Ofcom Consultation on the Review of Relay Services

Response from DAART

DAART welcomes the opportunity to respond to this consultation.

DAART (Deaf Access to Alternative Relay in Telecommunications) Campaign is a campaigning group of individual consumers who may or may not have any representation through deaf or hard of hearing organisations and would like to add their voice to the campaign for the introduction of alternative relay services in the UK.

Introduction
DAART would like to express its thanks to Ofcom for issuing this consultation and making proposals on the subject of relay services, in order to improve communication access for deaf and hard of hearing people. The proposals show progress to be slow in moving towards functional equivalent access for deaf and hard of hearing end users. This is despite nine previous consultations and many meetings in which Ofcom has been supplied with information, suggestions and possible solutions that will enable deaf and hard of hearing people to have this access. This has been an ongoing process for the last five years and much of this appears not to have been taken on board.

There is a question over whether the current proposals are in compliance with the EU Directive, and whether they have been developed in the spirit of the intention of the Directive.

DAART along with the rest of the deaf and hard of hearing sector has been campaigning for fully functional equivalent access to telecommunications 24/7/365. The proposals as laid out do not even meet all of the core principles of this campaign. See UKCOD "Key Principles" as set out in Appendix A

DAART believes that if the law demands equivalence, proportionality cannot be a factor when assessing compliance; Ofcom, however, is required to take proportionality into account when arriving at regulatory decisions. The proposals outlined by Ofcom appear to have been developed on the basis of proportionality as an overriding factor rather than developing proposals that ensure compliance. This approach is unacceptable as it is using proportionality as a stick to force deaf and hard of hearing end users to accept sub-optimal services.

Furthermore, proportionality as a tool is used to ensure that costs associated with the provision of relay services do not escalate to unreasonable proportions. The provision of a funding ceiling cap takes care of this. It should not be used as a reason to get round the compliance with EU Law, which clearly states that there should be equivalent access and the affordability of telecommunication services to that currently enjoyed by the majority of end users.

DAART believes the proposals for NGTR and VRS have been based on proportionality rather than whether they ensure equivalence of access to services currently enjoyed by the majority of end users.

On October 13th 2011, a meeting was held with the Minister at the DMCS. At this meeting there was discussion about a need to develop a fund (whether voluntarily or mandated). DAART believes that the creation of such a fund will pave the way for several relay services to be operational, creating choice and competition, providing a range of high quality relay services to be available for deaf and hard of hearing end users.

DAART believes the way forward, without further legal wrangling regarding the interpretation of the law, is to encourage telecommunications industries to create a voluntary fund to support the cost of relay services. Failing this, DAART would like to encourage the Minister to mandate the creation of the fund for the same purpose.

Responses to Section 4 – Text Relay

Question 1

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

DAART does not agree with this statement. We cannot make this comparison as there is insufficient clarity as to how NGTR will operate.

The proposal has a section on the "benefits of NGTR over Captioned Telephony" (4.37) in which it is argued that speech recognition technology is not sufficiently advanced for a fast, low error rate CT. This is totally untrue. This completely ignores the experience of many hard of hearing people in the UK and worldwide who have experienced CapTel. We understand that the Ofcom team have only seen a brief demonstration and have not experienced its use for any period of time.

Ofcom has been aware of such technology as Hearing Concern brought it to their attention five years ago. The issue at the time was that it came with expensive propriety terminals. Since then, the UK based Teletec addressed this problem by developing WebCaptel which provided the same service with normal computer terminals instead of expensive proprietary terminals.

DAART understands from Ofcom staff that, although the CapTel platform may be proprietary (like BT's Text Direct platform is proprietary), as Webcaptel uses non-proprietary terminals (any computer connected to the internet), it should be acceptable to Ofcom.

It is therefore wrong to continue to say that speech recognition technology is not sufficiently advanced.

WebCapTel offers transcription speeds of 125 wpm with accuracy of 98% for straight talk with no jargon and users find that relayed conversations are closely akin to a normal voice conversation especially for those deaf people whose speech is easily comprehensible, and including those who have some residual hearing.

This alone goes far beyond what the document describes as acceptable speed standards for NGTR at 60 wpm

DAART believes that such advanced technology should not be rejected. The fact that this technology has been the mainstay for all Captel operations for the last eleven years suggests that it is and remains suitable advanced speech recognition technology to ensure near-real time transcription speeds and therefore can meet the "functional" equivalent test for the deaf and hard of hearing user.

DAART believes that Ofcom's continuous rejection of the merits of Captel as a fast speed equivalent voice recognition technology over NGTR, which we believe will best serve the interests of the deaf and hard of hearing community, is bordering on discrimination.

Ofcom is ignoring the facts and trying to provide the UK oral deaf and hard of hearing community with an untried and untested alternative that does not meet their needs when Captel has been proven to be able to do so.

We cannot accept that a NGTR service with transcription speeds in the order of 60 wpm can be regarded as equivalent to voice telephony – especially whilst IP-based relay services are already available that can be regarded as equivalent. We will be no better off than we are now if the speed is only 60 wpm.

Furthermore, before any decision is made about next generation text relay, there should be a trial period and study into the merits of Captel as a relay service for deaf and hard of hearing people who use speech, in order for Ofcom to make an informed decision.

As DAART has to consider all different groups of deaf people who all have very different needs and requirements it believes that to achieve fully functional equivalent access, this requires separate IP Text Relay, Text Relay and Captioned Telephony services. IP Text Relay and Text Relay should incorporate faster transcription from the hearing caller together with interruptible ability facility like Captel. OFCOM should mandate these services separately.

NGTR as it is proposed is trying to deliver all three services from one platform. This will not work as the speed of the transcription becomes compromised, with the consequence that it will not meet the needs of the speaking hard of hearing end user. The best solution is to have three separate services and give the consumer the choice to select one that best meets their needs.

Question 2

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

DAART disagrees with this. Taking the GC15 route will give the service providers no incentive to improve their services. As each provider will have to contain the costs incurred in delivering a relay service which is essentially loss-making, the resulting business model will be one in which each provider strives to minimise those costs.

There are also issues with taking the Universal Service route as well for similar reasons as this will provide no incentive for providers to develop and improve relay services over time. It also has the disadvantage that a designated provider may have to bear costs that cannot be recouped.

DAART believes and has continually been advocating that Ofcom and the Minister should follow a business model where all telecommunications industries contribute to a fund (either voluntarily or mandated by the Minister) using an agreed formula linked to their revenues. This will promote a business model where providers are adequately rewarded for the development of several relay services to meet the wide spectrum of needs within the deaf and hard of hearing sector.

By having an annual funding pool, this will promote competition among several relay providers leading to continuous and innovative development. By having several relay services, the deaf and hard of hearing end user will have functional equivalence and a choice of same type of relay services. In addition this funding pool if appropriately set up will have sufficient funds to support several relay services as opposed to a single monopoly provider aiming to encompass the wide range of communication needs within the deaf and hard of hearing sector.

DAART has come to understand from reports of other groups meetings with Ofcom that Ofcom appears to accept that there will be only one NGTR service that all telcos will use. In effect, there will be a monopoly service provider. The consequence of this will be the provision of a service that has no incentive to improve or transform in line with rapidly developing technologies and will therefore use a business model of minimal service development.

History supports our concern that such a monolith will constrain development and provide minimal service. Indeed, much of the suggested NGTR is simply what BT/RNID should have developed already had there been sufficient incentive.

Ofcom has been attempting to fit a square peg into a round hole. The proposals outlined in the consultation document seem to indicate an attempt to use existing measures to justify creating a relay service within the framework, without using facts supplied to them as to what is available to bring equivalence to the telecommunications service for deaf and hard of hearing people.

Furthermore, we believe the proposals will not meet the compliance test of the EU Directive in ensuring equivalence of access and choice for disabled end-users.

Question 3

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

DAART does not agree with this. If a creation of a fund was put in place to support relay services, then companies with appropriate expertises could have the services up and running in a much shorter timeframe than the proposed 18 months. DAART accepts that this may be the time taken to set up a fund either voluntarily or through mandated legislation. The Deaf sector is already in talks with the Minister responsible.

The fact that there has been no funding mechanism identified is the most important reason as to why many companies which have the technical expertise and experience to deliver relay services will not do so, as there is no mechanism for their costs to be reimbursed.

Responses to Section 5 – Video Relay

Question 4

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

DAART do consider that a mandated VR service is required if BSL users are to enjoy equivalent access to publicly available telecommunications services. BSL users need to have such access to VR service asap, and not be required to wait much longer before this happens**.**

Question 5

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

DAART disagrees with this statement. Providing a restricted service using the proportionality measure is wrong. The proposal suggests that the market for BSL end users is not self-limiting, and therefore a restricted service is justified. DAART would like to see the evidence that Ofcom has used to arrive at this conclusion.

DAART has learnt that the experience in the United States has shown that relay services is in fact self limiting in a competitive marketplace, albeit within a subsidised market

The EU directive clearly states that all disabled end users should have functional equivalence access enjoyed by other users. In this case Hearing people in the UK do not have any restrictions imposed on them. To place a restriction for Deaf people to access telecommunications would be seen as discriminatory, and could be in breach of the EU Directive.

However, containing costs but still providing an unrestricted service could be managed by putting a funding cap in place as suggested with NGTR. This could be acceptable, as it will not interfere with how such a relay service is delivered. It would be up to the provider to determine how such a service can be delivered using whatever resources are available whilst still meeting the need of the consumers it is aiming to attract.

Question 6

Please provide your views on Methods 1 – 5 for a restricted VR service discussed above. Are there any other methods that are not mentioned that we should consider? In making your response, please provide any information on implementation costs for these solutions, which you believe is relevant.

We understand there will be a further consultation on this particular service so will reserve feedback until this happens.

However, we stand by the Deaf Sector campaign principle that services should be available 24/7/365 and to include FULL emergency service cover using BSL.

Question 7

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

DAART does not believe this is an appropriate way of restricting the service. The proposal to introduce a 30 minute maximum appears to be very restrictive for the deaf sign language end user. This cannot be seen as functionally equivalent.

DAART believes that another method should be applied. If the primary purpose for this restriction is to control costs then a financial cap should be used instead rather than use restrictions that actually discriminate against the deaf sign language end user.

Furthermore, DAART believes that a pilot service needs to be carried on a limited timescale to gather UK evidence of take up and usage and use this information to refine proposals for VRS.

Appendix A

UKCoD Key Principles for relay services.

If deaf people are to be enabled to make the same use of telephones as the rest of the population then developments in relay services must comply with the following principles

- Be available 24/7/365
- Be real time equivalent
- Meet appropriate quality standards
- Be available to users at no cost other than the cost of a standard call.
- Meet the varying communication needs of deaf people, whether deaf with speech, BSL users, hard of hearing, deaf-blind or deafened.
- Be capable of taking advantage of new developments in technology.
- Treat Captioned Telephony, Video Relay Services (VRS) and Text Relay with equal importance to ensure that all sections of the deaf and hard of hearing community benefits from functional equivalent access to telecommunications
- Enable the full participation of all deaf users through the provision of appropriate software and terminal equipment to access different types of relay services
- Provide number portability
- Provide real choice for consumers through open competition between "same type" relay providers
- Use standard protocols to ensure interoperability across platforms and networks
- Provide equivalence to all standard telephony platforms including the provision of mobile phone solutions software communication packages