

Ofcom Diversity and Inclusion Programme 2018-2022

Deaf Access to Communications (DAC) is a special interest group of the U.K. Council on Deafness (UKCoD), the umbrella body of voluntary organisations working with deaf people in the U.K.

We welcome the opportunity to respond to Ofcom's consultation on diversity and in particular what this means to the deaf community. Our definition of the deaf community is all encompassing in that it covers people born deaf, who have become deafened in childhood or adult life whether suddenly or gradual, people who are deaf blind and increasingly people with an age related hearing loss.

Question 1: What are your views on Ofcom's Diversity and Inclusion Programme?

Question 2: To what extent do you believe that our approach will promote diversity and inclusion within Ofcom and in the sectors we regulate?

Question 3: Are there any additional objectives that you feel Ofcom should include in its Diversity and Inclusion Programme?

Statistics available from Action on Hearing Loss ¹suggests that 1 in 6 of the population have some form of hearing loss, expected to increase to 1 in 5 by 2030. An increasing proportion of people in employment have a hearing loss particularly with the increasing retirement ages. Recent research by DWP and NHS England² suggests that people with a hearing loss are underemployed either through a higher proportion than the national average being unemployed or through not being able to achieve their potential through lack of or under support. In the vast majority of these cases it is not that a deaf person does not have the ability to do a particular job but the lack of understanding by employers of what support they need to do the job. In many cases this is the simple use of the telephone or access to subtitles on corporate training or videos.

We look at Ofcom itself as a benchmark employer not only because it is mandated to set standards but as a public sector body which should be demonstrating best practice through out industry. It is therefore disappointing that the diversity measures fail to address deafness, the primary disability recognised by the United Nation research³ worldwide.

We were unable to identify what benchmark Ofcom had set itself to employ deaf people nor any measure of the number of deaf people employed by Ofcom. We recognise that the current government has proposed that one million more disabled people will be in employment in the next 10 years.⁴ We would expect an institution such as Ofcom to be ensuring it maximises the potential for the government to achieve this objective particularly where the focus of its work is with regard to disabled people . We are naturally focussed on the deaf population so this would cover identification across the full spectrum of people with a hearing loss of working age.

It is worth noting that the primary issue that deaf people face is communication. Given Ofcom's remit it would therefore be expected that Ofcom would ensure that the barrier of communication would be lessened to the maximum level to ensure deaf people see Ofcom as a place of priority employment. It is not clear that this is yet the case.

¹ <https://www.actiononhearingloss.org.uk/about-us/our-research-and-evidence/facts-and-figures/>

² <https://www.england.nhs.uk/wp-content/uploads/2017/09/hearing-loss-what-works-guide-employment.pdf>

³ http://www.un.org/en/development/desa/population/publications/pdf/ageing/WPA2015_Report.pdf

⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/663399/improving-lives-the-future-of-work-health-and-disability.PDF

Furthermore the areas of communication which could provide equivalence for all employees available in the U.K., such as the telephone, fall far short of that available elsewhere in the world. For example a fully functional array of telephone relay services in the U.K. including Captioned Telephony and Video Relay Services would maximise equivalence for people in employment compared to their peers. Communication would therefore not be a barrier to employment and as such deaf people would be employed by Ofcom in the same proportion as the general population. Ofcom would not need to cherry pick deaf people on the grounds of diversity.

However, we do not have these services in the U.K. Therefore we would like to see more deaf people employed by Ofcom in areas that affect deaf people in particular rather than rely on hearing people who do not live the deaf life but can switch it off when they leave work. We would also like to see more deaf people proactively employed in other areas, in line with the other areas of diversity such as race and sex which Ofcom demonstrates in its achievements.

We also believe it is essential that there is be proactive dialogue and consultation with organisations representing deaf people in relation to anything affecting this population in line with the mantra “Nothing about us without us”. This is consistent with the policy of ITU⁵ and in particular

- consulting with persons with disabilities on the development of [such] revised ICT policies, legislation and regulations, including establishing a committee on ICT accessibility.
- making persons with disabilities and organizations of persons with disabilities aware of revised ICT policies, legislation and regulations;
- amending the universal access/service legal and regulatory framework to include ICT *accessibility* as an explicit goal of universal access/service and the universal access/service fund;
- ensuring that quality of service requirements take into account the specific needs of persons with disabilities and set quality of service standards for accessible services.

We also believe that Ofcom should be demonstrating this same principle when considering services it employs, and ultimately of the industry it regulates. The principle of example.

As such we do not believe that Ofcom should measure itself against benchmarks set by industry averages which in our view and through industry’s own acceptance recognise that disability is being left out of the diversity equation as they struggle to address what it really means to them and how they can achieve diversity in that respect. We believe Ofcom should set the benchmark.

Given that deafness is the predominant disability in the world we want it recognised as such and not to play second fiddle to more visible disabilities which have historically attracted the majority resources and expenditure. It is the turn of the 5 million⁶ people of working age in the U.K who suffer from some form of hearing loss, which far exceeds other diversity group. Yet this group of people struggle daily to maximise their potential through lack of support for their communication and fail to be recognised in terms of diversity targets. In our view Ofcom is in a position to include deaf people as distinct diversity group in its plan for the next 4 years.

In retrospect we believe that Ofcom has failed to really support the deaf community in its constant struggle with corporations to ensure full accessibility of communication. The fact that Ofcom has highlighted the fact that it fined BT for its failure to deliver Next Generation Text Relay Service in its achievements should be seen as a failure on its part to ensure that this essential service was

⁵ <https://www.itu.int/en/ITU-D/Digital-Inclusion/Persons-with-Disabilities/Documents/ICT%20Accessibility%20Policy%20Report.pdf>

⁶ <https://www.actiononhearingloss.org.uk/-/media/ahl/documents/research-and-policy/reports/hearing-matters-report.pdf>

available. In our view this action has led to further disruption to deaf people. Not only has the proceeds of the fine not been redirected to those people affected in one way or another, but the agreed activities to lessen the fine by £200k such as Training sessions and provision of handsets has not been monitored by Ofcom nor measured to assess its effect. Furthermore the impact of the fine would appear to have reduced the chance of further development of the NGTS app to ensure it can be utilised by deaf people particularly the ageing population less familiar and comfortable with technology. In our view BT has simply seen the fine as an expense to the detriment of further development of NGTS.

With reference to the statement “We have worked to ensure disabled and vulnerable consumers receive the services to which they are entitled and that these services are widely publicised by providers.”

Unfortunately, we do not feel enough has been done to ensure Communication Providers have made NGTS fully functional to its deaf customers, nor have they actively promoted the service. Had they done so then the number of users of NGTS users would have increased rather than stayed relatively static over the last few years. Through our own survey conducted in 2016 we recognised that the majority of deaf people owned a mobile phone, in preference to a landline phone, but that despite asking their CP to remove voice calls from their package due to their hearing loss rarely was this request allowed. However, at the same time none of the CPs proactively promoted the NGTS service to them. Only 25% of deaf people in our survey with a mobile phone had used NGTS.

Whilst we recognise the telecommunications industry has been busy in recent years with take overs we are mindful that Ofcom has been involved in the decisions related to approval. Yet it would appear that accessibility has not been part of this decision making. For example with the takeover of T mobile and Orange by EE it would appear that it was acceptable for EE to argue that it was unable to offer full function of NGTS on all its brands as result of the multi million pound takeover. We believe Ofcom should ensure that accessibility is considered in future in the approval process so that vulnerable people do not become disadvantaged as a result.

Ofcom appear to be making efforts to improve diversity and inclusion, however the generality of some of the objectives makes it difficult to identify how ambitious or otherwise some of the targets are, for example ref 2.4, 2.8, 3.3, appendix 1 item 1 and appendix 1 item 7. It is clearly early days so there isn't much evidence yet of how successful the efforts have been either in relation to the capability within the organisation or relative to proportions of for example particular disability groups within the population as a whole.

Ref 3.14 and 2.2 While companies in the sector would probably welcome the opportunity to discuss with Ofcom what is needed to improve ease of use, we are not sure this aspect of Ofcom work is recognised within the industry. It may require proactive enquiry of providers by Ofcom to bring this about.

We believe Ofcom needs to review the way it regulates with regards accessibility. Currently access is an afterthought to the development of new technology. We would like to see Ofcom doing more than “encourage” access, which was the pitfall of VoD access, at the outset. New broadcasters and new communication providers should need to demonstrate that access has been included by design. We recognise that this may be a barrier to introduction but why should the majority⁷ viewers of broadcasts for example, the elderly, miss out? We believe this would encourage fairer competition in the market place as provision of accessibility will not be a cost factor offered by one and not another. We hope a requirement would help providers see accessibility as the attractive feature it is rather than an unnecessary cost.

⁷ https://www.ofcom.org.uk/__data/assets/pdf_file/0019/103924/psb-annual-report-2017.pdf

We are encouraged by the future of communications and the direction of Ofcom but we need to ensure the mistakes of the past are not repeated, in terms of accessibility. The deaf community tends to be early to trial new technology particularly where there is a chance it can improve their communication. The development of new technologies over recent years, has had a significant impact on reducing the communication barriers between the deaf and hearing communities. We see the development of 5G as another step in that direction, albeit with some concerns, and feel that Ofcom could use this opportunity to advance full and equivalent communication through an array of telephone relay services, potentially resourced and financed through the introduction of 5G. We would like to see Ofcom's objectives reflect this ambition.

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