

BT response to Ofcom's consultation:

Access to electronic communications services for disabled consumers

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Summary

We agree with the conclusion reached by Ofcom that it is not necessary to extend the obligations under General Condition 15 (GC15) to cover broadband services. As we said in our reply to the call for inputs on 22 Feb 2013, most of the provisions are at account level and so cover broadband along with the fixed line. This seems to be the case for most Communication Providers (CPs), so there is no need to impose additional regulation.

We welcome the fact that Ofcom has not automatically used their powers to extend regulation and has taken an evidence based approach. We take our responsibilities to disabled customers seriously and want to make sure all our customers get the best possible experience from their communications by having an inclusive approach to our products and services.

We support Ofcom taking this opportunity to tidy up the wording of GC15.3 on the rebate for text relay users. But we have concerns on the amendment which intends to ensure a wider application of the rebate to include calls made to disabled subscribers using the relay service. We believe that as it stands, this extension has two serious flaws:

- the potential to prolong the status quo allowing businesses to be compensated; and,
- the removal of any CPs ability to mitigate against the risk of fraudulent use by customers without a disability.

We have proposed a slight change to the wording of GC15.3 to avoid these issues in the answers to the consultation questions below.

Consultation Questions

Q1. Do you agree with Ofcom's analysis and proposal to adopt Option 1.2 in Issue 1?

Option 1.2 is to amend GC15.3 to confirm that relay calls made by consumers without a disability to consumers using the relay service, would be charged no more than if a relay service had not been used. We agree that tidying up the wording to make it clear what is expected for calls to and from the relay service is needed. Ofcom say in the consultation that there is no evidence that users calling a disabled customer using the relay service are being charged at higher rates. But having a clear position gives certainty and allows CPs to carry out their obligations in a consistent way.

If Ofcom believe there is uncertainty then the option to do nothing is not practical, but they may have overlooked a potential issue. The current wording of GC15.3 restricts the rebate to calls initiated by Subscribers who have a disability that requires they use a relay service. Ofcom's proposed wording intends to ensure a wider application of the rebate to include calls made to disabled subscribers needing the relay service. We believe that as it stands, this extension has two serious flaws:

- The potential to prolong the status quo allowing businesses to be compensated; something we explicitly designed the 03 and 07 TextNumbers to preclude and,
- The removal of any CPs ability to mitigate against the risk of fraudulent use by customers without any disability.

Business callers using the text relay TextNumbers are 'compensated' by not having to introduce any additional special measures to make their service accessible to their customers. It is therefore inappropriate that they should receive any additional 'compensation' or rebate for all or any part of the call.

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It is therefore possible that Ofcom's proposed extension to the call rebate to compensate for a longer call duration may further incentivise fraudulent use, with potential to render the service infeasible for its original purpose.

We believe these concerns can be addressed with a simple addition to the proposed Ofcom wording as follows:

*"In making such changes the communications provider shall **ensure subscribers have access to** ~~apply~~ a special tariff scheme designed to compensate Subscribers who need to make call to which a Relay Service applies..."*

This allows the CP to have control over the rebate to avoid fraudulent use, while meeting Ofcom's objective of making the rules clear. If this wording is used then we agree with the proposed to adopt option 1.2.

Q2. Do you agree with Ofcom's analysis and proposal to adopt Option 2.2 in Issue 2?

Option 2.2 is proposing that the current wording of GC15.3(a) would be deleted. This refers to the cost of a local call which, we agree, is not a concept that is used in call charges now. Our call packages refer to geographic calls (01, 02) and other types of calls, such as non-geographic (08, 09) or calls to mobiles. As Ofcom has pointed out in the consultation many packages now have inclusive calls and call charges outside of the bundle are charged based on what number the call is being made to, and not based on whether it is local or national.

So we agree with Ofcom's proposal to adopt option 2.2 and delete sub-paragraph (a) of GC15.3.