

## Consultation response form

Please complete this form in full and return via email to [ipmigration@ofcom.org.uk](mailto:ipmigration@ofcom.org.uk) or by post to:

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<b>Consultation title</b>	<b>Proposed Guidance on protecting access to emergency organisations when there is a power cut at the customer's premises: Proposals for guidance on General Condition A3.2(b)</b>
<b>Full name</b>	[X]
<b>Contact phone number</b>	[X]
<b>Representing (delete as appropriate)</b>	Organisation
<b>Organisation name</b>	Shropshire Council
<b>Email address</b>	[X]
<b>We will keep your contact number and email address confidential. Are there any additional details you want to keep confidential? (delete as appropriate)</b>	Nothing
<b>For confidential responses, can Ofcom publish a reference to the contents of your response?</b>	-

## Your response

<b>Do you agree with the four proposed principles? If not, please give reasons. Please set out your comments on each of the principles separately.</b>	Confidential? – N  <i>Please see attached response</i>
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## **Ofcom Consultation:**

### **Protecting access to emergency services in power cuts at customer premises Shropshire Council Response for 050718**

#### **Shropshire Context**

As advised in the recent May 2018 response to the Ofcom consultation on the 700Mhz Mobile phone frequency, the context for Shropshire Council is as follows.

Shropshire is a predominantly rural large county, with just under one person per hectare (0.98 persons; 313,400 population; source ONS mid year estimates 2016), for a terrain covering 319,736 hectares. The county size is approximately ten times that of all Inner London Boroughs (31,929 hectares; source ONS Census 2011).

Around 34% of Shropshire's population lives in villages, hamlets and dwellings dispersed throughout the countryside. The remainder live in one of the 17 market towns and key centres of varying size, including Ludlow in the south and Oswestry in the north, or in Shrewsbury, the central county town.

Shropshire Council seeks timely opportunities to respond proactively to national calls for evidence including from national bodies such as Ofcom. Our aim is always to share our local perspective and to help to shape national and local policy to achieve mutual outcomes for communities.

We work closely with other local authorities and through strategic partnerships, particularly with Herefordshire Council and Telford & Wrekin Council through the Marches LEP, and through organisations such as the County Council Network and the Rural Services Network, as well as collaborating with bordering authorities, i.e. Cheshire West & Chester, Cheshire East, Powys, Staffordshire and Worcestershire.

#### **Background to Ofcom consultation**

##### ***Ofcom has stated the following in its consultation document:***

*A critically important function of the telephone network is to allow people to contact the emergency services. For this reason, there is a specific regulatory obligation on communications providers (CPs) in General Condition 3 (from October 2018, General Condition A3) to take "all necessary measures" to ensure "uninterrupted access to Emergency Organisations" for their customers.*

*A traditional landline telephone service uses power provided over the copper line that connects to the telephone exchange. When there is a power cut, it is still possible for people using a corded phone to make emergency calls from their landline. However, for customers using 'Voice over Internet Protocol' (VoIP) technology, which allows people to make landline calls over a broadband connection, this facility is not available without additional protection measures being put in place.*

*In the absence of other measures, calls made over broadband using VoIP based technology will not function in a power cut as the broadband equipment at the premises requires mains power to work. As a result calls, including calls to the emergency services on 999 and 1123, will not be possible without additional protection measures being put in place.*

*This raises the question as to how CPs continue to meet the requirements in General Condition (GC) 3.1(c) (from October 2018, GCA3.2(b)) to “take all necessary measures” to ensure “uninterrupted access to Emergency Organisations as part of any Publicly Available Telephone Services offered” when customers are making calls over broadband. Access to “Emergency Organisations” in this context means access to the emergency services by calling the numbers 999 and 112.*

### **Shropshire Recommendations**

In our recent feedback to Government about national policy development, on the Agriculture Command Paper and the Industrial Strategy, we have sought to emphasise the need for robust evidence about communities and their needs, and to articulate concerns that rural evidence does not appear adequately factored in to proposed policy intentions, e.g. assumptions made about broadband and mobile connectivity do not account for current realities for rural communities.

We have noted the comments in this Ofcom consultation document that:

*“Ofcom recognises that most consumers could use their mobile during a power cut, but those who are dependent on their landline, including those without mobile access, will require additional protection.”*

The introduction of a set of principles to address the above is to be welcomed, notwithstanding that we would like to recommend improvements and refinements to these. We would also like to make the following overall recommendations:

### **Mobile Connectivity Context**

Up to date rural evidence on mobile phone connectivity needs to be factored in alongside consideration of the principles that have been proposed by Ofcom.

The background for this is the mobile connectivity context in Shropshire, which is also a very real infrastructure challenge in other rural areas. The information below is an extract of that with which we provided Ofcom in May 2018, with an emphasis on the community aspects.

- Shropshire 4g rural coverage remains in the lower quartile of English Counties;
- 7.2% of Shropshire’s geography has no reliable 2g outdoor signal from any MNO;

- 13% of premises in the Shropshire geography do not get a reliable indoor 4g signal;
- The Government MIP intervention project failed to deliver any new masts in Shropshire, despite 10 sites originally being planned.

This context illustrates the need to reinforce to Ofcom and to Government the importance of ensuring that the MNO's (Mobile Network Operators) will be relied upon in years to come, to provide ubiquitous contingency coverage for the traditional home phone.

Recommendations that we have already made to Ofcom apply here in regard to the needs of the rural householder and to the roles we play not only as the Local Planning Authority, but also as providers of social housing and as partners with housing associations and with social care providers.

- Voice coverage remains more important to rural communities than data coverage. Voice needs to take a higher priority than on data services;
- MNO's should be encouraged to share infrastructure. Asking MNO's to make information available about locations of new sites in rural areas, available to the other operators at least 30 days in advance of a planning notification, is insufficient. 3 months noticing should be a minimum requirement. At best, 6 months to allow for coordination and planning;
- We would recommend that MNO's are encouraged to share existing, publicly funded mast infrastructure being deployed for Fixed Wireless broadband deployment as part of the BDUK programme;
- The timescales for deployment commencement and completion appear challenging based upon experiences we have from the MIP programme.
- Constraints on land acquisition and planning consents will impact deployment timescales;
- Once deployed the MNO obligations should be rigorously tested by 'drive by' testing in each geographic county bi annually.

## **Demographic Context**

Ofcom has recognised *that "some people still depend on their landline. This includes people who do not have a mobile phone and those without reliable indoor mobile coverage."*

What does not appear to be adequately recognised in this consultation document is that there are a number of demographic-related issues at play here for Ofcom and CPs to consider.

The percentage of the population of Shropshire that are aged 65-84 is 20.3%, which is significantly higher than the England average of 15%. This is national data from the ONS Census 2011 and mid year estimates for 2016. This cohort of the population, perhaps unlike the cohorts of the future that will advance to this age banding, are the least likely to be making use of mobile phones.

## **Telecare and Assistive Technology Context**

### ***Actual usage***

In Shropshire, we support around 1,700 people with Telecare. Like most councils, there is no set criteria to determine “Telecare eligibility”, with support dealt with on a case-by-case basis, often alongside other forms of care. However, as the Council is not the only Telecare issuing body, and individuals are able to purchase these devices themselves direct from suppliers, the total number using Telecare across the county is much higher.

As a Council, we ensure that any Telecare device we issue has a suitable contingency in the event of a power outage. Preference is given to devices that use the customer’s landline (as opposed to a mobile signal or WiFi), battery backup, and an automatic alert when the device goes into battery backup mode.

Whilst local authorities will have details about households in receipt of assistive technology and/or telecare as a result of social care/OT assessments, the actual number of households making use of such technology is likely to be far higher. People will have for example purchased falls monitors, which plug into analogue landlines, or had them purchased for them.

CPs therefore need to address the wider population in any efforts to identify customers and meet their needs, as well as developing links with local authorities on this matter. Such links could include optimising the communications that local authorities make about telecare and assistive technology, and giving advice to the general public as well as to social care recipients about reliable providers of technologies.

### ***Ability to make calls in the event of a powercut***

The consultation document makes reference to a range of emergency organisations and indeed to the likelihood that a householder will want to ring relatives or neighbours as well. However, for some householders, they may be unconscious as a result of a fall, or incapacitated in some way, and unable to even make such a call.

Any solutions that CPs develop therefore need to address this issue, with back-ups in place, such as the battery back up used in falls monitors, which will alert the monitoring centre and/or relatives and neighbours that the power is down as well as that the person is unresponsive. It is important to note that the main function of any Telecare device is to automatically raise an alert in situations where the individual is unable to do so themselves.

In recent years there has been an increase in Telecare devices coming on to the market, in particular devices that rely on WiFi or mobile signals to work. The risks here in terms of access to emergency services are the continued variability of mobile phone coverage, and the inability to depend on WiFi as a solution at this time.

### ***Addition to emergency services listing***

The emergency services listing does not include the 24 hour monitoring centres used for falls monitors. Some of these are run by local authorities, some by housing providers, and some by the companies such as Tunstall who supply the monitors.

Due to the critical nature of Telecare provision, Telecare Monitoring Centres should be considered as an emergency service for the purposes of this consultation.

Shropshire Council would also recommend that a requirement is placed upon CPs to liaise with trade bodies such as the Telecare Service Association, not least given the impending switch off of analogue in the next decade and plans to cope with resultant scenarios.

### **Shropshire Council Commentary on the Four Principles**

#### **1. The One Solution and One Hour Window**

*“CPs should have at least one solution available that enables access to emergency organisations for a minimum of one hour in the event of a power outage in the premises”*

The reality of the physical distances to travel in rural areas for emergency services, including in the event of powercuts, is exacerbated by the problem that customers in Shropshire as yet cannot rely upon either their mobile phones for assured connectivity, or indeed their cordless landline phones or VoIP telephony.

Where a powercut may have been caused by a large scale natural event such as flooding or high winds, the access to a householder or households may present even more time-dependent challenges, including circuitous distances to travel and a lack of assured assistance to be provided en route, eg by paramedics seeking to talk a householder through dealing with a medical emergency head of their arrival.

This is not an issue exclusive to uplands or rural areas. In Shropshire, the recent large scale consultation by BT into proposed removal of existing callboxes indicated continued need for their retention across the county, including in market towns, due to the unreliability of mobile phone signal coverage; the isolated nature of the communities in which callboxes are located; and the physical challenges of the terrain. The Council as Local Planning Authority continues to hold to a default position of retention of operational callboxes very much because of the concerns over inconsistent mobile phone coverage, inadequate broadband coverage, and inadequate national evidence about such coverage.

These callboxes represent an important element of emergency back up in the event of a powercut and we would want to know what arrangements are in place with BT to ensure such back up exists.

## **2. The Suitability of Solutions for Customers needs**

*“The solution should be suitable for customers’ needs and should be offered free of charge to those who are at risk as they are dependent on their landline”*

Shropshire Council is pleased to note Ofcom recognition that some consumers remain dependent on their landline because, for example:

- they have disability or accessibility requirements that mean they are more reliant on their landline; and/or
- they do not have an alternative method of calling emergency organisations.

We agree that these households would be more “at risk” as they are reliant on their landline to contact emergency organisations in the event of a power cut. This is particularly so for rural households without adequate and assured mobile phone coverage or adequate broadband coverage that would enable VoIP telephony. We accordingly concur that the solution should be suitable for customers’ needs and should be offered free of charge to those who are at risk as they are dependent on their landline.

When considering “needs” and “those who are at risk” the following should be taken into account:

- Telecare is used to automatically raise an alert in an emergency for people who are incapable of doing so for themselves;
- Not all individuals are capable of using alternative communication methods;
- Not all Telecare services use landlines or have adequate contingencies in the event of a power outage.

A battery back up solution, as used with falls monitors, would seem to us a likely offering. We would recommend that this and other solutions are developed by the CPs in liaison with providers of telecare and assistive technology, with local authorities as enablers and providers of social care, and with Government departments given national policy imperatives around broadband and mobile phone coverage and around the switch from analogue.

## **3. The Steps to identify Needs and Communicate with Customers**

*“CPs should i) take steps to identify at risk customers and ii) engage in effective communications to ensure all customers understand the risk and eligibility criteria and can request the protection solution. We think that CPs are in the best position to think through the practicalities and assess the most effective way to gather any further information about their customers that they need to identify those who are at risk.”*

We have said in our overall recommendations that CPs need to address the wider population in any efforts to identify customers and meet their needs, as well as developing links with local authorities on this matter and optimising communications that local authorities make about telecare and assistive technology.

By way of illustration, Shropshire Council's main reasons for issuing Telecare are to support someone who is at risk of falling, someone with cognitive impairment (dementia, learning difficulties etc), or as part of managing conditions such as epilepsy. Whilst these reasons still hold true for the wider population who privately purchase Telecare devices, a significant number are bought simply to give individuals and their families peace of mind.

Where that wider population is one with an ageing demographic and/or a significant rural component, as is the case in Shropshire, communication by CPs needs to be made through the channels that people are likely to use. This brings primary care into play eg GP surgeries and dental practices, as well as local authorities, town and parish councils, housing providers, care providers, and facilities and services such as churches, post office outlets and village and market town shops.

In addition, due to the nature of the Telecare market, there is no single source to identify Telecare users in any given area. The following should therefore also be considered:

- Liaison is required with trade organisations eg Telecare Services Association;
- Local Authorities will only hold details of Telecare users to whom they have issued equipment. There will be others using Telecare that the Authority will not know about;
- Data Protection agreements will need to be in place if client details are to be shared.

The Shropshire position in terms of current known users of Telecare is as follows,

- We support around 1,700 people with Telecare;
- Like most councils, there is no set criteria to determine "Telecare eligibility";
- Assistance is on a case-by-case basis, often alongside other forms of care.

#### **4. The Process for when Customer Circumstances Change**

*"CPs should have a process to ensure that customers who move to a new house or whose circumstances change in some other way are aware of the risk and protection solution available."*

Shropshire Council agrees that there should be such a process and that this should include a requirement to notify local authorities and housing providers about the process and any changes to it.

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**Ofcom Consultation July 2018:  
Protecting access to emergency services in the event of a power cut  
Appendix to Shropshire Council Response: Telecare Provision**

These comments have been prepared from the point of view of telecare provision at Shropshire Council.

**Background**

Under the Care Act 2014, councils have a duty to assess individuals' care and support needs and provide help to address those needs for those who are eligible. This help may be in the form of technology enabled care which includes the provision of Telecare.

Telecare is the remote monitoring of activity, enabling an automatic alert to be raised in specific circumstances, i.e. if a person falls, or an environmental sensor (smoke, CO2, heat, bathroom flood) is triggered. For wearable devices like the falls monitor, there is also the option for the wearer to manually trigger the alert if they feel they are in need of help.

In most cases, the alert is sent via the person's landline to a 24 hour a day monitoring centre. The centre will follow an agreed protocol for that person which may include contacting a carer, a neighbour or family member, but ultimately could require contacting the emergency services if all else fails.

In Shropshire, we support around 1,700 people with Telecare. Like most councils, there is no set criteria to determine "Telecare eligibility". Support is assessed on a case-by-case basis, often alongside other forms of care. However, as the Council is not the only Telecare issuing body, and individuals are able to purchase these devices themselves direct from suppliers the total number using Telecare across the county is much higher.

As a Council, we ensure that any Telecare device we issue has a suitable contingency in the event of a power outage. Preference is given to devices that use the customers landline (as opposed to a mobile signal or WiFi), battery backup, and an automatic alert when the device goes into battery backup mode.

Shropshire Council's main reasons for issuing Telecare are to support someone who is at risk of falling, someone with cognitive impairment (dementia, learning difficulties etc), or as part of managing conditions such as epilepsy. Whilst these reasons still hold true for the wider population who privately purchase Telecare devices, a significant number are bought simply to give individuals and their families peace of mind.

It is important to note that the main function of any Telecare device is to automatically raise an alert in situations where the individual is unable to do so themselves.

In recent years there has been an increase in Telecare devices coming on to the market, in particular devices that rely on WiFi or mobile signals to work.

## **The Suitability of Solutions for Customers needs**

The Council agrees that the solution should be suitable for customers' needs and should be offered free of charge to those who are at risk as they are dependent on their landline.

When considering "needs" and "those who are at risk" the following should be taken into account:

- Telecare is used to automatically raise an alert in an emergency for people who are incapable of doing so for themselves.
- Not all individuals are capable of using alternative communication methods.
- Not all Telecare services use landlines or have adequate contingencies in the event of a power outage.
- Due to the critical nature of Telecare provision, Telecare Monitoring Centres should be considered as an emergency service for the purposes of this consultation.

## **The Steps to identify Needs and Communicate with Customers**

Due to the nature of the Telecare market, there is no single source to identify Telecare users in any given area. Therefore, the following should be considered:

- Liaise with trade organisations such as the Telecare Services Association.
- Local Authorities will only hold details of those Telecare users to whom they have issued equipment. There will be others who use Telecare that the Authority will not know about.
- Data Protection agreements will need to be in place if client details are to be shared.

[8]