



Next Generation Text Relay

Approval of a text relay service

Statement

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Section 1

Summary

- 1.1 This statement sets out Ofcom's reasons for approving, for the purposes of General Condition 15.3 and 15.5, BT's proposed Next Generation Text Relay ("NGTR") service. The formal notice of Ofcom's approval is included in this statement.
- 1.2 Relay services enable people with hearing and/or speech impairments to communicate with others through telephone or textphone equipment or other devices such as PCs and tablets. A relay assistant acts as an intermediary to convert speech to text and vice versa for the two parties.
- 1.3 On 17 October 2012 Ofcom published a statement entitled '*Review of Relay Services: Decision on the introduction of Next Generation Text Relay*' ("the 2012 Statement"). The 2012 Statement set out Ofcom's decision to amend General Condition 15 in order to require communications providers (both fixed and mobile) to provide access to their customers to an improved form of relay service, referred to as NGTR. The 2012 Statement followed a detailed review of the provision of relay services in the UK, in the light of Ofcom's obligations under European and domestic law, changes in user requirements, and technological developments since the existing text relay service was introduced.
- 1.4 In the 2012 Statement we set out the criteria by which we would assess an NGTR service submitted for approval. We also set out the Key Performance Indicators with which we said we would expect an NGTR service to be capable of complying.
- 1.5 BT submitted an application to Ofcom for the approval of an NGTR service. We have assessed BT's application and, in November 2013, we consulted on our proposal to approve BT's proposed NGTR service under Condition 15 of the General Conditions of Entitlement (the "Consultation").
- 1.6 Ofcom received nine responses to the Consultation. Having carefully considered those responses (which are described more fully in this document), we have decided to approve BT's proposed NGTR service. This means that BT can offer its NGTR service to its own customers and provide wholesale access to other communications providers so their customers can access the service.
- 1.7 The approval will take effect on 6 March 2014 and will remain in place unless otherwise revoked by Ofcom. As we explained in the 2012 Statement and Consultation, this approval is conditional on that service being capable of meeting, and continuing in practice to meet, the relevant criteria on an ongoing basis. Therefore, whilst we consider that the proposed service meets, and should be capable of ongoing compliance with, the approval criteria, we will monitor the performance of the approved NGTR service once it is in operation to ensure it continues to meet the approval criteria on an ongoing basis.

Section 2

Introduction

Background

- 2.1 On 17 October 2012 Ofcom published a statement entitled ‘*Review of Relay Services: Decision on the introduction of Next Generation Text Relay*’ (the “2012 Statement”).¹ The 2012 Statement set out Ofcom’s decision to amend General Condition 15 in order to require communications providers (“CPs”) (both fixed and mobile) to provide access to their customers to an improved form of relay service, referred to as NGTR. The 2012 Statement followed a detailed review of the provision of relay services in the UK, in the light of Ofcom’s obligations under European and domestic law, changes in user requirements, and technological developments since the existing text relay service was introduced.
- 2.2 General Condition 15.3 requires CPs to ensure their subscribers have access to a text relay service.² By a notification published with the 2012 Statement, Ofcom introduced a new General Condition 15.5, which provides that by no later than 18 April 2014 the relay service provided by fixed and mobile CPs must comply with a number of defined characteristics. Those characteristics, which constitute the essential characteristics of an NGTR service, are set out below in figure 1. This means that from 18 April 2014, fixed and mobile CPs must provide access to an NGTR service meeting the requirements of General Condition 15.5.
- 2.3 Under General Condition 15.5(j), any NGTR service is subject to prior approval by Ofcom. In the 2012 Statement we set out in detail and in advance the criteria by which we would assess an NGTR service submitted for approval.³ We also set out the Key Performance Indicators (“KPIs”), with which we said we would expect an NGTR service to be capable of complying. The 2012 Statement also explained why we considered that our approval criteria and the minimum KPIs would contribute to the efficient assessment of an application for approval, and set out Ofcom’s consideration of the application of the statutory tests for approval set out in section 49 of the Communications Act (the “Act”) and our duties under section 3 and 4 of the Act.
- 2.4 In the 2012 Statement, we also explained that the approval criteria were minimum requirements and nothing prevented relay providers offering higher service standards than those required to seek and maintain approval. The approval criteria set out in the 2012 Statement are those by which we have considered BT’s application. They are set out in full in figure 2. We explained that the approval criteria were necessary to ensure:
- equivalence of access to relevant services for disabled end-users;

¹ <http://stakeholders.ofcom.org.uk/consultations/relay-services-review-12/statement/>

² Relay services enable people with hearing and/or speech impairments to communicate with others through telephone or textphone equipment using third party relay assistants. The relay assistant acts as an intermediary to convert speech to text and vice versa for the two parties. In the UK, the Universal Services Order (set by government) requires us to secure the provision of one or more text relay services and General Condition 15.3 requires CPs to provide access for their customers to a text relay service.

³ Section 4 (paragraph 4.138 and Figure 3) of the 2012 Statement.

- that the effective operation of relay services is maintained;
- that the needs of users of the service are met on an ongoing basis; and
- transparency and accountability to Ofcom and end-users.

Figure 1: General Condition 15.5 criteria

By no later than 18 April 2014 a Relay Service provided by the CPs to its Subscribers pursuant to paragraph 15.3 must:

- 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,
- 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;
- provide facilities for access to Emergency Organisations;
- subject to General Conditions 3 and 13.1, be available for lawful use by End-Users at all times;
- 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;
- not prevent End-Users from communicating with other End-users of other approved Relay Services;
- 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;
- insofar as reasonably practicable, allow for communication between End-Users of the service at speeds equivalent to voice communications;
- take measures to ensure the confidentiality of communications between End-Users of the service.

Figure 2: Approval Criteria and KPIs

Ability of the relay service to meet the requirements of General Condition 15.5

- The relay service provider must provide an NGTR service fulfilling the relevant requirements in General Condition 15.5.
- The provider must ensure that in its NGTR service calls to the emergency services are prioritised and provided by a resilient network and system.
- Conversations facilitated by the relay assistant should only be recorded, or parts of the conversation noted, where required for justifiable operational reasons e.g. an emergency call; cases of criminal activity, for quality measurement training.

Guarantees regarding the operational effectiveness of the relay service

- The provider must ensure there are sufficient funds, facilities and staff to provide the relay service and enable it to perform properly the administrative and technical work associated with the tasks for which it has been appointed.
- The provider must ensure that staff are appropriately and adequately trained especially in the communications needs of deaf, hearing impaired, speech impaired and deafblind telephone users.
- The provider must ensure that the systems have sufficient technical resilience and back up resources to provide an uninterrupted service to the same extent as the voice telephony networks to which it is interconnected.
- The provider must ensure that users receive call progress announcements in voice for hearing users and in text for hearing impaired users.
- The provider must ensure that adequate measures are in place to ensure that the relay service is inter-operable with other approved relay services (where applicable) such that end-users are able to use the service to communicate with users of other relay services.

KPIs

- The provider must ensure that it and the NGTR service it provides are capable of satisfying on an ongoing basis the required KPIs, including that it is adequately staffed at all times. See table 1 below.

Accountability and transparency regarding the performance of the service

- The provider must publish and make available to Ofcom, every quarter, detailed and transparent reporting on its operation, based on the KPIs.
- The provider must publish an annual report covering compliance with these approval criteria and any related issues directed by Ofcom.
- The provider must have a complaints handling procedure in place – to be agreed by Ofcom – and ensure complaints are handled in a fair and timely manner.
- The provider must carry out customer satisfaction surveys at least every two

years.

- The provider must satisfy all elements of the criteria set by Ofcom for approval on an ongoing basis. Failure to satisfy all elements, once approval has been given, may result in the withdrawal of approval by Ofcom.

Table 1: KPIs

Measure	Target
Standard relay calls answered within 15 seconds	90% on average 85% per 15 minute interval ⁴
Emergency relay calls answered within 5 seconds	95%
Customers surveyed expressing dissatisfaction with the relay service	<5% customers dissatisfied
Standard relay calls abandoned ⁵	<3% Standard Calls Abandoned
Emergency calls abandoned. This is in line with the standard voice service measure	<2% Emergency Calls Abandoned
Relay assistants to be monitored at least quarterly for speed of transcription, accuracy and process conformance	94% of calls handled correctly
In conversation voice to text transcription speed for standard/emergency relay calls, per call	>40 words per minute (wpm) (when the user is able to receive 40wpm or faster)
In conversation voice to text transcription speed for standard/emergency relay calls	Average of at least 60 wpm averaged across calls
Average voice to text transcription accuracy	Better than 98%
Complaints relating to the relay service	Less than one complaint per 1000 calls
Total calls to be subject to a relay assistant handover	No more than 2% of total calls

All measures except for ">40 wpm" to be averaged over a monthly period

⁴ This KPI demonstrates consistency of performance across each 24 hour period and limits the opportunity of long periods of poor performance being masked with one period of really good performance.

⁵ "Abandoned" means that the call is ended by the caller before the relay assistant is brought in.

- 2.5 BT submitted an application to Ofcom for the approval of its proposed NGTR service. In total, the application consisted of three non-confidential letters and one confidential letter.⁶ The application consisted of these documents because on 9 August 2013, BT submitted a non-confidential letter seeking approval for its proposed NGTR service. We considered this application and responded with a series of questions on 3 September 2013. On 23 September 2013, BT responded to our questions, providing further information in a confidential letter and a non-confidential letter in support of its application for approval. On 23 October and 13 November 2013 we asked for clarification on the complaints process for BT's proposed service. BT provided interim responses on 9 and 20 November 2013 before submitting its final response (in the form of a non-confidential letter) in relation to complaints handling in support of its application on 20 November 2013.
- 2.6 We assessed the information and undertakings provided by BT in relation to its application. On the basis of that information and those undertakings, on which details Ofcom relies, on 28 November 2013, we consulted on our proposal to approve BT's proposed NGTR service under Condition 15 of the General Conditions of Entitlement (the "Consultation").⁷
- 2.7 The Consultation set out our assessment of BT's application and annexed the documents that made up BT's application. In summary, the Consultation explained our view that BT's proposed NGTR service meets, and should be capable of ongoing compliance with, the approval criteria. For ease of reference we have included the section setting out Ofcom's assessment from the Consultation in Annex 2 of this statement.
- 2.8 We received nine responses to the Consultation.⁸ A summary of the responses and our assessment of them are set out in Section 3. Responses were received from:
- BT;
 - EE;
 - KCOM Group;
 - National Association of Deafened People (NADP);
 - Telefónica UK;
 - Three;
 - UK Council on Deafness (UKCoD); and
 - Two individual respondents.
- 2.9 For the reasons set out in this statement, Ofcom is satisfied that BT's proposed NGTR service meets, and should be capable of ongoing compliance with, the approval criteria. We have therefore decided to approve BT's proposed NGTR service. This means that BT can offer its NGTR service to its own customers and

⁶ See paragraph 2.6 of the Consultation referenced at footnote 7 below.

⁷ <http://stakeholders.ofcom.org.uk/consultations/text-relay-service/>

⁸ Copies of consultation responses are available on Ofcom's website:

<http://stakeholders.ofcom.org.uk/consultations/text-relay-service/?showResponses=true>

provide wholesale access to other communications providers so their customers can access the service. The formal approval is located at Annex 1 of this statement.

- 2.10 The approval will take effect from 6 March 2014 and will remain in place unless revoked. Any approval given by Ofcom is conditional on the approved service being capable of meeting, and continuing in practice to meet, the relevant criteria on an ongoing basis.

Legal framework

- 2.11 The legal framework within which Ofcom conducted its review of relay services, and by reference to which Ofcom amended the General Conditions to require the provision of NGTR, is set out in full in Annex 5 of the 2012 Statement. Reference should be made to that Annex for a comprehensive explanation of that framework.
- 2.12 In relation to the approval of an NGTR service, section 49 of the Act sets out the legal tests that Ofcom is required to satisfy when considering approvals for the purpose of a General Condition. Ofcom must not give an approval for the purposes of a General Condition unless we are satisfied that to do so is non-discriminatory, proportionate (we have also considered whether the approval is objectively justified and necessary under this heading), and transparent in relation to what it is intended to achieve.
- 2.13 In addition to these legal tests, Ofcom has a range of statutory duties under sections 3 and 4 of the Act (including our principal duty of furthering the interests of citizens and consumers). We explain in section 3 below why we are satisfied that giving the proposed approval would satisfy the legal tests in section 49 of the Act and be consistent with our statutory duties in sections 3 and 4 of the Act.
- 2.14 Ofcom carried out an impact assessment, for the purposes of section 7 of the Act and an equality impact assessment, of its proposals and decision to amend General Condition 15 so as to require the provision to subscribers by CPs of an NGTR service. This statement gives effect to a key aspect of that proposal and decision and accordingly, Ofcom does not consider a further impact assessment to be necessary.

Section 3

Ofcom's assessment and decision

Introduction

3.1 In this section we:

- summarise the provisional views from the Consultation, based on the information and undertakings BT provided to us;⁹
- summarise the responses to the Consultation; and
- explain our reasons for giving the approval.

We start by considering our overall views on the approval of BT's NGTR service and then consider specific criteria and Consultation responses.

3.2 The decision contained in this statement takes account of all the reasoning set out in the Consultation, in particular that summarised in Annex 2 to this statement. We have carefully considered the Consultation responses, and they do not give us a basis to adopt different views and reasoning.

3.3 We received nine responses to the proposal set out in the Consultation, as listed at paragraph 2.7 above. All responses have been published in full on Ofcom's website.¹⁰

3.4 The respondents were broadly supportive of our proposal, with four respondents (UKCoD, NADP, Three and BT) explicitly agreeing with the proposal to approve BT as a text relay service provider. Telefónica said that it was not fully informed on certain technical and operational details regarding the proposed BT service and so explained that it could not offer fully informed support for Ofcom to approve the service.

3.5 Respondents provided specific comments in response to the Consultation and respondents' comments are summarised and discussed in the relevant sub-sections below. We have carefully considered each of the responses received to the Consultation and taken them into account in our decision to approve BT's proposed NGTR service.

Our assessment of BT's application for approval

Proposal

3.6 Section 3 of the Consultation set out our provisional assessment of BT's application for approval of its proposed NGTR service, by reference to the criteria set out in General Condition 15.5 and the approval criteria set out in the 2012 Statement (see figures 1 and 2 above). We have reproduced this assessment at Annex 2 of this document for ease of reference.

⁹ Set out in more detail in Annexes 4, 6 and 7 of the Consultation:

<http://stakeholders.ofcom.org.uk/consultations/text-relay-service/>

¹⁰ <http://stakeholders.ofcom.org.uk/consultations/text-relay-service/?showResponses=true>

- 3.7 Table 2 below, summarises the provisional views set out in the Consultation by reference to the approval criteria.

Table 2: Summary of the provisional views in our Consultation

Approval criterion	Provisional views
Ability of the relay service to meet the requirements of General Condition 15.5	Ofcom reviewed the information and undertakings provided by BT in detail (see section 3 of the Consultation (reproduced at Annex 2 of this document)) and our provisional view was that the NGTR service proposed by BT would fulfil the requirements of General Condition 15.5. Of particular importance in this regard was BT's confirmation regarding continued accessibility for textphone users, the confidentiality of caller communications, appropriate network resilience and priority access to the emergency services for relay calls.
Guarantees regarding the operational effectiveness of the relay service	Ofcom reviewed the information and undertakings provided by BT in its application in relation to the operational effectiveness of its proposed NGTR service. Ofcom relied upon that information and the undertakings given in reaching our provisional view that this criterion would be satisfied. Ofcom also noted BT's track record of providing the existing text relay service. We explained our view that the arrangements described by BT would provide sufficient guarantees regarding the operational effectiveness of its NGTR service.
KPIs	BT have given Ofcom an undertaking that its proposed NGTR service will be capable of satisfying the KPIs (set out in figure 2 above) on an ongoing basis (as it must). Having reviewed all of the information and undertakings provided, we provisionally considered that this criterion would be satisfied. We explained that we will work with BT as it develops methods to monitor staff performance and will monitor BT to ensure the changes take place and are published. We also explained that we will monitor the performance of its NGTR service against the KPIs on an ongoing basis.
Accountability and transparency regarding the performance of the service	BT confirmed that it will meet each of the requirements under this criterion. We set out our provisional view, on the basis of the information provided by BT, that the requirement of accountability and transparency regarding the performance of BT's proposed service would be satisfied. On the basis of the information and undertakings BT provided to us, our provisional view was that its proposed NGTR service would be capable of meeting the approval criteria on an ongoing basis (as it must be).

Stakeholder responses on our proposal to approve BT's proposed NGTR service

- 3.8 Four respondents (BT, UKCoD, NADP and Three) supported our proposal to approve BT's proposed NGTR service and our judgement that the proposed service would

meet and would be capable of on-going compliance with the approval criteria. In addition, some respondents (not all of which expressly stated their support for our proposal) commented on the proposal:

- BT considered it had given Ofcom sufficient evidence to guarantee operational effectiveness, compliance with the KPIs and accountability and transparency of performance. BT stated that it was confident that its proposed service will satisfy or exceed all of the approval criteria.
- UKCoD welcomed the approval being conditional on the service demonstrating it is able to meet the criteria on an on-going basis and the importance of monitoring the actual service against the criteria.
- KCOM considered that although it had only had limited time to consider the implications of BT's proposals, operationally the proposed service should provide little in the way of challenges.
- Three was broadly supportive of our proposal to approve BT's NGTR service. Three explained its view, however, that the information BT has provided to CPs has been lacking such that it was reliant on Ofcom's judgement of the proposed NGTR service. Three explained that it could not itself confirm that the approval criteria are satisfied. In light of this, Three considered that should the proposed NGTR service not meet the required criteria, Ofcom should take account of the limited ability of CPs to comment on the proposed NGTR service or approval process in any regulatory decision it makes. Three considered that Ofcom should also be aware of the potential risk to current implementation timescales should delays in process and authorisation make the rollout of the service by the required deadline challenging.
- EE explained that it did not consider it could assess whether the proposed NGTR service meets the criteria of General Condition 15, and the KPIs defined by Ofcom as BT is still developing its service and there is no working service or prototype. EE also considered that the documentation and information around the service had been limited and insufficient to assess the service.
- Telefónica stated that it could not as yet confidently attest that the proposed NGTR service would be technically and operationally available to wholesale partners by 18 April 2014. Telefónica said that it wished to work with BT to ensure the service is properly tested and the parallel interaction between traditional voice and the Internet Protocol (IP) platforms is fully understood. Until such time, Telefónica said that it is not, and does not think that Ofcom is, sufficiently informed, to approve BT's proposed NGTR service as one that is able to meet all the technical and operational requirements. In particular, Telefónica explained its concerns about the absence of technical details, the lack of opportunity for them to test the service and amendments to commercial wholesale contracts. These issues are summarised in more detail in paragraph 3.22 below.

Analysis and overall conclusions on our proposal to approve BT's proposed NGTR service

- 3.9 In the light of consultation responses, and our own analysis, we have sought further information from BT as to the operation of its proposed NGTR service. In particular, we have sought further information from BT in relation to the requirement that its NGTR service 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. In this regard BT has confirmed that from 18 April 2014, its proposed NGTR service will work from existing textphones and Braille readers as well as via a downloadable 'app' on:

- Windows based personal computers and laptops (using the following Windows operating systems: XP, Vista, Windows 7 or Windows 8);¹¹
- Intel based¹² Linux¹³ personal computers and laptops;¹⁴
- Intel based Mac Operating System ("OS") X;¹⁵
- mobile telephones running Android 4 OS;¹⁶ and
- tablets running the Android 4 OS.

- 3.10 BT has confirmed that its 'app' to access the NGTR service will not be available on other mobile devices such as iPhones, iPads or other mobiles phones or tablets which do not run Android 4 OS on the launch of the service on 18 April 2014. BT has explained that this is because it wished to focus on ensuring its NGTR service will work successfully on one mobile platform, before developing it for another and therefore has prioritised the development of the Android 'app'.
- 3.11 BT has confirmed that it will ensure that its NGTR service will be available on iPhone and iPad devices (subject to Apple approval) by 30 June 2014.¹⁷ BT has also committed to prioritise providing access to NGTR for other operating systems such as mobile phones or tablets running Windows after the 30 June 2014.¹⁸
- 3.12 This means that from 18 April 2014, users will have access to an NGTR service via many devices such as textphones,¹⁹ from most personal computers and laptops and mobile phones and tablets running Android 4 OS. In relation to mobile phone use, research data shows that around half of the smartphone user base in the UK uses a handset running the Android OS²⁰ and of these around half are using Android version 4.0 or above.²¹

¹¹ This will require Java 1.7 to be installed. It can be downloaded from <http://java.com/en/download/index.jsp>

¹² Intel is a brand of computer processing chip which is used by some personal computers and laptops.

¹³ Linux is an operating system just as Windows is an operating system.

¹⁴ As above, this will require Java 1.7 to be installed on the computer.

¹⁵ Mac OS X is the latest version of the Mac operating system. As above, this will require Java 1.7 to be installed on the computer.

¹⁶ The Android 4 operating system is known as "Ice Cream Sandwich." Although each mobile device is different, users can usually find out which version of the Android operating system is used on their mobile device by using the settings menu.

¹⁷ See Annex 3 of this statement.

¹⁸ See Annex 3 of this statement.

¹⁹ Although they will not benefit from the additional functionality of the service.

²⁰ One set of research shows that 52.7% of smartphone users use a handset with an Android operating system, 30.2% use a handset with an Apple operating system and 6.8% use a handset using Microsoft (comScore Mobilens, UK, 3 month average ending December 2013, smartphone users aged 13+) and another indicates that 44% of smartphone users use a handset with an Android operating system, 40% use a handset with an Apple operating system and 4% use Microsoft Windows (Ofcom TechTracker, Wave 3, December 2013, those with a smartphone (1354) Adults 16+ <http://stakeholders.ofcom.org.uk/market-data-research/statistics/stats14/>). Both data sources are reliable but have different methodologies e.g. comScore is

- 3.13 Users of the NGTR service in a fixed location, such as their home, will benefit from the additional functionality of NGTR using their personal computer or laptop from launch of the service on 18 April 2014. In addition, users with a mobile phone or tablet using Android 4.0 or above will be able to use BT's NGTR service from their mobile or tablet from day one, with BT developing the equivalent capability for iPhones, iPads and mobile phones or tablets running Windows, which should be delivered by 30 June 2014. Non-smartphone mobile users and users of mobile phones or tablets which do not use Android 4.0 or above will still be able to make and receive text relay calls²² but the text portion of the call will only be accessible via a personal computer, laptop, or mobile phone or tablet using Android 4.0 or above.
- 3.14 Having reviewed in detail the information and undertakings provided by BT, and upon which Ofcom relies to satisfy itself that the criteria are met (see section 3 of the Consultation, reproduced at Annex 2 of this document and paragraph 3.9 above), and having carefully considered the Consultation responses, we are satisfied that the material provided by BT is sufficient to determine that the requirements of General Condition 15.5 and the approval criteria are met (and should be met on an ongoing basis). In this regard we also note BT's track record of providing the existing text relay service and the fact that BT has undertaken to Ofcom that its proposed NGTR service will be capable of satisfying the KPIs set out in figure 2 on an ongoing basis (as it must). Further, we consider that the arrangements described by BT provide sufficient guarantees regarding the operational effectiveness of the proposed NGTR service and therefore on the basis of the information and undertakings BT has provided to us, our decision is that the proposed NGTR service will be capable of meeting the approval criteria on an ongoing basis (as it must).
- 3.15 Whilst we note the concerns raised by some CPs regarding their ability to assess the service themselves, our view remains that the information and undertakings provided by BT are sufficient for Ofcom to make a decision on making an approval. To the extent that CPs have outstanding concerns regarding technical or operational aspects of the proposed NGTR service (e.g. in relation to interconnection arrangements) we would encourage them to address these concerns with BT at the earliest possible opportunity and sufficiently in advance of the deadline for the implementation of NGTR on 18 April 2014.

Stakeholder responses on reviewing the approved service, approval criteria and KPIs

- 3.16 Some respondents made specific comments on the approval criteria and KPIs and the desire for the approved service to be kept under review (distinct from submissions in relation to the ability of BT's proposed service to meet the set requirements):
- NADP welcomed the fact that approval would be conditional on the service meeting the criteria and KPIs on an on-going basis and that this would be regularly monitored. However, NADP considered that the approval should not be seen as fixed and unchanging. It should instead be seen as a stage in a continuing process and that the approval criteria must be regularly reviewed. In particular, NADP does not consider that the criteria and KPIs fully meet all that

online only and from age 13+ and the TechTracker uses face to face interviews and is from age 16+ which could explain the difference in results.

²¹ 49.2% of the 52.7% using a handset with an Android operating system which is using Android version 4.0 or above. (comScore MobiLens, UK, 3 month average ending December 2013, Android smartphone users 13+).

²² The phones can be used for the voice part of the call.

deafened people need from a relay service, especially the speed of transcription. Therefore, NADP hopes that the criteria are kept under regular review and developed and improved as technology develops, with user experience closely monitored.

- UKCoD stated that it will work with Ofcom and CPs to ensure that the service is technologically up to date and does not stagnate. In addition, UKCoD wished to understand the methodology that would be used to assess performance against the KPIs, particularly how speed and accuracy are to be measured. UKCoD said that this will enable different transcription methods/technologies to be compared, help monitor the impact of the new service in relation to conversation speeds and explore the impact of changing accuracy levels according to user need and experience. Like NADP, UKCoD also considered it important to understand the user experience.
- One individual respondent considered that the relay provider should collect data on calls refused, the average length of call and calls that experience a change of operator during the call. They also wanted to choose the relay service provider, to ensure the relay assistant matches the gender of the user (e.g. a male assistant for a male deaf user) and that relay providers should not allow assistants to change during a call or only at a natural break in the call. Additionally, the respondent wanted 180001 and 18002 prefixes to be removed and the ability for text or video versions of voice mail so people can leave messages for deaf users.
- EE considered that there is a risk, especially if there is only one relay service provider, that there is little incentive for BT to provide its service in a cost-effective way. EE would like Ofcom to consider including some cost-related KPIs when assessing the performance of NGTR to ensure cost-effectiveness.
- Three stated that although it is broadly content with the KPIs, it does not consider that Ofcom has adequately identified targets to ensure the service improves on an annual basis rather than just being maintained. Three suggested that once the service is fully implemented, more stretching targets are needed to provide improved customer experience and greater value for money and efficiency savings for CPs. Further, in the absence of competition, Three is concerned that there is less incentive for BT's proposed service to provide a better service and the service may deteriorate over time. Three considered that this lack of incentive to improve performance is what led to the decline of the existing text relay service.

Analysis and conclusions on reviewing the approved service, approval criteria and KPIs

- 3.17 As we set out in the Consultation, Ofcom's decision to approve BT's proposed NGTR service is conditional on the service meeting the approval criteria, including the KPIs on an on-going basis. BT has undertaken that it will meet each of the KPI requirements. Having reviewed the information provided by BT, we are satisfied that the proposed NGTR service will be capable of doing so and we will monitor the performance of the service against the KPIs on an ongoing basis to ensure this is the case.
- 3.18 In relation to measuring speed and accuracy of transcription, in its application (see Annex 2, paragraph A.216 of this document) BT confirmed that it does currently, and will as part of its proposed NGTR service, monitor quality of service activity with all its relay assistants at least quarterly. BT confirmed that it is currently reviewing its

performance monitoring to improve the ways in which staff behaviours, accuracy and conversation speed are monitored. BT confirmed it will publish information on the way performance is monitored once its review is complete. As we set out in the Consultation, we will work with BT as it develops ways to monitor the KPIs, in particular, those for staff performance, accuracy and speed of transcription. We will monitor BT to ensure the changes are made and information on how it is monitored is published.

- 3.19 In its application (see Annex 2, paragraph A2.21 of this document), BT confirmed it will carry out customer satisfaction monitoring as required under the approval criteria, with the first survey carried out before April 2016. BT confirmed that it will work with Ofcom and stakeholders to build suitable questions for the research. As we set out in the Consultation, we are undertaking consumer research to benchmark users' experience of the current service and to see how this changes following the introduction of NGTR. BT has said that it plans to review our research before commissioning any further research of its own in this area. This will ensure effective research is carried out that builds on Ofcom's work.
- 3.20 In relation to the requirements of an NGTR service, the 2012 Statement set out our decisions, following consultation, in relation to the specifications of General Condition 15.5 as regards the requirements for an NGTR service, the approval criteria and the KPIs. Our decision to approve BT's proposed NGTR service has been taken by reference to the requirements arising out of the 2012 Statement and we do not consider that it would be appropriate to change those mandatory minimum requirements at this time. As set out in the 2012 Statement, however, we intend to monitor technical developments and will continue to work with stakeholders and relay providers to understand any market developments which could have consequences for relay services and/or equivalence of access for those using a relay service.
- 3.21 In relation to EE's submission, the 2012 Statement²³ explained why we had decided not to include provisions in the KPIs relating to the charges that the relay service can apply to wholesale access (following the Mobile Broadband Group's request for such an addition). For those reasons, we continue to consider that such KPIs would not be appropriate.
- 3.22 In relation to submissions relating to reviewing the KPIs, as we set out in the 2012 Statement, we will review the KPIs in light of any significant technical developments or any evidence e.g. of changing demand, available from the customer satisfaction surveys or annual reports carried out by the relay providers.

Stakeholder responses on the technical detail, testing of BT's NGTR service and communication between BT and wholesale customers

- 3.23 Telefónica raised concerns about the absence of any clear technical details, the lack of opportunity for them to test the service and amendments to commercial wholesale contracts:
- In relation to its concerns about the absence of technical details, Telefónica considered that the consultation did not include clear technical information on the IP aspects of the service. Telefónica explained that it would like to see a high level technical view of the interconnect design features which allow IP elements to interact with existing voice services in order to know if the service will operate effectively for mobile customers. Telefónica explained that it was unclear if an

²³ Section 3 of the 2012 Statement.

incoming call will be enough to prompt the app/handset to establish the data connection to the text relay service, what volume of data the app will use and how data sessions are effectively retained. Telefónica considered that such details are essential to understanding whether the service will work in practice on all networks.

- In relation to testing, Telefónica wanted BT to provide its wholesale customers with the opportunity to test the service and routing requirements on its own network prior to the 18 April 2014 deadline. While Telefónica noted that BT is confident that CPs will only need to open up the relevant number ranges on their network, it has concerns that there may be unforeseen matters which need to be resolved before a fully functioning service can be approved. Further, Telefónica explained its concern that using the same routing prefixes for the current and new service adds complexity to testing the new platform.
- Telefónica also explained that it wants BT to liaise with its wholesale partners on any commercial amendments needed to the text relay schedule of the Telephony Reference Offer²⁴ in light of the new service. Telefónica said that this should be done in good time to allow any unforeseen consequences to be identified and resolved before 18 April 2014.

3.24 In its response, BT confirmed that it is now in the final phase of development, testing and implementation of its proposed service and that end-user trials were scheduled for March 2014 once the build phase of its development of its NGTR service is complete. BT also stated that CPs choosing BT's proposed service will migrate seamlessly from the current service to the new service on its launch.

Analysis and conclusions on the technical detail, testing of BT's NGTR service and communication between BT and wholesale customers

3.25 In relation to the specific technical point of detail that Telefónica has requested, we consider that this is primarily a matter for discussions between Telefónica and BT. All CPs subject to these requirements have had an extended period of time to anticipate the introduction of NGTR and should address such matters with their intended commercial partners as necessary to satisfy themselves that a compliant service will be in operation, and they will meet their obligations under General Condition 15, as of 18 April 2014. We have discussed these concerns with BT and explained that in respect of, for example, the text/data elements, BT should explain to CPs, if asked, how they should connect to the proposed NGTR service, e.g. explaining what, if any, additional interconnection is needed to connect to the data part of the call. We would encourage all CPs to resolve any remaining concerns between them as early as possible. As we have explained elsewhere in this statement, on the basis of the information and undertakings provided by BT in its application and subsequently, we are satisfied that the proposed NGTR service will be capable of meeting the requirements of General Condition 15.5 and the approval criteria (including on an ongoing basis). CPs are responsible for meeting their own obligations under General Condition 15.

²⁴ The Telephony Reference Offer provides Network Charge Change Notice documentation for the Reference Interconnect Offer. The Interconnect Contract allows Public Electronic Communications Networks to connect their network to BT's allowing calls to pass between the different networks. https://www.btwholesale.com/pages/static/Library/Pricing_and_Contractual_Information/Telephony_Reference_Offer/index.htm

- 3.26 In respect of the routing a CP needs to do in order to make the relay call work, BT has stated that CPs choosing BT's proposed service will migrate seamlessly from the current service to the new service on its launch and other CPs will need to present the call in exactly the same way as they do at the moment.
- 3.27 In relation to testing BT's proposed NGTR service, BT has confirmed to Ofcom that it has tested and will continue to re-test the new service, including through end-user testing. BT clarified that CPs can be involved in testing now to verify connectivity if they wish and that end-user testing will commence in March 2014. We would encourage CPs to take part in such testing should they wish to do so. BT also issued information to CPs (a slide pack was issued on 5 December 2013).
- 3.28 In relation to the concern raised about commercial contracts, we consider that this is a matter for commercial discussions between CPs and the relay service provider and not a relevant matter when considering whether BT's proposed NGTR service should be approved.

Stakeholder responses in relation to alternative relay providers

- 3.29 Some CPs raised concerns about the potential for alternative relay providers to enter the market and about enforcement matters:
- BT stated that Ofcom should consider whether it has sufficient power to enforce any remedial action should a future service provider (who is not also a CP) fail to comply with the approval criteria.
 - KCOM considered it would be extremely difficult for another relay provider to manage the allocation of TextNumbers on a different basis to that proposed by BT. If the provider is not a CP they may be reluctant to be involved in managing a number allocation in this way and this may present a barrier to alternative providers entering the market.
 - EE raised concerns about the commercial terms on which BT was seeking to provide its NGTR service – specifically in relation to BT's price increase for text relay services and BT's reduced wholesale rates to CPs who sign up to BT's NGTR service for three years. EE explained that it considers BT's wholesale pricing prevents competition from emerging in the NGTR market. EE said that by significantly increasing prices of the current text relay services before its NGTR is launched, BT will be at an advantage compared to any other provider who needs to fully recover its investment through its future charges. EE also said that potential competition for relay services would be reduced by contracting operators for three years to its service and incentivising take up by offering a 50% reduction on the price increase.
 - Three was also concerned about BT offering a three year discounted rate to its relay service. Three considers that the effect of BT locking CPs into a three year contract precludes the emergence of potential competition for three years and may lead to inefficient markets and have adverse impacts on consumers. Although Three's response also considered that there is no meaningful market in text relay.

Analysis and conclusions in relation to alternative relay providers

- 3.30 In relation to BT's comments on enforcement against a relay provider that is not also a CP, we consider that the legal distinctions are clear. BT is applying for approval as

a relay provider. Whilst BT, as a CP, and all CPs, must comply with General Condition 15, the approval of the relay provider is not reliant on the provider being a CP. To the extent that a relay provider does not adhere to the terms on which its approval is granted, the Act allows for such approval to be revoked.

- 3.31 In relation to KCOM's point on TextNumbers, relay service providers are free to choose how the service should meet the requirements. As our 2012 Statement recognised, the use of 03/07 numbers to replace the need for a prefix for incoming calls is a viable solution but other approaches could be adopted. Other relay providers who are not CPs could seek a sub-allocation of numbers from a CP.
- 3.32 In relation to EE's and Three's comments on the commercial terms proposed by BT for the NGTR service, the 2012 statement²⁵ outlined Ofcom's role in relation to the pricing of BT's proposed service. We explained that Ofcom does not have the power to cap the prices a relay provider sets for providing NGTR on a wholesale basis. We consider that the terms on which CPs enter into arrangements for the delivery of relay services with BT (or any other potential future provider) are principally a matter for commercial negotiation between these parties, subject to constraints imposed by competition law.

Stakeholder responses on responsibilities of relay providers and communication providers and communicating clearly to consumers

- 3.33 Some respondents commented on the need for clear and consistent communication with end-users:
- In its response, BT provided a table setting out the responsibilities of CPs and relay providers in relation to their end-users. For example, where complaint handling is concerned, BT confirmed that as the relay provider, BT will resolve end-user complaints about the relay assistant, technical or functionality failure of the service software or TextNumber set up process. However, other complaints e.g. problems connected directly to the user's telephone service (billing, line faults) will need to be resolved by the end-user's CP. BT made the point that CPs should recognise and understand their responsibilities to their customers using a relay service to minimise the need for end-users to make multiple contacts to resolve any problems and safeguard against consumer or industry confusion.
 - KCOM welcomed BT's intention to provide a website which gives customers details of the service and how it works. However, KCOM said that it would like to be able to review the proposed communications ahead of launch to ensure CPs are happy with the message and can ensure their own messaging is consistent. In particular, customers may be unclear about how TextNumbers work and who to contact if they have a problem as the way a TextNumber works may be hard for users to understand. KCOM also considered that Ofcom has a role to play in communicating details of NGTR to consumers.
 - UKCoD stressed the importance of users being clearly informed to ensure users are not disillusioned with the new service, in particular in relation to what platforms and in what timescales the service will be available.
 - An individual respondent wanted text relay providers to automatically remind companies of their legal duties to take relay calls should they try and refuse a

²⁵ Section 3 of the 2012 Statement.

relay call. The respondent also wanted the minutes paid for as part of their mobile phone contract to be usable against relay calls.

Analysis and conclusions in relation to responsibilities of relay providers and communication providers and communicating clearly to consumers

- 3.34 Whilst we are not seeking to endorse the table of responsibilities prepared by BT for the purposes of its consultation response, it is correct that CPs are responsible for their compliance with General Condition 15 and for addressing end-user complaints relating to their telephone service.
- 3.35 In relation to communications to end-users, under General Condition 15.10 CPs are required to take all reasonable steps to ensure that the services which it provides in order to comply with the obligations contained in conditions 15.1 to 15.9 (which includes providing access to a relay service) are widely publicised, taking into consideration the need to disseminate information in appropriate formats through appropriate channels for disabled end-users. We encourage CPs to work together to ensure their communications to users are clear and consistent. We also encourage them to work with BT in its role as relay provider to ensure messaging is consistent. We also intend to share with industry and disability stakeholders and publish on our website, some information on NGTR.
- 3.36 We will ensure that queries raised by disability stakeholders and individuals in their responses to the Consultation are addressed either in the information published by us, the relay provider or CPs.

Ofcom's decision

- 3.37 In our Consultation, we assessed the information and undertakings provided by BT. As a result of the submissions and for the reasons set out in the Consultation (see Annex 2 of this document for ease of reference) we provisionally considered that BT's proposed NGTR service meets, and should be capable of ongoing compliance with, the four approval criteria.
- 3.38 Following our assessment of the responses, as outlined above, we are satisfied that the NGTR service proposed by BT will fulfil the requirements of General Condition 15.5 and meets, and should be capable of meeting on an ongoing basis, all the relevant criteria. We are therefore exercising our power under section 49 of the Act to give approval to the service under General Condition 15.5(j). This means that BT can offer its NGTR service to its own customers and provide wholesale access to other communications providers so their customers can access the service. The formal approval is set out at Annex 1 of this document and will take effect on 6 March 2014 and remain in place until otherwise revoked.
- 3.39 This approval is conditional on that service being capable of meeting the agreed criteria on an ongoing basis. Therefore, we will monitor the actual service and its performance once it is in operation to ensure it continues to meet the approval criteria on an ongoing basis. Should the service fail to meet the approval criteria, including the KPIs on an ongoing basis, we would consider next steps as appropriate.
- 3.40 In addition, we are currently undertaking consumer research to benchmark users' experience of the current service, and will also conduct research following the introduction of NGTR so that we can compare the user experience between the current and new services.

- 3.41 For the reasons set out in this statement, we consider that our approval of BT's proposed NGTR service meets the required legal tests set out in section 49 of the Act. Our decision to give approval is not discriminatory in that any other applications for approval will be considered by Ofcom on the same basis (a decision to approve BT's proposed NGTR service will not preclude the approval of other NGTR services in the future). We also consider that our approval of BT's proposed NGTR service is proportionate in relation to what it is intended to achieve. Ofcom's approval of an NGTR service before 18 April 2014 is a necessary prerequisite to the ability of CPs to comply with the requirements of General Condition 15. We have explained why we consider BT's proposed service meets the criteria against which we said we would assess applications. We consider that the criteria by reference to which we have assessed BT's application are an appropriate and necessary means of securing the objective of ensuring that an NGTR service would be effective in securing equivalence of access for disabled end-users, whilst imposing no more burden than is necessary on CPs. We are also satisfied that the approval of BT's proposed NGTR service is transparent in relation to what it is intended to achieve. The nature of, and reasons behind, our approval are set out in this document and our Consultation.
- 3.42 In reaching this decision Ofcom has considered all the representations made to us in response to the Consultation, as set out in this statement. The Secretary of State has not notified to us any relevant international obligation of the UK which would prevent Ofcom from making the approval. We have made one non-material modification (a correction) to the background text in the approval (from that in the notification of proposed approval). The date in paragraph 3 has been corrected to read "17 October 2012" (instead of 2013).
- 3.43 Ofcom is further satisfied that our approval for BT's proposed NGTR service satisfies the duties set out in section 3 and 4 of the Act. In particular, we consider that the approval furthers the interests of citizens in relation to communications matters by ensuring the availability of an NGTR service to secure equivalence of access for hearing and/or speech impaired end-users. Ofcom has specific duties in relation to the interests of the needs of persons with disabilities and of the elderly, including people with hearing and/or speech impairments, in addition to its principal duty to further the interests of citizens in relation to communications matters. We consider that the measures taken in this statement are ones which will improve the quality of communications services offered to those groups and will therefore go towards fulfilling those duties.

Annex 1

Approval of a Next Generation Text Relay service

APPROVAL OF A NEXT GENERATION TEXT RELAY SERVICE FOR THE PURPOSES OF CONDITION 15.5 OF PART 2 OF THE GENERAL CONDITIONS OF ENTITLEMENT

BACKGROUND

1. The Director General of Telecommunications published on 22 July 2003 a Notification setting general conditions under section 45 of the Communications Act 2003 (the “**Act**”) which took effect on 25 July 2003. Since July 2003, the general conditions so set have been modified on several occasions and new general conditions have been set by Ofcom (collectively, the “**General Conditions**”).
2. Articles 7 and 23a of the Universal Service Directive require Member States to ensure that access to, and affordability of, certain communications services for disabled end-users is equivalent to the level enjoyed by other end-users. General Condition 15.3 therefore requires providers of Publicly Available Telephone Services to ensure that subscribers who so require by reason of their disability are granted access to a relay service.
3. On 17 October 2012, OFCOM published a statement entitled “*Review of Relay Services: Decision on the introduction of Next Generation Text Relay*” (the “**NGTR Statement**”). The NGTR Statement set out OFCOM’s decision to amend General Condition 15 in order to require Communications Providers (both fixed and mobile) to provide access to their customers to an improved form of relay service, referred to as Next Generation Text Relay.
4. General Condition 15.5 provides that by no later than 18 April 2014 the relay service provided by a Communications Provider to its subscribers pursuant to General Condition 15.3 must comply with a set of defined characteristics, including that the relay service must be approved by OFCOM.
5. Annex 4 of the NGTR Statement set out the criteria by which OFCOM would consider the approval of a relay service meeting the requirements of Condition 15.5 (the “**Approval Criteria**”).
6. On 9 August 2013, OFCOM received a request from BT to approve a Next Generation Text Relay Service. On 23 September 2013 and 20 November 2013, BT provided further material to OFCOM to support its request.
7. OFCOM reviewed BT’s request and on 28 November 2013 published a Notification under section 49A of the Act setting out OFCOM’s proposal to approve BT’s Next Generation Text Relay Service for the purposes of General Condition 15. The effect of, and OFCOM’s reasons for, proposing to grant the approval were set out in the consultation document accompanying the Notification. A copy of the Notification was sent to the Secretary of State in accordance with section 49C of the Act.

8. As set out in the Explanatory Statement accompanying this approval, OFCOM received nine responses to the consultation. OFCOM has considered each of the representations received in response to the Notification. The Secretary of State has not notified OFCOM of any international obligations of the United Kingdom relevant to the approval.

APPROVAL

9. For the reasons set out in the Explanatory Statement accompanying this approval, OFCOM considers that BT's proposed Next Generation Text Relay service meets the requirements of Condition 15.5 and the Approval Criteria. OFCOM hereby approves BT's Next Generation Text Relay Service for the purposes of General Condition 15, General Conditions 15.3 and 15.5, in particular.
10. The effect of, and OFCOM's reasons for, granting this approval are set out in the Explanatory Statement accompanying this approval.

OFCOM'S DUTIES AND LEGAL TESTS

11. For the reasons set out in the Explanatory Statement accompanying this approval, OFCOM is satisfied that the applicable legal tests for granting the approval are met, including the requirements of section 49 of the Act.
12. In granting the approval, OFCOM has considered and acted in accordance with its general duties in section 3 of the Act and the six Community requirements in section 4 of the Act.
13. A copy of this approval and the accompanying Explanatory Statement have been sent to the Secretary of State, in accordance with section 49C(1)(b) of the Act.

INTERPRETATION

14. For the purposes of interpreting this approval—
 - (a) except insofar as the context otherwise requires, words or expressions have the meaning assigned to them in this approval and otherwise any word or expression shall have the same meaning as it has in the Act;
 - (b) heading and titles shall be disregarded;
 - (c) expressions cognate with those referred to in this approval shall be construed accordingly; and
 - (d) the Interpretation Act 1978 (c.30) shall apply as if this approval were an Act of Parliament.
15. In this approval:
 - (a) "**Act**" means the Communications Act 2003;
 - (b) "**BT**" means British Telecommunications plc, whose registered company number is 1800000;
 - (c) "**General Conditions**" have the meaning ascribed in recital 1 above; and

- (d) “**OFCOM**” means the Office of Communications as established pursuant to section 1(1) of the Office of Communications Act 2002 (c.11).

Signed by Chris Taylor

A handwritten signature in black ink, appearing to read 'C Taylor'.

Director, Consumer Policy, OFCOM

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

6 March 2014

Annex 2

Extract from section 3 of the November 2013 approval consultation

Ofcom's assessment of BT's application for approval

Approval Criterion 1: Ability of the relay service to meet the requirements of General Condition 15.5

The relay service provider must provide an NGTR service fulfilling the relevant requirements in General Condition 15.5.²⁶

A2.1 BT has confirmed (see Annex 4 and 6)²⁷ that its proposed NGTR service will:

- 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 subscribing CPs and vice versa; and ensure end-users are able to receive call progress voice announcements in a suitable form;
- 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. BT's letter of 23 September 2013 (Annex 6) provides information on how this will work. In summary, to use parallel text/voice a user will need a standard fixed or mobile phone and an internet connected device, such as computer, tablet or smart phone to carry the text conversation, while the phone call will provide the voice connection. BT also confirms in its letter that for users who do not wish to change their textphones or the way that they make calls, the new service will work in the same way as it does now, allowing users to continue to use textphones to access the relay service. However these users will not benefit from the parallel voice and text communication;
- provide facilities for access to Emergency Organisations using the short access code 18000. This will ensure that such calls are prioritised and provided by a resilient network and system;
- be available for lawful use by end-users at all times, subject to the proper functioning of the network and end-user disconnection for non-payment of an account. BT confirms (see Annex 6)²⁸ that its proposed NGTR service will connect all calls presented to it by CPs and honour any requests for call barring.
- 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. As set out above, textphone users will continue to be able use their textphone to access the services as they do currently; however they will not be able to benefit from some of the improvements of NGTR;

²⁶ See Figure 1 in Section 2 of this statement.

²⁷ <http://stakeholders.ofcom.org.uk/consultations/text-relay-service/>

²⁸ See link above.

- not prevent end-users from communicating with other end-users of other approved relay services;²⁹
- provide the option for a Customer Presentation Calling Line Identity (CLI) to allow end-users, who because of their disabilities need to make calls using a relay service, to receive incoming calls via the proposed NGTR service without the calling party needing to dial a prefix. BT's letter of 23 September 2013 (Annex 6)³⁰ provides further details of how this aspect of the service will work. In summary, the proposed NGTR service will continue to work with the 18002 prefix. However, "Textnumbers" will provide an alternative way to receive incoming calls. A text relay user will be able to link their existing telephone number to a "Textnumber" by dialling the proposed NGTR service's helpline. They will then be allocated with a "textnumber" for use. When a "Textnumber" is dialled, the call will automatically route via the proposed NGTR service;
- insofar as reasonably practicable, allow for communication between end-users of the service at speeds equivalent to voice communications, in line with the KPIs set out by Ofcom;
- take measures to ensure the confidentiality of communications between end-users of the service so that conversations, or parts of conversations, facilitated by the relay assistant are only recorded or noted where required for justifiable operational reasons such as an emergency call, cases of criminal activity and quality measurement training;
- comply with any directions in respect of the service which Ofcom may make from time to time.³¹

The provider must ensure that in its NGTR service calls to the emergency services are prioritised and provided by a resilient network and system.

- A2.2 BT has confirmed that its proposed NGTR service will provide facilities for access to emergency organisations using the short access code 18000 ensuring such calls are prioritised and provided by a resilient network and system (Annex 4).³²
- A2.3 BT has also confirmed that the proposed NGTR service would use four independent text nodes situated on two separate sites with each text node connected to two of four BT trunk switches (see Annex 6),³³ like in the current text relay service. BT has confirmed that additional resilience will be provided as the text nodes of the proposed NGTR service will operate independently from each other.
- A2.4 In its confidential submission, BT has also provided information on the security arrangements, configuration and operation of its proposed NGTR service to ensure appropriate resilience for emergency calls and on the measures it takes to ensure capacity to handle emergency calls at times of high demand. Ofcom has considered, and is provisionally content, that this information, necessarily confidential on commercial and security grounds, assists in BT meeting this approval criterion.

²⁹ Where interoperable compatible and technically feasible.

³⁰ See link at footnote 15 above.

³¹ Subject to technical feasibility and reasonable, agreed implementation/transition timescales.

³² See link at footnote 15 above.

³³ See link at footnote 15.

Conversations facilitated by the relay assistant should only be recorded, or parts of the conversation noted, where required for justifiable operational reasons e.g. an emergency call; cases of criminal activity, for quality measurement training.

A2.5 BT has confirmed, in its letter of 9 August 2013 (Annex 4),³⁴ calls using its proposed NGTR service will only be recorded, or parts of the conversation noted, where required for justifiable operational reasons such as during an emergency call, cases of criminal activity and quality measurement training.

Provisional conclusions on approval criterion 1

A2.6 Ofcom has reviewed the information and undertakings in detail and, subject to consultation responses, our provisional view is that the NGTR service proposed by BT will fulfil the requirements of General Condition 15.5. Of particular importance in this regard is BT's confirmation regarding continued accessibility for textphone users, the confidentiality of caller communications, appropriate network resilience and priority access to the emergency services for relay calls.

Approval Criterion 2: Guarantees regarding the operational effectiveness of the relay service

The provider must ensure there are sufficient funds, facilities and staff to provide the relay service and enable it to perform properly the administrative and technical work associated with the tasks for which it has been appointed.

A2.7 BT stated in its letter of 23 September 2013 (Annex 6)³⁵ that as it had been the only UK provider of 'text relay' since its inception in 1991, its record of provision and performance should satisfy Ofcom that they are able to ensure sufficient funds, facilities and staff to operate the relay service. BT referred to details of BT's text relay performance available at www.textrelay.org and in its annual report: http://www.btplc.com/Sharesandperformance/Annualreportandreview/pdf/2013_BT_Annual_Report_smart.pdf

A2.8 BT has explained that it will staff the proposed NGTR service sufficiently to ensure it meets the requirements of the service and the relevant KPIs. BT has also committed to ensuring there is sufficient physical infrastructure to accommodate staff, technical systems and expansion where necessary. BT has explained that established processes exist within BT Customer Service (the BT business unit operating the current text relay service and the delivery programme for its new NGTR service) to ensure finance is available for expansion and development when it is required. In its confidential submission, BT has also provided information on the internal processes that it will put in place to ensure the operational effectiveness of the service.

The provider must ensure that staff are appropriately and adequately trained especially in the communications needs of deaf, hearing impaired, speech impaired and deafblind textphone users.

A2.9 In its letter of 23 September 2013 (Annex 6),³⁶ BT confirmed that its staff receive deaf awareness training, that the training programme for the proposed NGTR

³⁴ See link at footnote 15.

³⁵ See link at footnote 15.

³⁶ See link at footnote 15.

service will focus on customer care (as it does now for the existing text relay service) and provided Ofcom with details of its training programme, which contains a variety of modules designed to equip its staff with the right skills to communicate effectively with all text relay users and train them to respond appropriately. BT also confirmed (Annex 6) that staff performance and the quality of service they provide is monitored throughout their employment.

The provider must ensure that the systems have sufficient technical resilience and back up resources to provide an uninterrupted service to the same extent as the voice telephony networks to which it is interconnected.

A2.10 As noted above, in its letter of 23 September 2013 (Annex 6),³⁷ BT has confirmed that its NGTR service will use four independent text nodes situated on two separate sites with each text node connected to two of four BT trunk switches. BT has confirmed (Annex 6) that additional resilience is provided as the text nodes of the proposed NGTR service operate independently from each other.

A2.11 In its confidential submission, BT has also provided information on the security arrangements, configuration and operation of its proposed NGTR service to ensure appropriate resilience for emergency calls and on the measures it takes to ensure there is sufficient capacity to handle emergency calls at times of high demand. In addition, in its 23 September letter (Annex 6),³⁸ BT confirmed that it will test every part of its proposed NGTR service before the service is launched, and user testing is scheduled for March 2014.

The provider must ensure that users receive call progress announcements in voice for hearing users and in text for hearing impaired users.

A2.12 In its letter of 9 August 2013 (Annex 4),³⁹ BT confirmed that its proposed NGTR service will enable end-users to receive call progress voice announcements in a suitable form.

The provider must ensure that adequate measures are in place to ensure that the relay service is interoperable with other approved relay services (where applicable) such that end-users are able to use the service to communicate with users of other relay services.

A2.13 In its letter of 9 August 2013 (Annex 4),⁴⁰ BT confirmed that its proposed NGTR service will not prevent end-users from communicating with other end-users of other approved relay services.⁴¹

Provisional conclusions on approval criterion 2

A2.14 Ofcom has reviewed the information and undertakings provided by BT, and upon which Ofcom relies, in relation to the operational effectiveness of the proposed NGTR service. Ofcom also notes BT's track record of providing the existing text relay service. Subject to consultation responses, we provisionally consider that the arrangements described by BT provide sufficient guarantees regarding the operational effectiveness of the proposed NGTR service.

³⁷ See link at footnote 15.

³⁸ See link at footnote 15.

³⁹ See link at footnote 15.

⁴⁰ See link at footnote 15.

⁴¹ Where interoperable compatible and technically feasible.

Approval Criterion 3: KPIs

The provider must ensure that it and the NGTR service it provides are capable of satisfying on an ongoing basis the required KPIs, including that it is adequately staffed at all times. See the table of KPIs at Figure 2 (in section 2 above).

- A2.15 In its letter of 9 August 2013 (Annex 4),⁴² BT stated that it was confident that its proposed service would meet the necessary quality of service measures (KPIs) on an ongoing basis and stated that as the service develops, BT will monitor and publish its performance and seek to exceed the minimum levels of service required. BT stated that as the current provider of the text relay service, it complies with the required quality of service measures for text relay and that performance of the current service is published quarterly at www.textrelay.org. BT considered that its record of provision and performance should satisfy Ofcom that its proposed NGTR service would also meet the necessary quality of service measures.
- A2.16 In its letter of 23 September 2013 (Annex 6),⁴³ BT confirmed that it does currently, and will as part of its proposed NGTR service, monitor quality of service activity with all its relay assistants at least quarterly. BT confirmed that it is currently reviewing its performance monitoring to improve the ways in which staff behaviours, accuracy and conversation speed are monitored. BT confirmed it will publish information on the way performance is monitored once its review is complete.

Provisional conclusions on approval criterion 3

- A2.17 BT has informed Ofcom that its proposed NGTR service will be capable of satisfying the KPIs set out in figure 2 on an ongoing basis (as it must). Having reviewed all of the information and undertakings provided, subject to consultation responses, we provisionally consider that this criterion is satisfied. We will work with BT as it develops the ways to monitor staff performance and will monitor BT to ensure the changes take place and are published. We will also monitor the performance of the service against the KPIs on an ongoing basis.

Approval Criterion 4: Accountability and transparency regarding the performance of the service

The provider must publish and make available to Ofcom, every quarter, detailed and transparent reporting on its operation, based on the KPIs.

- A2.18 As set out above, in its application (Annex 4 and 6),⁴⁴ BT has confirmed that it will monitor and publish its performance and seek to exceed the minimum levels of service required. BT confirmed (Annex 6)⁴⁵ it will also publish information on the way performance is monitored once its review is complete.

⁴² See link at footnote 15.

⁴³ See link at footnote 15.

⁴⁴ See link at footnote 15.

⁴⁵ See link at footnote 15.

The provider must publish an annual report covering compliance with these approval criteria and any related issues directed by Ofcom.

A2.19 In its letter of 23 September 2013 (Annex 6),⁴⁶ BT has confirmed that it will publish an annual report, with the first published no later than April 2015.

The provider must have a complaints handling procedure in place – to be agreed by Ofcom – and ensure complaints are handled in a fair and timely manner.

A2.20 In its letter of 20 November 2013, (Annex 7),⁴⁷ BT has set out its complaint handling procedure to ensure complaints about its proposed NGTR service are handled in a fair and timely manner. Ofcom has reviewed this and is minded to be satisfied as to its adequacy. BT has also confirmed that the complaints handling procedure will be published on the website of its proposed NGTR service.

The provider must carry out customer satisfaction surveys at least every two years.

A2.21 In its letter of 23 September 2013 (Annex 6),⁴⁸ BT confirmed it will carry out customer satisfaction monitoring as required under the criteria, with the first survey carried out before April 2016. BT confirmed that it will work with Ofcom and stakeholders to build suitable questions for the research.

A2.22 In addition we are undertaking consumer research to benchmark users' experience of the current service and to see how this changes following the introduction of NGTR. In light of our planned work, BT plans to review our research before commissioning any further research in this area. This will ensure effective research is carried out that builds on the Ofcom work. In our provisional view, BT's commitments in this regard mean this aspect of this criterion is met.

Provisional conclusions on approval criterion 4

A2.23 BT has confirmed that it will meet each of the requirements under this criterion. On that basis, subject to consultation responses, we provisionally consider that the requirement of accountability and transparency regarding the performance of BT's proposed service is satisfied. Further, on the basis of the information and undertakings BT has provided to us, our provisional view is that the proposed NGTR service will be capable of meeting the approval criteria on an ongoing basis (as it must).

⁴⁶ See link at footnote 15.

⁴⁷ See link at footnote 15.

⁴⁸ See link at footnote 15.

Annex 3

Letter from BT – 4 March 2014

A3.1 Published separately to this statement on the Ofcom website.

Annex 4

Glossary of terms and definitions

Communications Act	The Communications Act 2003, which came into force in July 2003.
Communications provider	Provider of electronic communications services over an electronic communications network.
Content Service	A service consisting of one or both of the following- the provision of material with a view to its being comprised in Signals conveyed by means of an Electronic Communications Network; the exercise of editorial control over the contents of Signals conveyed by means of such a network.
Electronic communications service	Defined in the Communications Act as any service consisting in, or having as its principal feature, the conveyance by means of an Electronic Communications Network of signals, except in so far as it is a content service.
Electronic communications network	A transmission system for the conveyance, by the use of electrical, magnetic or electro-magnetic energy, of signals of any description; and such of the following as are used, by the person providing the system and in association with it, for the conveyance of the Signals (i) apparatus comprised in the system; (ii) apparatus used for the switching or routing of the Signals; and (iii) software and stored data.
General Conditions	Obligations on communications providers as conditions of their entitlement to provide Electronic communications networks and services.
HCO - Hearing Carry Over.	The ability for a relay service to deliver the other parties speech to the hearing-impaired user.
Internet	A global network of networks, using a common set of standards (e.g. the Internet Protocol), accessed by users via a service provider.
Internet Protocol (IP)	The data protocol used for routing and carriage of messages across the internet and similar networks.
Member States	Countries that are part of the European Union. There are currently 28 EU Member States.
Node	Equipment which enables the interconnection of relay assistant's terminals and headsets, telephone circuits, and the internet.
Ofcom	Office of Communications. The regulator for the communications industries, created by the Office of Communications Act 2002.
Platform	A system, comprised of operator and user equipment and services or functions provided by the system operator.
PCs/Macs	Personal computers.
Publicly Available Telephone Service (PATS)	A service made available to the public for originating and receiving, directly or indirectly, national or national and international calls through a number or numbers in a national or international telephone numbering plan.
Tablet (PC)	A mobile computer, larger than a mobile phone or personal digital assistant, integrated into a flat touch screen and primarily operated by touching the screen. It often uses an onscreen virtual keyboard or a digital pen rather than a physical keyboard.
Text Relay	A system which allows hearing and speech-impaired people to

	converse over the telephone with hearing callers by converting their speech to text and vice versa. The conversion is done by Relay Assistants working at a Relay Centre.
Universal Service conditions	Obligations on one or more designated Universal Service Providers.
Universal Service Directive	Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (amended by Directive 2009/136/EC).
Universal Service Order	Order made by the UK government that transposes the Universal Service Directive into UK law.
VCO - Voice Carry-Over	The ability for a relay service to deliver the hearing-impaired person's speech to the other caller.