

BT response to Ofcom's consultation:

NEXT GENERATION TEXT RELAY: Approval of a text relay service

Publication Date: 28 November 2013

Closing Date for Responses: 10 January 2014

Introduction

We welcome Ofcom's proposal to approve our Next Generation Text Service (NGTS). Development, internal testing and implementation of NGTS are now entering the final phase. End-user trials are scheduled to begin in March 2014 once the build phase is complete.

Our NGTS will replace the current Text Relay in April 2014 in compliance with Ofcom's regulatory changes of October 2012.

Developing the NGTS is just one example of BT's commitment to ensuring all of our customers can get the maximum benefit from the communication services we offer.

<http://www.bt.com/includingyou/index.html> gives details of the inclusive and accessible options we provide to make communication experiences with us the best they can be. Our role as a Communications Provider is only part of this picture. In addition to our telephony, broadband and television products, we also commission, build and supply services to the communications industry so that they can meet the needs of their own customers. The NGTS is one such service and Communications Providers choosing BT's Next Generation Text Service will migrate seamlessly from the current Text Relay to the NGTS on its launch.

Approval of a relay service

Ofcom set out the approval criteria at Annex 4 of its Review of Relay Services published 17 October 2012¹ acknowledging that some, but not all, of General Condition 15.5 was relevant to the Relay Service Provider. In making the application for approval of our Next Generation Text Service, BT has given Ofcom evidence to guarantee its operational effectiveness, comply with the Key Performance Indicators and ensure accountability and transparency of its performance. However, while Ofcom's consultation to approve the NGTS covers these points, it also relies on the functionality set out under General Condition 15.5² to determine the approval. Clearly, BT's Next Generation Text Service must have the functionality set out in GC15.5 for Communications Providers, including us, to comply with the regulation. We believe it is worth noting that these regulatory obligations rest on Communications Providers rather than the Relay Service Provider.

Ofcom set out in the consultation its view that the approval criteria were necessary to ensure:

- *equivalence of access to relevant services for disabled end users*
- *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*

These criteria however pose a conundrum; has BT requested Ofcom approve the Next Generation Text Relay service we propose to offer to our customers or, have we sought Ofcom's approval of the NGTS on behalf of the Communications industry in our role as a Relay Provider?

For the answer to be the former, all Communications Providers would need to seek Ofcom's approval for their own Next Generation Text Relay services, even though each might have the same text relay service at its source. The more reasonable assumption then is that BT has asked Ofcom to approve the NGTS in our role as a Relay Service Provider and not a Communications Provider. If the

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

² <http://stakeholders.ofcom.org.uk/binaries/telecoms/ga/general-conditions22nov12.pdf>

latter is true, the fact that BT is also a Communications Provider is then irrelevant to this consultation.

The role of a Next Generation Text Relay Service Provider

The distinction between a Relay Service Provider and a Communications Provider is relevant because an alternative wholesale supplier of Text Relay may emerge in the future. We believe that Ofcom should consider whether it has sufficient power to enforce any remedial action that may become necessary should a future service fail to comply with the measures in place if a non-Communications Provider is the provider of that relay service.

Ofcom set out the approval criteria within the introduction of its consultation as follows:

- **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 the table of KPIs below³*
- **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*

³ Included for ease of reference at Annex 3 of this response

- *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*

We are confident that the NGTS will satisfy or exceed all of the criteria above. However, we remain concerned that were BT not a Communications Provider, Ofcom may have little power to take action against a failing Next Generation Text Relay service other than to revoke its approval. Ofcom has relied upon the Communications Act as the legal framework to underpin its review of relay services. However, this compliance tool is only effective for regulating Communications Providers and it remains unclear whether a Relay Provider would fall within this definition.

The role of a Communications Provider in relation to provision of Next Generation Text Relay service(s)

All Communications Providers should understand and recognise their responsibilities to customers using a Relay Service. Those covered under General Condition 15 are included within the introduction of Ofcom's consultation and listed below for ease of reference.

- ***A Relay Service provided by the Communications Provider 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*

However, Communications Providers should also be mindful of those obligations not covered specifically by General Condition 15, in particular the management of complaints that are outside the control, knowledge, or remit of the Relay Service Provider.

As the NGTS Provider, we can resolve end-user complaints about the relay assistant or a technical or functionality failure of either the NGTS software or the TextNumber set up process. Our complaint handling process will be available on the NGTS website when this launches early in 2014.

However, there may be complaints where we are not able to help. Many arise from problems connected directly with the end user's telephone service and these can only be resolved by their

Communications Provider. Telephone service complaints would include issues relating to billing, line and broadband faults and all Communications Providers are required to have a code of practice setting out how they manage complaints such as these. BT's Consumer and Small Business complaint procedure is at:

<http://www.btplc.com/Thegroup/RegulatoryandPublicaffairs/Codeofpractice/CustomerComplaintsCode/index.htm>.

Annex 7 of Ofcom's consultation includes BT's letter on this point. For ease of reference, the letter is also at Annex 2 of this response.

How the regulations affect Communications Providers and the Relay Provider

The table at Annex 1 of this response sets out our understanding of how the distinctions between Communications Provider and Relay Service Provider work in relation to General Condition 15. We believe these distinctions, along with those relating to complaints, are important to ensure end-users receive the best and least intrusive service possible when they need to use the NGTS. Improved transparency of these roles and responsibilities will help to minimise the need for customers to make multiple contacts to resolve any problems they experience and safeguard against industry and customer confusion.

BT supports Ofcom's proposal to approve the NGTS and we look forward to launching the Service in 2014.

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ANNEX 1

Regulation	Requirement	Responsibility	
		Relay Service Provider	Comms Provider
General Condition 15.3	Subject to paragraph 15.10, the Communications Provider shall ensure that such of its Subscribers who, because of their disabilities, need to make calls in which some or all of the call is made or received in text format, are able to access a Relay Service. Such Subscribers shall be charged for the conveyance of messages to which a Relay Service applies at no more than the equivalent price as if that conveyance had been made directly between the caller and the called person without use of a Relay Service: (a) except that the calling person may be charged standard local prices for the call made to a Relay Service Provider in order to make a call irrespective of whether the call is successful; and (b) applying a special tariff scheme designed to compensate Subscribers who need to make calls to which a Relay Service applies for the additional time to make telephone calls using a Relay Service. ⁴	Nil	Charge the Relay Service user at standard rates (including not charging for calls that would otherwise have been part of an inclusive tariff). Provide a scheme to compensate text relay users for longer call durations incurred by the presence of a relay.
General Condition 15.4	Subject to paragraph 15.10, the Communications Provider shall ensure that any End-Users of its services who need to make calls to which a Relay Service applies:	Ensure access to services is not restricted. Provide call progress voice announcements in a suitable form.	Comply with General Condition 4 and General Condition 8 in a manner suitable to use with a Relay Service. Ensure call progress voice announcements

⁴ This obligation is subject to consultation and change. Ofcom's consultation is here: http://stakeholders.ofcom.org.uk/binaries/consultations/access-disabled/summary/GC15_Statement.pdf

	(a) have access to Emergency Organisations, operator assistance services and a Directory Enquiry Facility using short code numbers; and (b) are able to receive call progress voice announcements in a suitable form.		can transit the network to the end-user in a suitable form
General Condition 15.5	(a) provide facilities for the receipt and translation of voice communications into text and the conveyance of that text to the terminal of End-Users of any provider of Publicly Available Telephone Services and vice versa	Ensure Relay Service functionality sufficient for Comms Providers to comply with General Condition 15.5(a)	Provide access to a Relay Service compliant with General Condition 15.5(a)
	(b) provide facilities for the receipt and transmission of voice communications in parallel with text communications, allowing both channels to work in tandem to deliver near synchronous voice and text	Ensure Relay Service functionality sufficient for Comms Providers to comply with General Condition 15.5(b)	Provide access to a Relay Service compliant with General Condition 15.5(b)
	(c) provide facilities for access to Emergency Organisations	The provider must ensure that in its NGTR service calls to the emergency services are prioritised and provided by a resilient network and system.	Ensure compliance with General Condition 4
	(d) subject to Conditions 3 and 13.1, be available for lawful use by End-Users at all times		Ensure access to the Relay Service is not restricted subject to Conditions 3 and 13.1
	(e) be capable of being accessed by End-Users of the service from readily available compatible terminal equipment, including textphones, Braille readers, personal computers and mobile telephones	Ensure open access protocols for end-user terminal equipment	Provide access to a Relay Service compliant with General Condition 15.5(e)
	(f) not prevent End-Users from communicating with other End-users of other approved Relay Services	Ensure the Relay Service does not restrict access to other approved Relay Services subject to interconnection and agreed industry network and system standards	Provide access to a Relay Service compliant with General Condition 15.5(f) and ensure end-user access is not restricted to prevent access to other approved Relay Services subject to General Condition 3 and 13.1
	(g) provide facilities to allow End-Users, who because of their disabilities need to make calls using a Relay Service, to receive incoming calls via the Relay Service, without the calling party needing to dial a	Ensure the Relay Service is able to connect voice calls without the need for the 18002 prefix	Open relevant number ranges to allow access

	prefix		
	(h) insofar as reasonably practicable, allow for communication between End-Users of the service at speeds equivalent to voice communications	Ensure the Relay Service can perform sufficient to discharge the required functionality of General Condition 15.5(h)	Provide access to a Relay Service compliant with General Condition 15.5(h) and ensure sufficient network speed and functionality to allow communication between End-Users at speeds equivalent to voice communications
	(i) take measures to ensure the confidentiality of communications between End-Users of the service	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	Ensure end-user confidentiality subject to relevant Data Protection principles
	(j) comply with any directions in respect of the service which Ofcom may make from time to time	Ensure that the Text Relay Service complies with Ofcom directions subject to agreed and reasonable implementation timescales for any development or change	Provide access to a compliant Text Relay Service
	(k) be approved by Ofcom for the purposes of this Condition 15.5.38	Ensure sufficient minimum functionality of the Text Relay Service to gain approval	Ensure end-users have access to an Ofcom-approved Text Relay Service
General Condition 15.10	The Communications Provider shall take all reasonable steps to ensure that the services which it provides in order to comply with the obligations contained in paragraphs 15.1 to 15.9 above are widely publicised, taking into consideration the need to disseminate information in appropriate formats through appropriate channels for disabled End-Users.	nil	Ensure end-users are aware of the services available to them via wide publication of their availability via appropriate channels.

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ANNEX 2



Kiera Bower
Ofcom
Riverside House
2a Southwark Bridge Road
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20 November 2013

Dear Kiera

TEXT RELAY: BT request for Ofcom Approval of the Next Generation Text Service (NGTS) – Complaint Handling

Further to our discussion requiring the relay service provider to have a complaints handling procedure in place and that this operates in a fair and timely manner. I can confirm this is the case and our process is set out below.

Our aim is to solve any problem to your complete satisfaction, and our helpdesk advisers will try to do this as quickly as possible, preferably during a phone call or email exchange. If we can't do this, we'll agree with you what we can do. We aim to respond to a letter within ten working days, an email within five working days and if we can't sort out your complaint when you phone us, we'll call you back within five working days.

If your complaint requires further investigation, it might take up to ten working days for us to investigate and respond to you.

We'll try to sort out your complaint on the spot but whatever happens, we'll respond and try to keep you regularly updated if it's going to take a while to check into things. If an advisor can't sort out your complaint, we'll escalate it. A manager will then work with you to try and sort out the problem. If that doesn't work out, we'll escalate to either the Centre Manager or NGTS Product Manager.

We settle most complaints by this stage but, if not, we'll explain our final position. In some cases, we might send you a 'deadlock' letter. This means there's nothing more we can do.

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You can ask for a manager to review your complaint at any time if our adviser hasn't been able to help and hasn't already offered to refer to a manager.

This procedure will be available on the www.ngts.org.uk website at the time of launch.

End-users wishing to complain about a poor experience directly due to the NGTS relay service should contact the NGTS at www.ngts.org.uk or direct to the NGTS helpline. This will allow us to begin an investigation of the complaint as soon as we receive it. The NGTS can only investigate complaints that relate to the NGTS service itself, which might be:

- Complaints about the relay assistant (their manner, level of understanding, the speed/accuracy of the call, etc);
- Complaints about a technical failure of the NGTS provided app software/functionality;
- Complaints about the TextNumber setup process or the TextNumber functionality.

However, the NGTS cannot resolve all complaints.

- For complaints about how a business/organisation contacted using text relay handled their call, (complex call steering, disconnection etc), end-users should contact that business/organisation or their representative body.
- For complaints about the telephone service (e.g. a fault, billing, or being unable to make a call through text relay) end-users should contact their Communications Provider (BT customers should contact BT Customer Service who will follow BT's Consumer and Small Business complaint procedure: <http://www.btplc.com/Thegroup/RegulatoryandPublicaffairs/Codeofpractice/CustomerComplaintsCode/index.htm>).

BT will also provide information on www.ngts.org.uk to help customers, Communications Providers, and businesses/organisations resolve complaints they receive from end-users unhappy about these elements of the service they have experienced when using text relay.

In addition to the complaints from end-users of the service, BT also has agreed industry timescales for resolving any Communications Providers' issues that arise from supply of wholesale services such as NGTS.

I trust this information is sufficient for you to proceed with the approval process for the BT NGCS. However, please contact me if you have any questions or need any more information.

Yours sincerely,

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ANNEX 3

Table of 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.