

Response by
The British Deaf Association (BDA)

to

Ofcom
Review of Relay Services

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Introduction

The British Deaf Association (BDA) is a Deaf-led membership organisation. We campaign for the right of Deaf people to access all areas of society through British Sign Language (BSL).

This document is our response to Ofcom's Review of Relay Services. It expresses the view of the BDA based on our experiences of leading Deaf lives, and of engaging with wider society on the basis of an expectation of equality and mutual respect.

The BDA generally uses the capital 'D' to refer to Deaf adults because our members and users tend to define themselves as culturally Deaf with a first or preferred language of BSL. Because many children grow up without access to other Deaf people, we generally use the lowercase 'd' to refer to deaf children.

Ofcom's Review of Relay Services puts forwards two main proposals: Video Relay (VR) Service, and Next Generation Text Relay (NGTR). Many signers of various types, and those who may not refer to themselves as culturally Deaf, will use these services.

Hence in this document we will also use lowercase 'd' to refer to the entire spectrum of people - Deaf, deaf, deafened, or hard of hearing - who will use the new telecommunication services.

We use BSL to mean British Sign Language, which the UK government officially recognised as a language in its own right in 2003. BSL is different from English in that it uses grammatical features such as signing space, placement, agreement verbs, facial expressions and movement variations. It also has a different grammar and sign structure to English, which means it is not possible to have an exact 'word for sign' translation.

In this document there will be references to 'interpreters'. This denotes someone who has achieved the highest level of training in BSL and has received training in interpreting skills.

Overview

The BDA says for deaf citizens and consumers to be included in society, it is vital we have full access to telecommunications services. A good relay service can liberate the entire population of deaf people as well as our hearing friends, children, co-workers, neighbours, employees and employers. It is particularly vital when seeking work, keeping work, seeking medical or emergency assistance, or maintaining our network of friends and family that make us a full part of UK society.

The BDA has seen the USA innovating and leading global best practice in relay services for several decades. Adopting these best practices in the UK could ensure value for money, improve quality of service, or save money.

The BDA is deeply concerned that efforts by deaf people in the UK to import these best practices have been ignored or vigorously resisted by UK telecom authorities.

Over a decade of vigorous campaigning by TAG and other deaf organisations across the EU has resulted in a new EU Directive, 2009/136/EC, passed in 2009. This requires that Deaf, Hard of Hearing, deafened, and other speech-impaired people in the UK should have significantly improved access to telecommunications.

Member states are required to ensure that access to, and affordability of voice telephony for end users with disabilities is equivalent to the level enjoyed by the majority of end-users'

*EU Directive 2009/136/EC
Ofcom Review of Relay Services 2011, page 1, para 1.3*

The BDA congratulates Ofcom on accepting that the existing system does not meet the new standard of 'functional equivalence' and must be improved.

Ofcom's current proposals do accept some good practices that were introduced in the USA over a decade ago. For example, the NGTR service upgrades, and the establishment of a Video Relay service.

In other respects, Ofcom's proposals fall short of Ofcom's own statement of purpose:

"We make sure that people in the UK get the best from their communications services ... while ensuring that competition can thrive.

Ofcom's general duties should be to further the interests of citizens and of consumers. Meeting these two duties is at the heart of everything we do."

www.ofcom.org.uk/about/what-is-ofcom/

The BDA says it is vital Ofcom ensures competition in both NGTR and VR sectors can thrive. It is not enough merely to 'encourage' competition.

Ofcom must ensure deaf customers and citizens are able to get the best from their communications services. This means giving deaf people a genuine choice of competing relay providers.

We would welcome a more detailed analysis of how Ofcom will ensure competition in the provision of NGTR or VR can thrive. While Ofcom's proposals represent progress, they do not form a firm basis for carrying Ofcom's vision into the future.

Several aspects of Ofcom's proposals as they stand are not acceptable to the BDA. We believe restricted VR services do not constitute proportionality or due regard to furthering the interests of deaf and hearing citizens and customers.

We consider functional equivalence to mean access to text or BSL relay services 24/7/365. We reject anything less.

We will propose some amendments to Ofcom's proposals so that BSL signers and our non-signing co-callers can enjoy a greater degree of functional equivalence. That will lead to freedom of choice, quality of service, 24/7/365 access, and personal choice of best value for money on an equal basis with voice-only telephony users.

Question 1

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

BDA welcomes the Next Generation Text Relay (NGTR) proposals for the UK's text relay service, which answer many of the complaints and recommendations for improvement over the last 20 years.

However, we do not consider Ofcom has considered the full range of improvements.

Suggestion 1 – Personalisation

We are pleased Ofcom has accepted that a 'one-size-fits-all' model is not suitable for NGTR (Review, section 3.8-9), on the basis that different technologies and relay methods have varying advantages and disadvantages for people depending on their needs and preferences.

Likewise, the BDA says NGTR users must be able to choose the nature of the service that best suits them and the goal they wish to achieve with that particular call. We advocate choice and flexibility in each option for individual text-relay callers on issues such as:

- Accuracy
- Typing speed
- Captioning
- Re-speaking
- Future innovations

The BDA says all deaf people must have a service that meets their varying needs as well as possible. The text-relay caller should be able to choose flexibility within any of these options as he or she wishes. This will also leave room for future technical innovations that can launch a step-change in choice, service quality or value for money.

The BDA considers it vital that NGTR providers that are more successful at meeting the wishes of their users, whether deaf or hearing, must be able to expand within the limits of the NGTR budget cap and per-minute rate.

Suggestion 2 – equivalence of access to non-verbal information in calls

The BDA notes from the USA that a vital part of '*enjoying equivalence to the majority of telephone users*' is access to non-verbal information during the conversation.

The non-verbal channel contains important background information about the other caller:

- Am I speaking to a male / female / adult / child?
- What is their tone of voice?
 - Happy / sad / irritated / crying / tired?
 - Improving or getting worse?
- Is there background noise?
 - People laughing / Children crying / Quiet environment?
 - Traffic sounds / machinery sounds / are they driving?

This is relatively simple for a text-relay operator to implement, as has been done for the last decade in the USA. The call achieves its goal or resolution faster and hence reduces overall expense.

The BDA notes UK deaf people have been lobbying TextDirect to formally introduce this. Perceiving the other person's tone of voice and their environment is important to achieving a short and successful call or avoiding embarrassment.

Case study: I rang my therapist at her home, through Typetalk, and requested an appointment with her, and I mentioned an extremely private issue. Then the other person, who I thought to be my therapist, said 'I'm sorry, you need to talk to my mum'. I realised I had been talking to her young daughter. I was extremely embarrassed, and worried about what I had said. If the operator had

mentioned I was talking to a young child, I would have known the situation more quickly.

The BDA considers it imperative that deaf people can choose to access non-verbal information that could carry the same importance as verbal content in calls.

The BDA is deeply concerned that under Ofcom's existing proposals, there will be little or no incentive for a NGTR provider to take on board similar deaf-led proposals to improve service. This is because an improved NGTR service will become more popular, thus leading to higher running costs for the teleco that funds it.

We say it is imperative to have a mechanism where NGTR providers that are able to provide a better choice, a better service, or more value for money for customers and citizens are able to thrive.

Suggestion 3 – Pre-briefing before connecting the call to the service

The BDA also notes USA relay providers offer the choice to type in an optional pre-briefing to be read by the relay operator before connecting the call to the service.

- Pre-briefing is advocated by interpreter associations
- Can reduce stress on interpreters and relay operators, allowing them to operate more efficiently
- Can improve quality of call
- Calls achieve goals / resolution faster, reducing costs.

This is another improvement that can also simultaneously reduce costs, which has been utilised for over a decade in the USA, but rejected in the UK.

Example 1: *I rang the hospital, and I wanted a particular ward, but I know their voice menu is very long. I put the menu options I wanted in the pre-briefing box before connecting to NGTR and the operator was able to get through to the right place much faster.*

Example 2: *I rang my childminder, and she said my children were asleep, but I want to know if they were crying in the background. In the pre-briefing, before connecting to NGTR, I typed that I especially wanted to listen for any crying sounds. In the call, the operator told me she heard snoring in the background. I feel much happier now.*

Example 3: *I regularly order tikka masala, but the takeaway is very busy, and they hang up on me or put the phone down a lot. I felt stressed and embarrassed about how slow a text-relay call can be. Now, in the pre-briefing, I can type what I want to order, and my address, and the operator is able to go through the call really fast.*

Suggestion 4 – Competition

The BDA is concerned Ofcom is repeating the same errors as in the past in its latest proposals for NGTR and VR services. To understand this issue, it is necessary to briefly review the development of relay services.

The first text-based relay services were established in the USA in the 1970s. The UK had to wait two decades until the launch of its own national service, Tynetalk in 1991. At the same time, the USA was already progressing with trials of new Video Relay (VR) services, opening up the world of telephones to Sign Language users.

National USA VR services opened in 2000, a decade before the UK. At around the same time, text relay services in the USA moved to enable deaf people to access text relay from a wide range of internet-enabled devices.

This continuing evolution was driven by the USA funding model where telecommunications companies (telecos) pay a levy to a central fund to meet their statutory obligation to provide access for deaf and disabled customers. Independent relay operators then compete for customer usage and are reimbursed from the central fund, creating a strong market incentive to provide the best possible customer service.

By contrast, the UK Typetalk text relay service stagnated. It still offers much the same service as from 1991, requiring specialist hardware to access, and rejecting customer suggestions for internet access, optional pre-briefings, and other improvements that are already established in the USA.

Case study: I work in IT, and travel frequently, so I was aware of different trials of improvements in text relay services. In around 1999 I contacted Typetalk (as it was known then) and suggested they open up deaf access via the internet, and offered my expertise as an IT expert as well as a deaf service user. I was laughed at; I was told that my suggestion was silly, and basically they just found it hard to understand what I was talking about. I came away feeling they didn't seem to have any interest in feedback from deaf people that didn't fit in their neat little boxes.

The BDA believes the reason for the stagnation of Typetalk / TextRelay is that the UK funding model creates an active disincentive to improve service by penalising the phone companies if they provide a better text-relay service.

BT under its Universal Service obligations both provides and funds the single UK mass-market text relay service. If the service improves, then it is more heavily used, costing BT (and other contributing telecos) more. So there is a strong incentive to provide the minimum possible service, avoid improving it, and avoid making it easier to access.

The BDA is shocked that the proposed changes to GC15 will do nothing to address this situation, which fails to further the best interests of deaf and hearing customers who use text-relay services.

We say it is imperative Ofcom acts to ensure competition in NGTR services can thrive, and that customers' interests are put first. This meets Ofcom's own statement of purpose:

We try to make sure that people in the UK get the best from their communications services ... while ensuring that competition can thrive.

The Communications Act 2003 says that Ofcom's principal duties should be to further the interests of citizens and of consumers. Meeting these two duties is at the heart of everything we do.

Page 5, 'Who we are, and what we do' Ofcom Annual Report 2010/11

The current regulatory proposals from Ofcom, while improving the text-relay service technically, still maintain the existing barriers to entry for new text-relay competitors.

The BDA is deeply concerned that the proposed NGTR, will likewise stagnate and fail to respond to deaf people's needs for the next few decades, with little deaf empowerment to choose new improvements or manage the introduction of new technology.

We say deaf people must have a text-relay services capable of being led and guided by deaf people themselves in dealing with the vast changes coming over the next two decades. Giving deaf people a real choice of NGTR service is the best way of ensuring this guidance from deaf people is listened to.

In terms of set-up funding, the financial barriers to competition in text-relay services are lower than for VR services. Ofcom state existing regulations allow for competing services, yet over the last 20 years, there has been no viable public competitor to TextRelay offering the same service at the same prices:

'Other [TR] providers could be approved by Ofcom to provide a [teleco-funded] relay service, though to date none has done so'

Ofcom 'Review of Relay Services' 4.55 fn30

The BDA considers it crucial that the next generation of text-relay services are established on a proper regulatory, financial, and user-led model that allows for a continuous process of competition and user-led improvement. This goes to the heart of Ofcom's duty to further the interests of citizens and customers.

Suggestion 5 – Unbundling

Unbundling is defined as: 'to market or charge for a service separately.' Currently Ofcom proposes a continuation of the current TextRelay arrangement in that NGTR will be supplied by the teleco to their customers as part of a bundle with telephony services.

The BDA observes that telcos, understandably, have absolutely no interest in improving the quality of their NGTR, because it is a loss maker.

The BDA notes Ofcom has already carried out unbundling of various services in the electronic communications sector, notably local loop unbundling of broadband services. Ofcom has built up considerable skill and expertise in this area.

The BDA strongly urges Ofcom to create proposals for unbundling NGTR from voice telephony. Telcos should be obliged to offer the user a relay service of their choice. We give Ofcom our full support and encouragement to explore this option.

As with the broadband internet market, this will enable choice and competition to thrive, with companies focused on delivering the best possible value for money, and on meeting the best interests of their customers, both deaf and hearing.

The BDA is not expert on telecommunications financing, but we observe certain financial issues with the USA model of levys and subsidies. We support Ofcom in devising an unbundling model that carries appropriate anti-fraud precautions.

The BDA notes that the BSL Broadcasting Trust is a valid model of a cost-effective organization that is managed by both deaf and hearing people and carries out commissioning and tendering of electronic broadcast services according to their yearly budget. We fully support looking into establishing a similar low-cost central organization to administer the NGTR budget and oversee any interconnect fees between the various commercial entities involved.

Ofcom regulations often become international best practice, and BDA strongly urges Ofcom to give NGTR the best possible regulatory model that promotes choice, reduces market distortion to a minimum and ensures competition can thrive.

Question 2

Do you agree with the proposal to implement NGTR through the amendment to GC15? Do you agree that the criteria we propose satisfactorily embody improvements we suggest for NGTR?

The BDA broadly agrees with the proposals to amend the General Conditions so that the need to provide access to NGTR can apply to all telecos, and so that future regulations can be more flexible, and amended more easily.

However, we strongly urge looking at additional amendments for GC15 to mandate that the teleco must provide access to the relay service of the user's choice. This could be via unbundling or some other mechanism.

There will be a number of consequent modifications to the General Conditions, but such arrangements are already well established for mobile roaming, and broadband unbundling.

Question 3

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

The BDA does not consider this period of delay appropriate.

We say it is imperative to have in place as soon as possible an effective and accessible array of telecommunications services that respond swiftly to our choices as citizens and customers.

Unbundling can be incorporated into the changes to GC15, and there should be companies who are able to start pilots of unbundled NGTR far sooner than 18 months after an Ofcom announcement.

Question 4

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

BDA strongly and fully agrees with the requirement for a mandated VR service for BSL users. We agree with the case laid out by Ofcom on this issue.

Equality Act 2010

The BDA considers that the Equality Act 2010 mandates a VR service in terms of giving deaf people access to the voice telephony system. Telecos provide a service to the public. Thus under the terms of the Equality Act 2010, which defines disability as a protected characteristic, telecos have an obligation to make a reasonable adjustment so that deaf BSL signers are not hindered by their disability in making and receiving telephone calls.

The BDA notes total UK telecoms operator-reported revenue was £40.5 billion for 2010 (Ofcom Communications Market Report 2010). Given this, we strongly consider Ofcom's medium demand scenario of £41.6 million for VR is affordable by the telecos. We say this meets the definition of a reasonable adjustment as set out in the Equality Act 2010, as this is a cost of one tenth of a percent of teleco industry revenue.

The BDA also feels strongly that Ofcom should publish its analysis of how mandating VR can meet its public sector equality duty under the Equality Act 2010. These duties would include promoting equality of opportunity for deaf and disabled people,

promoting positive attitudes towards deaf and disabled people, and promoting their participation in public life.

Human Rights Act 1998

As Ofcom is a statutory corporation, the BDA views Ofcom as having a positive duty under the Human Rights Act 1998 to make rulings that eliminate discrimination on the basis of disability. We view mandating VR services as fully meeting this duty, providing that the market model and regulations on VR services are aimed at giving deaf people equal access as hearing people.

Access to paid-for services

The BDA notes deaf people rely on the internet for access to online information in BSL, and the ability to use webcams to converse in BSL. A telephone line is a requirement for reliable high-speed home internet access. BT is the main supplier of domestic telephone lines and charges £13.90 for their cheapest monthly tariff, or £166.80 per year. (Reduction available if a year is paid in advance). This includes free weekend calls.

Other companies like Virgin Media and TalkTalk have similar inclusive weekend calls on their cheapest phone line rental offers.

This means deaf people are paying for 104 days per year of free national calls, which they cannot access. The BDA considers this is an appalling state of affairs that has continued for too many years. We are pleased to see Ofcom addressing this issue by mandating VR services to ensure deaf people can access a service they have been paying for.

Question 5

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

The BDA strongly disagrees that a restricted service would be proportionate.

The BDA notes that if UK telcos budgeted for relay services at approximately the same rate as in the USA (0.01058% of revenue in FY2011-12), they would budget well over £200 million. This is based on UK telecom industry annual revenue of £40billion. (Ofcom Communications Market 2011)

Even the highest-demand scenario outlined by Ofcom for unlimited, unrestricted, 24/7/465 VR access would cost only £113 million, and this is based on a usage scenario that is greatly above the USA experience, and on a cost per minute that NECA and UK private VR operators have stated is over-priced.

We say the high potential benefit from a low proportion of annual UK teleco revenue clearly demonstrates that an unrestricted service is by far the more proportionate approach.

Furthermore, the BDA notes Ofcom's favoured proposal for 'a restricted service', via a monthly allocation of minutes and a restriction of opening hours, still has no restriction on budget. We are concerned this conflicts with Ofcom's duty to ensure customers and citizens can get the best from their communications services, as well as ensure value for money and avoid over-regulation and distortion of the market.

Question 6

Please provide your views on methods 1-5 for a restricted VR service discussed above. Are there any other methods that are not mentioned that we should

consider? In making your response, please provide any information in implementation costs for these solutions which you believe is relevant.

Ofcom has stated BSL signers must have 'functional equivalence' to hearing callers. This is a highly significant and important step forward.

However, the BDA rejects Ofcom's proposed restrictions of service to benevolently dictated times and subjected to arbitrary limits. We consider this places disproportionate and unjustifiable restrictions on equivalence. We say that 24/7/365 access to VR services is vital.

The BDA encourages Ofcom to set a market and regulatory model that:

- Enables end-users to choose any VR provider they wish
- Establishes a small independent central organisation to administer the sector
- Delegates most other decisions to the VR providers.

We believe this means a minimum of regulation, a minimum of market distortion, the maximum of choice for customers and citizens and the most efficient use of budget by end-users seeking the service that offers the best equivalence.

In relation to the options presented by Ofcom, the concept of a budget cap has been used for TextRelay, and is proposed for NGTR, which Ofcom envisions will be able to be provided by competing NGTR providers. We would welcome Ofcom publishing a more detailed consideration of how a similar budget cap could apply to VR services. This does not in any way indicate our support for this proposal.

Further suggestions

The BDA has already given several suggestions for NGTR in our response to Question 1. These suggestions also apply to VR:

- Competition / Unbundling
- Personalisation
- Equivalence of access to non-verbal information
- Pre-briefing before connecting to VR service
- A variety of options for VR services according to customer preference
 - Signing style – regional dialects of BSL
 - Video / picture options
 - Use of avatars
 - Future possibilities opened by technology

Unbundling

The BDA has laid out the case for competition and unbundling in our response to Question 1 with regard to NGTR. Many of the same issues apply to VR.

The BDA rejects the market and regulatory model Ofcom proposes, in which VR will be a 'bundled' service. This means each teleco will choose a VR provider, and route all their end-users to that one. If a customer does not like their teleco's VR service, their only option is to move to a different teleco, which may well use the exact same VR provider.

Likewise, we reject Ofcom's proposal to place VR services under contract to the telecommunication companies. VR is a service which they have little interest in supplying or improving. This conflicts with Ofcom's duty to protect choice for customers and ensure they can get the best from their communications services.

We note there will be compelling pressures pushing all telcos to award their contract to a single VR service, namely the one that is cheapest, and most responsive to teleco demands to reduce uptake and degrade the quality of service to save money. This creates a monopoly by default. We also note that under corporate regulations, telcos have a duty to minimize spend on VR services as it is not a profitable sector for them.

The BDA says this is a market and regulatory model that has failed to deliver for UK text-relay services. We say the evidence shows that VR services must be kept at arms length from teleco contracts and control.

- The telcos will be the paymasters, and dictate to the VR provider. Deaf customers will have no say.
- If there is a single VR provider, end users will be a captive market and will not be able to migrate to a better provider. There will be no pressure on the VR provider to incorporate customer-led improvements.
- From the customer's perspective (both deaf and hearing), this regulatory and market model has failed for TextRelay, which has stagnated for 20 years.
- Many people who need to use VR from the workplace will not be able to pick a different VR provider, even if it better matches their working needs as telephony services are fixed by the employer. This contradicts the aim of ATW, which focuses on enabling deaf employees to choose the service that best meets their needs.

The BDA strongly advocates unbundling of VR services from voice telephony, and would welcome vigorous action from Ofcom.

The BDA again strongly recommends the BSL Broadcasting Trust as an example of a small, effective central organisation staffed by deaf and hearing sector professional experts as a model for Ofcom to adopt, with a similar Board, which can carry out the tendering, commissioning and administrating of the VR sector.

Ofcom regulations often become international best practice. The BDA strongly wants to aid Ofcom in implementing VR services using the best possible market and regulatory model. We say, in line with Ofcom's own statement of purpose, this model must ensure competition can thrive and that deaf and hearing people in the UK get the best from their VR service.

Video Remote Interpreting (using VR for face-to-face meetings)

Ofcom is highly concerned over the use of Video Remote Interpreting (VRI), which is the use of VR services for face-to-face meetings. However, the BDA sees VRI as a genuinely valuable use for deaf people.

The BDA proposes VR suppliers should be able to provide a premium rate number or service, where VRI is permitted and even encouraged.

We believe the existence of an easily accessible legal service, plus an official mechanism for paying costs via ATW (Access to Work) will reduce workplace pressures to fraudulently use the subsidised VR service for VRI.

The BDA also declares that VRI has a far wider use than just in the workplace. Deaf and hearing people can use it when they meet each other in the street, in emergencies, or in many other situations. It can form a valuable social function in integrating deaf people as valued citizens. We believe that under the Human Rights Act 1998, Ofcom should pay attention to this aspect as part of its public sector equality duty.

The BDA also believes companies purchasing voice telephony services for their employees have the right under the Equalities Act 2010 to expect a service that is also accessible to their deaf and disabled staff.

Outsourcing VR calls

The BDA suggests that to support 24/7/365 access, night-time VR calls could be outsourced to VR providers in Australia / New Zealand (who have substantially similar sign languages to the UK). The UK night-time volume is likely to be low, and it will be their daytime, making wages more affordable.

We accept that getting the right mix of UK interpreters and Australia / New Zealand interpreters will depend on the individual VR provider and their ability to balance budgets while attracting deaf service users.

We note this has occurred elsewhere – some USA VR providers provide VR services for the English-speaking parts of Canada that use American Sign Language.

VR Emergency Service

Ofcom has already stated the case under European legislation for mandating VR services. The BDA says the exact same legislation also strongly supports the case for a VR Emergency Service.

We are extremely disappointed Ofcom's Review (section 5.87) rejected the case for a VR Emergency Service. A more detailed response outlining its reasons for doing so, which would include any survey carried out or assessment of potential costs, would be welcomed.

We are concerned this contradicts Universal Service Directive 2002/22/EC as amended by Directive 2009/136/EC: 'Member States shall take specific measures to ensure that access to ... services ... for disabled end-users is equivalent to the level enjoyed by other end-users.'

This may also breach the Equality Act 2010, discriminating on the basis of deafness without an in-depth study of the costs involved. We would welcome an analysis of Ofcom's public sector equality duty to take positive action in promoting access to emergency services.

The BDA strongly disagrees with Ofcom's view which was based on a self-selected sample of Emergency SMS users, where the users had to be both BSL signers and confident with English enough to use SMS in an emergency situation.

We note that in making a strong case for a VR service, Ofcom has accepted many BSL signers face obstacles when using a text-based service. Exactly the same obstacles exist for a SMS-based service, but with added pressures of time criticality, message space limitations, delay in sending and receiving.

Case Study: I'm deaf and a BSL signer. I run my own event-based company with annual turnover of £300K a year, and 4 staff, expanding to 20 employees at events. I'm highly competent, and I deal with lots of emails, where I have time and space to think of a reply. But last year, my baby had a bad fall down the stairs, and I just couldn't get my head around the SMS emergency service, I was panicking, I couldn't type properly on the keyboard, I couldn't make head or tail of the replies – I needed someone to sign to me. I had to ask my partner to deal with the SMS Emergency services and sign to me their questions. There were so many questions, and it took so long. If I was on my own, it would be game over. I really

want to have a VR Emergency service – it would be so much more effective in moments of crisis.

The BDA also wishes see greater adherence to the Government's obligations under the *UN Convention on the Rights of Persons with Disabilities*, which was ratified in the UK in 2009, in particular:

- *Article 9 - Access: Access to communication services, and emergency services, on an equal basis with others.*
- *Article 11 – Situations of risk: State Parties shall take all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk and emergencies*
- *Article 21 – Freedom of information: State Parties shall take all appropriate measures to ensure that persons with disabilities can seek and receive information on an equal basis with others, in a form of communication of their choice. [This includes] accepting and facilitating the use of Sign Language ... in official interactions.*

Regarding budget, the BDA believes a VR emergency service does not present a financial challenge. According to Ofcom's Review (page 94), TextRelay experiences approx five emergency calls per hour in peak usage. Hence we believe a VR emergency service, with its lower population of potential users, is likely to experience approx two or so calls per hour at peak.

We believe a single, or at most two, interpreters would be enough to cover this, and can relay normal VR calls when not working on an emergency call. We say there would be little additional cost to providing an emergency VR service, and it would assist over 1000 emergency calls per year.

In conclusion, the BDA believes the provision of a VR Emergency Service is vital and should be mandatory.

Oversight by deaf and Hard of Hearing people

The BDA strongly believes that to best oversee NGTR and VR, it is best to delegate this oversight to people who rely on the relay service functioning well to carry out their own jobs and lives.

We note this applies in the USA, where Text Relay and VR services have CEOs or senior level executives who are deaf or Hard of Hearing and rely on their own relay service functioning at a high level of quality.

The BDA wants this reflected in the UK, with VR and NGTR services having a proportion of BSL signers or deaf people in their upper management.

We believe a regulatory framework that promotes and foregrounds the best interests and expertise of deaf and disabled end-users will strongly encourage NGTR and VR providers to have significant resources of end-user expertise in their management structure and operating framework.

We believe a further article from the *UN Convention on the Rights of People with Disabilities* is relevant to the issue of involving deaf and Hard of Hearing people in regulation, monitoring and management of VR and NGTR:

- *Article 4 – General Obligations: In the development and implementation of legislation and policies to implement the present Convention, and in other decision-*

making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, ... through their representative organizations.

The BDA views this as further support for the establishment of separate Boards of expert service users for NGTR and for VR, with real powers to amend the regulatory framework and terms of service and propose where necessary amendments to legislation.

Question 7

Do you agree that a monthly allocation of minutes combined with a weekday / business hours service would be the most appropriate means to restricting the service?

The BDA strongly rejects this proposal. We believe it is disproportionate, and does not empower relay users to choose the service that best meets their needs.

We advocate the methods, market model and regulatory framework we have outlined in our response to Question 6 above.

Conclusion

The BDA welcomes Ofcom's findings that achieving functional equivalence requires VR services. This is a welcome step forward for the deaf and hearing communities, towards our dream of a society where all enjoy equal access and mutual respect.

We believe 24/7/365 access to VR services is a vital part of functional equivalence, and this must be implemented.

We also welcome some of Ofcom's NGTR proposals as a timely upgrade of text-relay services.

However, the BDA rejects Ofcom's proposals for implementation of their goals, specifically the way in which they eliminate choice, eliminate competition and disempower deaf people.

We also cannot accept Ofcom's refusal to involve deaf people at all levels, including service choice, service commissioning, and service oversight.

We are the experts on our lives. We know what we want from telecommunication services. Call us.

END OF BDA RESPONSE TO OFCOM