that End-User.
- 15.3 Subject to paragraph 15.10, the Communications Provider shall ensure that such of its Subscribers who, because of their disabilities, need to make calls in which some or all of the call is made or received in text format, are able to access a Relay Service. Such Subscribers shall be charged for the conveyance of messages to which a Relay Service applies at no more than the equivalent price as if that conveyance had been made directly between the caller and the called person without use of a Relay Service:
- (a) except that the calling person may be charged standard local prices for the call made to a Relay Service provider in order to make a call irrespective of whether the call is successful; and
 - (b) applying a special tariff scheme designed to compensate Subscribers who need to make calls to which a Relay Service applies for the additional time to make telephone calls using a Relay Service.
- 15.4 Subject to paragraph 15.10, the Communications Provider shall ensure that any End-Users of its services who need to make calls to which a Relay Service applies:
- (a) have access to Emergency Organisations, operator assistance services and a Directory Enquiry Facility using short code numbers; and
 - (b) are able to receive call progress voice announcements in a suitable form.
- 15.5 By no later than 18 April 2014 a Relay Service provided by the Communications Provider to its Subscribers pursuant to paragraph 15.3 must:
- (a) provide facilities for the receipt and translation of voice communications into text and the conveyance of that text to the terminal of End-Users of any provider of Publicly Available Telephone Services and vice versa,
 - (b) provide facilities for the receipt and transmission of voice communications in parallel with text communications, allowing both channels to work in tandem to deliver near synchronous voice and text;

- (c) provide facilities for access to Emergency Organisations;
 - (d) subject to Conditions 3 and 13.1, be available for lawful use by End-Users at all times;
 - (e) be capable of being accessed by End-Users of the service from readily available compatible terminal equipment, including textphones, Braille readers, personal computers and mobile telephones;
 - (f) not prevent End-Users from communicating with other End-users of other approved Relay Services;
 - (g) provide facilities to allow End-Users, who because of their disabilities need to make calls using a Relay Service, to receive incoming calls via the Relay Service, without the calling party needing to dial a prefix;
 - (h) insofar as reasonably practicable, allow for communication between End-Users of the service at speeds equivalent to voice communications;
 - (i) take measures to ensure the confidentiality of communications between End-Users of the service;
 - (j) comply with any directions in respect of the service which Ofcom may make from time to time; and
 - (k) be approved by Ofcom for the purposes of this Condition 15.5.³⁷
- 15.6 Subject to paragraph 15.10, the Communications Provider shall provide a priority Fault Repair Service as swiftly as practicable to any Subscriber with disabilities who has a genuine need for an urgent repair. Charges for a priority Fault Repair Service shall not exceed the Communications Provider's standard charge for a Fault Repair Service.
- 15.7 Subject to paragraph 15.10, the Communications Provider shall ensure that such of its Subscribers who are so disabled such that they are dependent on the telephone are able to participate in a scheme to safeguard telephone services to such Subscribers. The scheme shall:
- (a) enable such Subscribers to give prior notification to the Communications Provider of a nominee to whom-
 - (i) that Subscriber's telephone bill shall initially be sent; or
 - (ii) any enquiry to establish why a telephone bill has not been paid shall be made;
 - (b) permit the nominee to pay that Subscriber's bill on their behalf;
 - (c) require the nominee to give prior consent to the Communications Provider to act in such capacity;

³⁷ Review of Relay Services, Decision on the introduction of Next Generation Text Relay, Statement, 17 October 2012, inserting a new condition 15.5 and renumbering the subsequent conditions.

- (d) not require the nominee to accept liability to pay the telephone bills of that Subscriber; and
 - (e) be provided at no cost to such a Subscriber.
- 15.8 Communications Providers shall provide End-Users with hearing or speech impairments with Mobile SMS Access to Emergency Organisations by using the emergency call numbers “112” and “999” at no charge.³⁸
- 15.9 Subject to paragraph 15.10, the Communications Provider shall make available, free of charge, and in a format reasonably acceptable to any Subscriber who is blind or whose vision is impaired, upon their request:
- (a) any contract (or any subsequent variation) with that Subscriber for the provision of Publicly Available Telephone Services, including any publicly available terms or conditions referred to in that contract or variation;
 - (b) any bill rendered in respect of those services.

An acceptable format would, for these purposes, consist of print large enough for such Subscriber to read, Braille or electronic format appropriate to the reasonable needs of the Subscriber.

- 15.10 The Communications Provider shall take all reasonable steps to ensure that the services which it provides in order to comply with the obligations contained in paragraphs 15.1 to 15.9 above are widely publicised, taking into consideration the need to disseminate information in appropriate formats through appropriate channels for disabled End-Users.
- 15.11 For the purposes of this Condition:
- (a) “Communications Provider” means a person who provides Publicly Available Telephone Services;
 - (b) “Fault Repair Service” means a service consisting of such repair, maintenance, adjustment or replacement of any part of the Communications Provider’s Electronic Communications Network, or such repair or adjustment of any connected or connectable network, or such repair or replacement for any Apparatus for which the Communication Provider has undertaken the responsibility for repair and maintenance, as is necessary to restore and maintain a sufficient service;
 - (c) “Mobile SMS Access” means the ability to send and receive Short Messages using an SMS defined by the European Telecommunications Standards Institute in the GSM (Global System for Mobile communications) or UMTS (Universal Mobile Telecommunications System) standards, or any other standard for mobile communications that is, or may be, adopted in the UK;
 - (d) “Relay Service” means any service which:

³⁸ Changes to the General Conditions and Universal Service Conditions (Implementing the revised EU Framework), Statement and Notification, 25 May 2011, inserting new General Condition 15.7 and consequential definitions of “Mobile SMS Access”, “Short Message” and “SMS”.

- (i) has been approved by Ofcom to be a text relay service for the purposes of this Condition; and
 - (ii) as of 18 April 2014 complies with the requirements of paragraph 15.5;³⁹
- (e) “Short Message” means information that may be conveyed by means of the Short Message Service;
 - (f) “SMS” means Short Message Service, which is a text message delivered to a Subscriber’s handset or, if SMS is superseded or withdrawn, an equivalent text communication sent directly to the Subscriber’s handset;
 - (g) “Subscriber” means an End-User who is party to a contract with the Communications Provider for the provision of Publicly Available Telephone Services.

³⁹ Review of Relay Services, Decision on the introduction of Next Generation Text Relay, Statement, 17 October 2012, amending the definition of “Relay Service”.