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**Telefónica UK Ltd response to Ofcom's Call for Inputs:**
**"Improving access to electronic communications services for disabled people"**


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*Introduction*

1. Telefónica UK Limited ('TEF UK') welcomes the opportunity to contribute to Ofcom's call for inputs, "Improving access to electronic communications services for disabled people" ('Call for Inputs') which suggests amendments to General Condition 15 ('GC15').

2. It is absolutely right that Ofcom take this opportunity to check whether everyone can access important digital services if they want to and, if they can't, to understand what is preventing them from doing so.

3. In answering the latter part of this question, Ofcom will have the chance to assess whether the proposals suggested in this paper will really improve access to services, particularly amongst those disabled people who don't currently use them. And to consider what is being done already and whether there are other things Ofcom could do to influence change faster, more efficiently and with better results than formal regulation, which is necessarily bound by various legal tests.

4. It is also important to note that times are changing. And digital communications networks are in the midst of a significant transition which forms the background to this review. Any proposals Ofcom make today, may be outdated, ineffective or simply irrelevant in as little as six months, as 4G services begin to compete and the smartphone and tablet continues to grow in popularity.

5. Most importantly, this paper initiates conversation between a broad range of stakeholders to learn what works, what doesn't and future possibilities. In this regard, it is Telefónica's hope that this Call for Inputs is successful in making sure more people can enjoy digital services. Telefónica's own commitment to that aim is aptly demonstrated by its recent collaboration with the RNIB to train O2 Gurus (in store tech specialists) to offer a more tailored service to blind and partially-sighted customers[1].

6. As Lesley-Anne Alexander CBE, Chief Executive of RNIB, observed:

   "*This step will certainly give O2 the edge when customers with sight loss are looking to upgrade their mobile technology. We hope that O2's lead is taken up by other commercial brands to make the high street more accessible for blind and partially sighted people*."

7. This initiative also serves to remind us that, increasingly, it is competition, market forces and social responsibility that are the most persuasive factors to motivate businesses to create and retain services that support all its

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[1] http://news.o2.co.uk/2013/01/22/o2-and-rnib-train-gurus-to-better-assist-blind-and-partially-sighted-customers/

customers, including those with disabilities and Ofcom should not be too quick to dismiss these factors in favour of 'one-size fits all' regulation.

*Phones for everyone*

8.  The popularity of smart phones and tablets means that disabled customers no longer need (and perhaps never wanted) to wait for specialised handsets to enjoy digital services, as a range of apps and services now allow anyone to customise their phone to suit their individual needs and preferences.

9.  A prime example of just such an innovative app, is the service provided by www.equaleyes.co.uk. Services like this alert us to a market that is emerging, instigated by entrepreneurs and small start-ups, that with the right care and assistance will compete to offer disabled customers more and more services for better and better value than previously envisaged.

10. This particular service has been supported by Wayra UK Ltd[2], providing mentorship, connections and advice on starting and sustaining a successful new digital business.  Opportunities like those provided by Wayra UK Ltd can easily by mirrored by Ofcom to stimulate and inspire improved access to communications services without the need for formal regulation.

*Better broadband*

11. Ofcom's Consumer Experience Report 2012[3] indicates that the take up of broadband between disabled and non-disabled people is relatively comparable in lower age groups, but that the gap becomes wider as age increases and amongst those with visual or mobility impairments. But to determine whether these statistics can be improved by bringing broadband within the scope of GC15, it is first necessary to understand what is preventing more people from using fixed broadband, and whether it is the nature of the product itself (primarily providing access to visual media) or whether there is a confidence issue (noting that even amongst the general population those over 65 have a significantly lower take up of digital services).

12. Where the aim of this paper is to improve access to services, it is important to ask whether the fact that customers can receive their bills in alternative formats will encourage more over 65s who are disabled to try broadband, or whether they would benefit more from teaching or inspiration to get online by digital champions or services designed to build their confidence when using computers and the internet. The question becomes even more

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[2] http://news.o2.co.uk/2013/02/14/wayra-unltd-launches-to-support-uk-social-enterprise-businesses/

[3] **Page 72, Para. 5.6.2** http://stakeholders.ofcom.org.uk/binaries/research/consumer-experience/tce-12/Consumer_Experience_Researc1.pdf

pertinent when Ofcom considers that Telefónica and many of the large broadband providers already offer bills and other literature in alternative formats.

13. This illustrates that the General Authorisation Regime may not be the only, or even the most appropriate, means by which Ofcom can encourage the take-up of services amongst disabled people who do not already use them. Rather, GC15 and regulation can serve as a safety-net for customers of providers who do not already offer support for their disabled customers or have difficulty interpreting how the Equality Act applies to their businesses. In this respect, GC15 should only be amended to include services that are not already being provided by the market, and to set minimum standards of service for all customers.
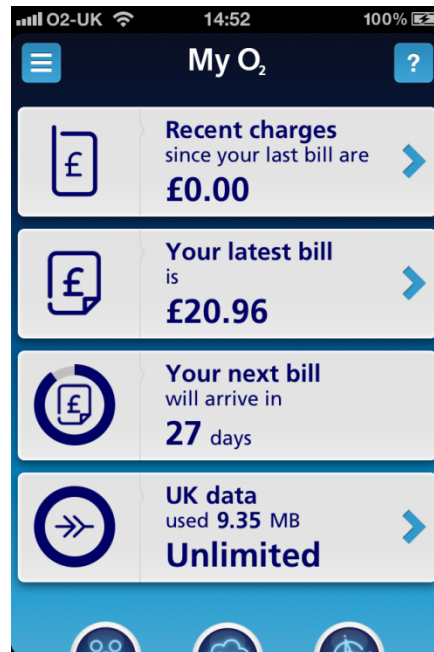
### *Bills*

14. Telefónica offers Braille, Large Print and Audio bills for customers who request it, with free online bills being offered as standard for all customers. We have no records of any requests for bills or literature in any other format, nor complaints about not supplying other formats.

15. Our online bill provides a number of benefits to all our customers, not only those with disabilities. It allows customers to adjust their screen settings to suit their own preferences, provides an interactive environment that helps customers query and understand their bills better and offers direct access to online virtual support and FAQs, customer service contact information, web chat and community chat forums for peer assistance.

16. Our mobile customers also have the ability to download their bills in PDF format which, we understand, is a format compatible with most screen-reading software.   Furthermore, the online functionality means that users can share their billing details with trusted friends and family who can help them manage their account without the need to formally nominate a specific person to manage the account. It also has the benefit of serving customers who may not necessarily consider themselves to be disabled, but may find they simply cannot do all the things they used to do, perhaps as a result of ageing.

17. The success of our online billing function, and the relative lack of demand for alternative bills[4] (we have received no requests for Easy Read bills, nor any complaints about not being able to provide it) demonstrates that universal and inclusive design should be the basic standard for all, with GC15 being reserved as a safety net for those communications-specific issues that neither the market nor legislation is able to protect against.

18. Furthermore, O2 customers can access their billing details and usage via the

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[4] [✄].

'MyO2' app, which provides customers with a simple and straightforward way to monitor their use and billing information (see Figure 1).

*__Figure 1:__ Screenshot from the My O2 App*



19. As a safety net, we consider it is only necessary for Ofcom to expressly prescribe the ability to offer Braille and Paper bills as a proportionate minimum standard for all service providers. The market appears to have already developed and offered other formats (e.g. Audio) as a means of differentiating their brand or simply complying with the reasonable adjustments required by the Equality Act, suggesting that further prescription by Ofcom is unnecessary.

20. Ofcom asks about the incremental costs of providing contracts and bills in accessible formats for fixed phone and broadband customers. Because Telefónica already offers accessible bills to all our customers who request it, and that includes a bundled bill for both our fixed broadband and fixed phone customers, any additional costs that could potentially arise would be a result of a regulatory requirement to offer other alternative formats, such as Easy Read bills or other customer literature. That would require some investment in development and formatting costs (which for contracts we would expect to be significant). Ongoing operational costs are likely to be dependent on the relative demand for the service, which is as yet unclear. In the absence of any requests for Easy Read formats, our experience suggests that there would be negligible take-up of such a service.

### *Third party bill management*

21. O2 customers can request 'account protection' which allows customers to authorise a third party to have full access to their account and services and manage them on their behalf. [✂].

22. Of course some customers who do not have, or do not wish to declare their, disabilities also choose to manage their accounts in this way [✂]. For these customers we may never know that that is how they are managing their accounts, nor whether they are in fact disabled.

23. The benefit of a service like this is that customers have greater control and flexibility over how they or who else manages their accounts without unnecessary bureaucracy.

24. By providing universally accessible support services, like online billing, that put the control and decision-making in the hands of the customer, Telefónica has been able to ensure any incremental costs of operating a safeguard scheme for disabled customers has been manageable. However this is only possible because no formal registration or membership is required, thereby minimising overheads. If Ofcom's expectations were to deliver a more formal scheme, where we could produce and identify members then this would be likely to incur some development costs in updating the various legacy customer care and billing systems. The benefits of doing so would be negligible, given that many customers can already functionally achieve the same ends without declaring their wish to do so or whether they have a disability.

25. The success of any third party management relies on being underpinned by a strict and robust Data Protection policy and security system. This can, on occasion, cause frustrations when security checks aren't passed or, when it is known that we are speaking with a third party, that account features such as parental locks etc, cannot be disabled by that third party.

### *Publicising products and service for disabled customers*

26. Telefónica currently publicises the option for third party bill management and its other accessibility services on our o2.co.uk/accessforall website. We have refrained from direct marketing to disabled customers for a number of reasons, not least because we do not have any means of easily identifying which of our customers are disabled or could benefit from the information provided on our website. Furthermore, any material sent to the customer is likely to be untargeted and requires us to make assumptions about the customer's abilities and level of independence. In these circumstances, we do not see how direct marketing of such information is particularly beneficial.

27. Beyond the scope of GC15, and prior to our collaboration with the RNIB, Telefónica produced a guide[5] to choosing mobile phones. But, increasingly, customers are finding greater accessibility not through the kit they acquire, but how they can adapt standard handsets with apps designed for their particular needs to create a customised product. We do not actively promote third-party applications to our customers, although we may help them understand how to search and download applications, if asked.

28. Ofcom asks about the potential costs of publicising these services more pro-actively. Whilst it is difficult, at this stage, to calculate precise figures, we are confident that any costs would be disproportionate to the potential benefit. The costs of identifying the target recipients alone would be significant, as it would require amendments or updates to our customer systems and databases. It would then require dedicated resource to regularly research, write and develop a publication that is consistent in style, tone and language with other brand literature, on a regular basis, that includes all services and products designed for a broad range of disabilities.

29. We consider that organisations that represent and have specific expertise on particular disabilities, are ideally placed to provide their stakeholders with information on the products and services available to them and can do so without any concerns about inadvertent interference with competition in the new and emerging markets for these products.

30. Accessibility Forums and information-sharing opportunities with these organisations would enable the right information to get to the right citizens at the right time and in a manner that is targeted and useful to the audience receiving it.

### *Priority Fault Repair*

31. Ofcom asks about the most common fixed broadband faults, but we are unclear about how this information would assist Ofcom with its consideration of a Priority Fault Repair service for broadband. We consider it may be more useful for Ofcom to discuss and consider an objective set of circumstances in which a customer should qualify for the Priority service. Telefónica abides by the standards and criteria set out in BT Openreach's WLR3 customer service plan and it would seem appropriate that, if Broadband is included, that the criteria and expectations of the service remain the same for Broadband as they are for Home Phone.

32. It is considerations such as these that will, ultimately, dictate the potential costs of implementing and maintaining such a service. If the 'priority' status is diluted then the costs are likely to be significant. Furthermore, If the criteria for qualifying for the scheme are too subjective or difficult to

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[5] http://static.o2.co.uk/assets2/pdf/Attachments_32066_O2_leaflet.exe

administer, the service becomes unmanageable and difficult to maintain at a reasonable cost. Using the WLR3 Customer Service Plan for reference, the criteria is sufficiently clear such that the process is required infrequently, with our other care options providing sufficient comfort for customers.

33. Telefónica aims to offer a universally high standard of support to all our broadband customers. All our fixed broadband customers are offered 24/7 technical support including 'Broadband Assistant' software which works in the background to identify, diagnose and resolve basic faults. This also gives customers direct access to a web chat service with technical advisors to assist if needed. Where faults cannot be resolved using the software or by the customer, technical advisors can, with the customer's permission, use remote access tools to control the customer's computer and assist directly. On occasions when an engineer is required we follow the BT Openreach designed processes.  For issues arising with the router, a new router is despatched using DHL next day delivery and a pre-paid envelope is supplied for the customer to return any faulty equipment.

34. We also offer customers access to a series of 'Guru Videos', alongside FAQs to make it easy for customers to resolve any issues themselves, quickly and safely (see Figure 2).

**_Figure 2:_** _Extract from O2.co.uk **–** Broadband Support FAQs_
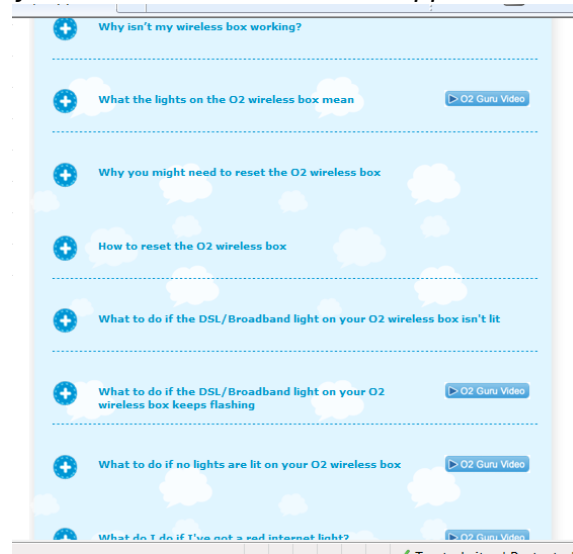


35. In response to questions about mobile broadband, with the impending rollout of competing 4G networks it is impossible not to notice that mobile digitial services are in a state of transition, and the speed and capacity that a 4G network offers suggest that we are on the verge of a host of new and innovative services. But, it would be wrong to pre-empt that growth and what it means to disabled customers at this stage, and therefore perhaps too early to even suggest that it provides customers with such a dependency as to warrant consideration of a priority repair service at this point in time.

### *Conclusion*

36. We think a review of GC15 is timely, but are cautious of the fact that mobile networks and services are evolving and the landscape today may be unrecognisable tomorrow.

37. With this in mind, we invite Ofcom to consider all the options available to them to improve services and access to them for disabled people, rather than clumsy regulatory tools. Amongst them is Ofcom's unique position to be able to motivate and encourage entreprenuers who are leading the new and emerging markets for applications for disabled customers, like [www.equaleyes.co.uk](http://www.equaleyes.co.uk).

38. We suspect that, like Telefónica, many of our competitors also offer support to their disabled customers when needed, some beyond the requirements of GC15. In these circumstances we think formal regulatory intervention and an amendment to the condition need only be necessary where the market is not providing, where all the legal tests have been satisfied and where the evidence upon which the cost/benefit analysis has been calculated is able to withstand profound and rigorous scrutiny. In all other cases, we think there is a significant opportunity for Ofcom to use informal regulatory intervention to influence, encourage and support competition for universally accessible digital services.