



# Next Generation Text Relay

Approval of a text relay service

Consultation

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## Section 1

# Summary

- 1.1 BT has submitted an application to Ofcom for the approval of a Next Generation Text Relay service. This document is a consultation on Ofcom's proposal to approve BT's proposed service under Condition 15 of the General Conditions of Entitlement.
- 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 "Statement"). The 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" or "NGTR". The 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 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 ("KPIs"), with which we said we would expect an NGTR service to be capable of complying.
- 1.5 We have assessed the information and undertakings provided by BT in relation to its application. On the basis of that information and those undertakings, and upon which detail Ofcom relies, we are minded to conclude that BT's proposed NGTR service meets, and should be capable of ongoing compliance with, the approval criteria. We are proposing to approve BT's application to provide an NGTR service, subject to responses received to this consultation.
- 1.6 Any approval given by Ofcom will be conditional on that service being capable of meeting, and continuing in practice to meet, the relevant criteria on an ongoing basis. Therefore, whilst we provisionally consider that the proposed service meets, and should be capable of ongoing compliance with, the approval criteria, 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.
- 1.7 The formal notification containing this proposed approval is set out in this document. We invite comments on our proposal to approve BT's application by 10 January 2014.

## Section 2

# Introduction

## Background

- 2.1 BT has submitted an application to Ofcom for the approval of a Next Generation Text Relay service. This document is a consultation on Ofcom's proposal to approve BT's proposed service under Condition 15 of the General Conditions of Entitlement.
- 2.2 On 17 October 2012 Ofcom published a statement entitled '*Review of Relay Services: Decision on the introduction of Next Generation Text Relay*' (the "Statement").<sup>1</sup> The 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" or "NGTR". The 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.
- 2.3 General Condition 15.3 requires communication providers to ensure their subscribers have access to a text relay service.<sup>2</sup> By a notification published with the Statement, Ofcom introduced a new General Condition 15.5, which provided that by no later than 18 April 2014 the relay service provided by fixed and mobile communications providers 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, communications providers must provide access to an NGTR service meeting the requirements of General Condition 15.5.
- 2.4 Under General Condition 15.5(j), any NGTR service is subject to prior approval by Ofcom. In the Statement we set out in detail and in advance the criteria by which we would assess an NGTR service submitted for approval.<sup>3</sup> 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 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 Act and our duties under section 3 and 4 of the Act.
- 2.5 In our 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 Statement are those by which we have considered BT's application. They are set

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

<sup>2</sup> 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 communication providers to provide access for their customers to a text relay service.

<sup>3</sup> Section 4 (paragraph 4.138 and Figure 3) of the Statement.

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;
- 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 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.

**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 the table of KPIs 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 of KPIs

Measure	Target
Standard relay calls answered within 15 seconds	90% on average  85% per 15 minute interval <sup>4</sup>
Emergency relay calls answered within 5 seconds	95%
Customers surveyed expressing dissatisfaction with the relay service	<5% customers dissatisfied
Standard relay calls abandoned <sup>5</sup>	<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

<sup>4</sup> 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.

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



## **BT's application for the approval of a Next Generation Text Relay service**

- 2.6 BT's request for approval consists of three non-confidential letters and one confidential letter.
- 2.7 The application consists 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 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 responses on 9 and 20 November 2013 before submitting its final response in relation to complaints handling in support of its application on 20 November 2013.
- 2.8 Copies of the non-confidential correspondence are published alongside this consultation:
- Annex 4: BT's 9 August 2013 submission;
  - Annex 5: Ofcom's 3 September 2013 letter to BT;
  - Annex: 6: BT's 23 September 2013 submission;<sup>6</sup> and
  - Annex 7: BT's 20 November 2013 submission.<sup>7</sup>

## **Legal framework**

- 2.9 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 Statement. Reference should be made to that Annex for a comprehensive explanation of that framework.
- 2.10 In relation to the approval of a NGTR service, section 49 of the Communications Act (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 considered whether the approval is objectively justified and necessary under this heading), and transparent in relation to what it is intended to achieve.
- 2.11 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.

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<sup>6</sup> In addition to the information published in Annex 6, BT provided Ofcom with confidential information about its proposed NGTR service in support of its application.

<sup>7</sup> This response confirms BT's complaints process for its proposed NGTR service following email correspondence between Ofcom and BT (described in paragraph 2.7 of this document) on this issue.

## **Representations**

- 2.12 We invite representations on the proposals set out in this document from all interested stakeholders by 10 January 2014.
- 2.13 Annex 1 contains details on how to respond to this consultation. We will consider all responses and will publish a decision on these proposals in advance of April 2014.

## **Scope of the remainder of this document**

- 2.14 This remainder of this document sets out:
- our assessment of BT's application against the criteria in General Condition 15.5 and the approval criteria; and
  - our proposal to approve BT's application to provide an NGTR service, subject to responses received to this consultation.
- 2.15 The formal notification setting out our proposal to approve BT's NGTR service is attached at Annex 8.

## Section 3

# Assessment of BT's application for approval of a Next Generation Text Relay service

## Introduction

3.1 In this section we set out our assessment of BT's proposed NGTR service by reference to the criteria set out in General Condition 15.5 and the approval criteria set out in the Statement (see figures 1 and 2 above). Subject to responses received to this consultation, our provisional conclusion, based on the information and undertakings BT has provided to us<sup>8</sup> and upon which detail Ofcom relies, is that BT's proposed service meets, and should be capable of meeting on an ongoing basis, all the relevant criteria. We are therefore proposing to exercise our power under section 49 of the Act to give approval to the service under General Condition 15.5(j).

3.2 Our assessment is set out in full below.

## Our 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.<sup>9</sup>

3.3 BT has confirmed (see Annex 4 and 6) 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 communications providers 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;

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<sup>8</sup> Set out in more detail in Annexes 4, 6 and 7.

<sup>9</sup> See Figure 1.

- 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) that its proposed NGTR service will connect all calls presented to it by communications providers 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;
- not prevent end-users from communicating with other end-users of other approved relay services;<sup>10</sup>
- 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) 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.<sup>11</sup>

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

3.4 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).

<sup>10</sup> Where interoperable compatible and technically feasible.

<sup>11</sup> Subject to technical feasibility and reasonable, agreed implementation/transition timescales.

- 3.5 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), 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.
- 3.6 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.

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.

- 3.7 BT has confirmed, in its letter of 9 August 2013 (Annex 4), 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

- 3.8 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.

- 3.9 BT stated in its letter of 23 September 2013 (Annex 6) 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](http://www.textrelay.org) and in its annual report: [http://www.btplc.com/Sharesandperformance/Annualreportandreview/pdf/2013\\_BT\\_Annual\\_Report\\_smart.pdf](http://www.btplc.com/Sharesandperformance/Annualreportandreview/pdf/2013_BT_Annual_Report_smart.pdf)
- 3.10 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.

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

- 3.12 As noted above, in its letter of 23 September 2013 (Annex 6), 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.
- 3.13 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), 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.

- 3.14 In its letter of 9 August 2013 (Annex 4), 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.

- 3.15 In its letter of 9 August 2013 (Annex 4), BT confirmed that its proposed NGTR service will not prevent end users from communicating with other end-users of other approved relay services.<sup>12</sup>

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<sup>12</sup> Where interoperable compatible and technically feasible.

### Provisional conclusions on approval criterion 2

- 3.16 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.

### **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).

- 3.17 In its letter of 9 August 2013 (Annex 4), 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](http://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.
- 3.18 In its letter of 23 September 2013 (Annex 6), 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

- 3.19 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.

- 3.20 As set out above, in its application (Annex 4 and 6), 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) it will also publish information on the way performance is monitored once its review is complete.

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

- 3.21 In its letter of 23 September 2013 (Annex 6), 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.

- 3.22 In its letter of 20 November 2013, (Annex 7), 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.

- 3.23 In its letter of 23 September 2013 (Annex 6), 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.
- 3.24 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

- 3.25 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).

## **Conclusions**

- 3.26 We have assessed the information and undertakings provided by BT, and on which we rely, in relation to its application. For the reasons set out above, we provisionally consider that BT's proposed NGTR service meets, and should be capable of ongoing compliance with, the four approval criteria. We therefore propose to approve BT's application to provide an NGTR service, subject to responses received to this consultation. The formal notification containing this proposed approval is set out in Annex 8. We invite comments on our proposal to approve BT's application by 10 January 2014.
- 3.27 We note that any approval given by Ofcom will be conditional on that service being capable of meeting the agreed criteria on an ongoing basis. Therefore, whilst we are minded that the proposed service meets, and should be capable of ongoing compliance with, the approval criteria, 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. 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.

- 3.28 For the reasons set out in this consultation document, we are satisfied that our approval of BT's proposed NGTR service would satisfy the tests set out in section 49 of the Act. Our decision to give approval would not be 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 would be 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 communications providers 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. For the reasons set out in the Statement, 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 communications providers.
- 3.29 We are also satisfied that the approval of BT's proposed NGTR service would be transparent in relation to what it is intended to achieve. The nature of, and reasons behind, our proposed approval are set out in this document. Following consideration of consultation responses, we will publish a statement in advance of April 2014 setting out the reasons for our decision.
- 3.30 Ofcom is further satisfied that our proposal to give approval for BT's proposed NGTR service satisfies the duties set out in section 3 and 4 of the Act. In particular, the proposed approval would further 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. The proposed measures are ones which will improve the quality of communications services offered to those groups and will therefore go towards fulfilling those duties.
- 3.31 Ofcom has already done 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 communication providers of an NGTR service. That is relevant here. Our proposed approval of BT's NGTR service implements and gives effect to a key aspect of that decision. Accordingly, Ofcom does not consider a further impact assessment to be necessary.

## Annex 1

# Responding to this consultation

## How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 10 January 2014**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://stakeholders.ofcom.org.uk/consultations/text-relay-service/howtorespond/form>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), to indicate whether or not there are confidentiality issues. This response cover sheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses - particularly those with supporting charts, tables or other data - please email [relayservices@ofcom.org.uk](mailto:relayservices@ofcom.org.uk) attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.
- Kiera Bower  
Floor 2  
Consumer Group  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 Users of BSL who find written English difficult can also submit a response in the following ways:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. We will translate your response and publish a translation (unless your response is confidential).
  - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the URL link. We will translate your response and publish a translation.
- A1.7 It would help if you can explain why you hold your views and how Ofcom's proposals would impact on you.

## Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk), ideally on receipt. If you think your response should be kept confidential, can you please specify what part or whether all of your response should be kept confidential, and specify why. Please also place such parts in a separate annex.
- A1.9 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and will try to respect this. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.10 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

## Next steps

- A1.11 Following the end of the consultation period, Ofcom intends to publish a statement before April 2014.
- A1.12 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: [http://www.ofcom.org.uk/static/subscribe/select\\_list.htm](http://www.ofcom.org.uk/static/subscribe/select_list.htm)

## Ofcom's consultation processes

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

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

Tel: 020 7981 3601

Email [Graham.Howell@ofcom.org.uk](mailto:Graham.Howell@ofcom.org.uk)

## Annex 2

# Ofcom's consultation principles

- A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

## Before the consultation

- A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

## During the consultation

- A2.3 We will be clear about who we are consulting, why, on what questions and for how long.
- A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened Plain English Guide for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.
- A2.5 This consultation is a category three consultation meaning we will consult for one month. However, we are extending the consultation period by two weeks as the consultation period falls over the Christmas and New Year holiday period. For more information on consultation lengths, please see:  
<http://stakeholders.ofcom.org.uk/consultations/how-will-ofcom-consult>
- A2.6 A person within Ofcom will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. Ofcom's 'Consultation Champion' will also be the main person to contact with views on the way we run our consultations.
- A2.7 If we are not able to follow one of these principles, we will explain why.

## After the consultation

- A2.8 We think it is important for everyone interested in an issue to see the views of others during a consultation. We would usually publish all the responses we have received on our website. In our statement, we will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

## Annex 3

# Consultation response cover sheet

- A3.1 In the interests of transparency and good regulatory practice, we will publish all consultation responses in full on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk).
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality where appropriate.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at [www.ofcom.org.uk/consult/](http://www.ofcom.org.uk/consult/).
- A3.5 Please put any parts of your response you consider should be kept confidential in a separate annex to your response and include your reasons why this part of your response should not be published. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only, so that we don't have to edit your response.

## Cover sheet for response to an Ofcom consultation

### BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

### CONFIDENTIALITY

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

Nothing

☐

Name/contact details/job title

☐

Whole response

☐

Organisation

☐

Part of the response

☐

If there is no separate annex, which parts?

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

### DECLARATION

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

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

☐

Name

Signed (if hard copy)

## **Annex 4**

# **BTs original application for approval of its text relay service (9 August 2013)**

A4.1 Published separately to this consultation on the Ofcom website.

## Annex 5

# Ofcom response to BT application (3 September 2013)

A5.1 Published separately to this consultation on the Ofcom website.



## **Annex 6**

# **BT application – further information (23 September 2013)**

A6.1 Published separately to this consultation on the Ofcom website.

## Annex 7

# BT application: Further information on the complaint process (20 November 2013)

A7.1 Published separately to this consultation on the Ofcom website.

## Annex 8

# Notification of proposed approval of a Next Generation Text Relay service

## PROPOSED APPROVAL OF A NEXT GENERATION TEXT RELAY SERVICE FOR THE PURPOSES OF CONDITION 15.5 OF PART 2 OF THE GENERAL CONDITIONS UNDER SECTION 49A OF THE COMMUNICATIONS ACT 2003

### 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 2013, 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**”).

### PROPOSAL

6. On 9 August 2013, OFCOM received a request from BT to approve a proposed new Next Generation Text Relay Service. On 23 September 2013 and 20 November 2013, BT provided further material to OFCOM to support its request. OFCOM has reviewed BT’s request and considers that the proposed service meets the requirements of Condition 15.5 and the Approval Criteria. Ofcom therefore proposes to approve BT’s Next Generation Text Relay Service, as requested, for the purposes of General Condition 15, General Conditions 15.3 and 15.5 in particular.

7. The effect of, and OFCOM's reasons for, proposing to grant the approval are set out in the consultation document accompanying this Notification.
8. OFCOM hereby gives notice of its proposal in accordance with section 49A of the Act, to approve BT's Next Generation Text Relay service.

### **OFCOM'S DUTIES AND LEGAL TESTS**

9. For the reasons set out in the consultation document accompanying this Notification, OFCOM is satisfied that all applicable legal tests would be met if OFCOM was to grant the proposed approval, including the requirements of section 49 of the Act.
10. In making the proposals set out in this Notification, 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.
11. A copy of this Notification and the accompanying consultation document have been sent to the Secretary of State, in accordance with section 49C(1)(a) of the Act.

### **REPRESENTATIONS**

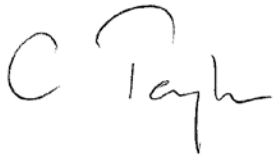
12. Representations may be made to OFCOM about the proposals set out in this Notification and the accompanying consultation document no later than 10 January 2014.

### **INTERPRETATION**

13. For the purposes of interpreting this Notification—
  - (a) except insofar as the context otherwise requires, words or expressions have the meaning assigned to them in this Notification 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 Notification shall be construed accordingly; and
  - (d) the Interpretation Act 1978 (c.30) shall apply as if this Notification were an Act of Parliament.
14. In this Notification:
  - (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).

Approval of a text relay service

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

**28 November 2013**

## Annex 9

## 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 a 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.