



COVER SHEET

BASIC DETAILS

Consultation title: *Improving access to electronic communications services for disabled people: Call for inputs*

To (Ofcom contact): *Katie Hanson*

Name of respondent: *Ben Brown*

Representing (self or organisation/s): *British Sky Broadcasting Group plc*

Address (if not received by email): *N/A*

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?

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☐

Name

Signed (if hard copy)

Ben Brown



Ofcom Call for inputs on improving access to electronic communications services for disabled people

Sky Response

1. This is the response by British Sky Broadcasting Group PLC ("**Sky**") to Ofcom's call for inputs on improving access to electronic communications services for disabled people (the "**Call for Inputs**"). We have not responded to the specific questions set out in the Call for Inputs but we have provided more general views on some of Ofcom's proposals which we hope Ofcom will find helpful.
2. Sky is the United Kingdom's leading pay TV operator. With Sky Broadband and Sky Talk, Sky is also the UK's fastest growing broadband and telephony provider. As at 31 December 2012, Sky had 10.74 million subscribers to its satellite TV business, Sky Broadband had reached 4.2 million customers, and Sky Talk had over 4 million telephony customers. Last summer Sky also launched NOW TV, a brand new internet TV service that provides Sky Movies titles (with more entertainment and sport to come this year) streamed through a broadband connection.
3. Sky welcomes this opportunity to respond to the Call for Inputs. As a responsible broadcaster and communications provider we have long had a commitment to helping and supporting all our disabled customers to make the most of their communications services with Sky. Therefore, Sky agrees absolutely that communications providers should be required to promote access to communications services for disabled customers and that General Condition 15 is working well in achieving this aim. However, Sky has a number of concerns regarding the additional measures designed to improve such access, as proposed by Ofcom in the Call for Inputs, which we set out below.

Sky's accessibility programme

4. Sky has considerable experience in making its products and services available to consumers with differing abilities in the national markets in which it operates, to the benefit of consumers' quality of life and the UK and Irish digital economies, at a significant cost to Sky.
5. People with disabilities can use the full range of services offered by Sky, for instance a blind or partially-sighted person can enjoy the range of programmes offered with the use of audio description, enabling them to listen to a secondary audio track which describes the action, costume or character expressions present on screen when there is no script. We have more than 25,000 hours of audio described content available on Sky's wholly owned channels. Deaf and hard of hearing customers can also enjoy our programmes with the support of more than 400,000 hours of subtitles annually. We also support these customers with access to quality British Sign Language presented programming through a partnership with the British Sign Language Broadcasting Trust. These access services are easy to access and are enabled through the on-screen menu



of Sky's Electronic Programme Guide. Where available, our Sky Anytime video on demand service also supports audio description and subtitles.

6. Moreover, Sky recognises fully the need to ensure all its customers can engage with our services, and gain the right kind of support. Sky has a dedicated team of over more than 80 customer service representatives who are highly trained and provide specific support for our disabled customers ("**Accessibility Team**"). This Accessibility Team supports more than 60,000 customers who have self-declared that they would like additional support.
7. Our disabled customers are given the opportunity to receive any communications from Sky in formats of their choosing, including Braille, large print and audio, and we have built a dedicated website where information about all our products, services and support for disabled customers is provided in an accessible format (see www.sky.com/accessibility). We also enable our speech and hearing-impaired customers to contact us through our direct, real-time service, TextPhone, whilst also supporting them in more traditional telephony channels by up-skilling all our customer-facing staff to ensure they know how to respond appropriately to these customers. Our customers also have access to text relay services so that they can make a call in a text format at no more than the equivalent price than if that call had been made directly. We are supporting the introduction of a next generation text relay service and have also signed up to the Business Taskforce on Accessible Technology's Accessibility Charter which sets out our commitment to continuously improving the accessibility of our customer-facing products, websites and support systems.
8. Keeping in touch with the views of our customers is fundamental to our business and we use a variety of channels to garner feedback from our disabled customers. Likewise, we actively engage with the charities and non-governmental agencies that support disabled customers and we encourage these organisations to raise with us the specific needs of their members. This feedback is invaluable to our future product developments and we often ask disabled customers and interest groups to user-test new product developments before they are launched. We always aim to invest in services in a manner that does not favour one particular disability group at the expense of another.
9. We would be pleased to share our experience in providing accessible products and services to consumers with differing abilities in greater depth with Ofcom.

Bills and contracts in accessible formats

10. We appreciate that disabled end users other than those who are blind or visually-impaired might benefit from the provision of contracts and bills in an accessible format.



However, Ofcom's current proposal¹ to extend the scope of General Condition 15.9 to any subscribers who, by reason of their disability, would benefit from the provision of such contracts and bills is potentially very wide-reaching and open ended. We are unclear as to which disabled customers, other than customers with learning disabilities, could benefit from such an extension.

11. Although we already provide accessible bills and contracts in a range of formats suitable for blind and visually impaired customers, this does not require us to re-write our contracts. A requirement on communications providers to re-write their customer contracts in 'Easy Read' format, as proposed by Ofcom², would be very time consuming and communications providers are likely to incur significant costs in implementing such a requirement. Ofcom itself notes, in paragraph 3.16 of the Call for Inputs, that:

"the Easy Read format may be time consuming to produce and the estimated cost could be up to £50/page".

Such a requirement would also lead to a two-tiered contract structure with communications providers having one contract in place for customers with learning disabilities and another contract for all other customers.

12. In our view, the costs and time involved in re-writing customer contracts to meet such a requirement would be disproportionate to the benefit which would be realised by the small number of our customer base who have learning difficulties and might benefit from contracts and bills in 'Easy Read' format. Again, Ofcom itself recognises³ that the number of customers requesting accessible contracts and bills is currently low (estimated to be less than 0.01% of customers) and there is nothing to suggest that the volume of customers requesting accessible bills and contracts would not increase much beyond this if General Condition 15.9 is extended in the way proposed by Ofcom.
13. There are alternative methods by which we could make our contracts and bills easier to understand for our customers who have learning disabilities. For example, we could explain our contracts and bills to such customers over the phone. We already have facilities and processes in place which enable customers to enter into contracts with Sky without the need for written communication. For example, customers can enter into paperless contracts online with the support of a customer service agent, allowing our dedicated Accessibility Team to support those with learning disabilities or other cognitive impairments to interpret and understand their contracts and bills. In addition we draw out the key provisions at the top of our contracts so that they are more accessible to our customers.
14. We already make contracts and bills available in accessible formats to all Sky customers,

¹ As set out in paragraph 3.5 of the Call for Inputs

² In paragraph 3.6 of the Call for Inputs

³ In paragraph 3.17 of the Call for Inputs



including Sky Broadband customers. We believe this to be a 'best practice' accessibility policy and it is something that we have had in place ever since the launch of our broadband offering.

Extending priority fault repair to include broadband

15. Although we understand that, in this day and age, broadband services are important to a large part of our customer base, we are not convinced that such services are essential services as they are not required in order for customers to contact emergency services if the customer has working voice services. Therefore, we have some misgivings as to whether it is necessary to extend the priority fault repair obligation in General Condition 15.6 to broadband providers.
16. In addition, we believe that there would be a number of practical difficulties involved in providing a priority fault repair service in respect of our broadband products:
 - a. It is difficult to define what is a broadband 'fault' – for voice services, it is easy to define faults (for example, there is a fault if the customer is not able to make or receive calls) but for broadband, customers may experience a number of issues which do not necessarily denote that there is a fault with their broadband service (for example, a reduction in broadband speed, issues with connecting to a specific website or issues connecting a particular computer to the broadband router).
 - b. Openreach does not guarantee that its copper lines, over which we provide our broadband service, can support a broadband service (i.e. there is no 'service obligation' on Openreach to deliver broadband). Therefore, if there is a 'fault' with a customer's broadband service, it may be that it is the best service the customer can get due to the copper line over which the service is provided. In addition, the arrangement which we have in place with Openreach under which it provides a priority fault repair service on our behalf to our voice customers who have disabilities, does not extend to repairing faults which are causing issues with our broadband service. We suspect that Openreach will be reluctant to accept requests to provide such a priority fault repair service without charging communications providers.

Safeguard scheme for disabled users: third party bill management

17. All Sky TV, Sky Talk and Sky Broadband customers, regardless of the reason why they might require additional support, can nominate a third party to manage their account on their behalf. Once this facility is put in place, the nominated third party can manage all aspects of the customer's account, including reviewing and paying bills on behalf of that customer. This process is managed by our Accessibility Team. We have processes in place to ensure that we comply with all applicable data protection requirements in administering this safeguard scheme and to ensure that consent is always given by the account holder. This safeguard scheme is available to all of our customers with disabilities as well as our vulnerable customers.



Safeguard scheme for disabled users: third party fault notification

18. The safeguard scheme outline in paragraph 18 above also allows the nominated third party to notify us of any faults with the relevant customer's talk, broadband or TV service.

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

19. As required by GC 15.10, we take appropriate steps to ensure that our customers who have disabilities are informed about products and services which are available to support them to make the most of Sky. We give due consideration to the different disabilities which our customers may have when communicating this information and regularly update it based on formal user-testing with disabled individuals. All information relating to our accessibility offering is available on our dedicated accessibility website (www.sky.com/accessibility). This website has been designed to give the highest levels of accessibility and contains information about all products, services and contact methods suitable for our customers with disabilities. We also disseminate this information through disability organisations (for example, the RNIB) because our research shows that customers often contact these organisations for information regarding their communications provider.
20. The customer service agents in our dedicated Accessibility Team have the knowledge and expertise to provide advice to customers in respect of all of our products and services which are suitable for our customers who have disabilities and will provide this information to customers no matter how they are contacted (for example, by telephone, email, live chat, TextPhone or an available relay service). Further, all of our other customer service staff undertake training which enables them to know when to transfer a customer to our Accessibility Team for further information on our accessibility offering. This training is increasingly being extended to our engineers who visit customer homes.
21. While we appreciate that it is important to ensure that the right information is provided to the right customers in the right format, we do not believe that any additional requirement to actively disseminate information on our available products and services which are suitable for customers who have disabilities, beyond our current practices, would provide much incremental benefit to our disabled customers. In our view, there is a danger that the provision of such additional information may even be intrusive and somewhat annoying for our customers. Indeed, any additional such requirements would require significant resource and would create an administrative burden that exceeds the benefit to customers. We consult our base of customers with disabilities on a regular basis and they tell us that they find our existing methods for communicating the support we can provide sufficient.

Sky
22 February 2013