



BT's Response to Ofcom's Consultation

Review of Relay Services

20 October 2011

Executive Summary

Ofcom has made a number of proposals to upgrade the existing text relay services and introduce video relay services. We understand that, in doing so, Ofcom's primary objective is to achieve greater equivalence of access for hearing and speech impaired end users. Whilst we agree customer experience could be improved with new relay services, BT believes that equivalence can only be achieved by enabling the same person-to-person communication experience for all telephone users without the need for an interpreter. To achieve this, all businesses and services would have to take corporate responsibility to ensure their services are fully accessible, and we believe this will not happen without government intervention to change the Equality Act 2010. Therefore, whilst BT is supportive of Ofcom's proposals in the round, our response should be viewed in light of this over-arching comment.

We welcome Ofcom's decision to revoke BT's Universal Service Obligation (USO) to fund text relay. Under existing regulation, all UK Communications Providers¹ (CPs) must provide text relay to customers that need it. In BT's view, retaining the USO unnecessarily gold plates this regulation and delivers no additional customer benefit. Moreover, its removal should encourage innovation as CPs look to new ways to meet the more specialised needs of hearing and speech impaired end users.

Under Ofcom's proposals, the General Conditions would continue to require all CPs, including BT, to provide access to a text relay service for hearing and speech impaired users; and, if the USO were to be removed, BT would continue to supply the existing text relay service during any agreed transitional period.

We believe the range of text relay improvements set out by Ofcom address the customer issues and concerns identified in Ofcom's market research. We anticipate that additional choices in person-to-person communication² would be forthcoming, provided Ofcom's proposals also helped to encourage access to the internet for hearing and speech impaired end users. However, we believe that Ofcom has significantly underestimated the implementation costs, which we estimate to be in the region of £2 million depending on the required development.

We do not, however, support Ofcom's proposals for a CP funded Video Relay service for British Sign Language (BSL) users because the implementation costs are significantly disproportionate to the benefits that might be delivered to end users. Moreover, these costs cannot be sufficiently reduced by Ofcom's proposals to restrict the service as they only limit the ongoing operational overhead. Whilst we are supportive of Ofcom's aim to ensure greater equivalence, BT continues to hold the view that access to services for hearing and speech impaired end users is the responsibility of UK business as a whole and should not rest with the communications industry alone.

¹ Call Electronic Communication Providers selling Publicly Available Telephone Services (PATS) must enable access to an Ofcom approved text relay service.

² Such as online banking and shopping as well as access to email, Instant Messenger and live chat services.

BT's position

BT's commitment

BT is committed to supporting the communication needs of people who are deaf or have some hearing loss: see www.bt.com/hearinghealth. People who are pre-lingually deaf and use BSL as their first language have particular communication requirements as BSL is a visual, conceptual language and uses a completely different structure from English; and many find communicating in English difficult and prefer to use BSL. For this reason, BT was the first FTSE100 company to provide information on its website in BSL in 2006 and we subsequently improved access to BSL by providing it as a standard element of the "Including You" website: see www.bt.com/includingyou. We provide textphone access to our Residential Customer Services for sales and billing enquiries as well as fault reporting and, from November 2011, BT will trial BSL access to these departments, using a commercially available video relay supplier.

Greater equivalence

Ofcom has made a number of proposals to upgrade the existing text relay services and introduce video relay services. We understand that, in doing so, Ofcom's primary objective is to achieve greater equivalence of access for hearing and speech impaired end users. Whilst we agree customer experience could be improved with new relay services, BT believes that equivalence can only be achieved by enabling the same person-to-person communication experience for all telephone users without the need for an interpreter.

Moreover, the requirement for equivalence of access within the revised Communications Act 2011 puts it out of step with other primary legislation for people with disabilities, most notably the Equality Act 2010, which requires only 'reasonable adjustment(s)'³. We do not believe that the telephone can be made equivalent for all end users without, in particular, the direct involvement of the c.5,500 call centres used by UK based businesses and services. We therefore welcome Ofcom's recognition that its consultation is part of a broader dialogue on the development of services for users with hearing and/or speech impairments.

Our view on how businesses could achieve greater equivalence for hearing and speech impaired end users is set out in more detail in the Annex of this response.

³ <http://www.legislation.gov.uk/ukpga/2010/15/part/2/chapter/2/crossheading/adjustments-for-disabled-persons>

USO

We fully support Ofcom's proposal to revoke BT's USO to supply a Text Relay service and use only the General Conditions to ensure provision and access for end-users. BT launched its first national Text Relay service in 1991 in partnership with RNID Typetalk and remains to date the only UK provider of this type of facility. We believe that the lack of competitive offerings is due largely to the specialist nature of the service and BT's USO to allow other CPs wholesale access on cost oriented terms⁴. If CPs can buy complex, bespoke services at cost, there is no incentive for them to investigate any alternative option, and competition and innovation are stifled. Removing the USO should consequently encourage innovation as CPs look to new ways to meet the more specialised needs of hearing and speech impaired end users.

Proposed Revisions to General Condition 15

Under the revised General Condition, Ofcom proposes a number of minimum requirements for the text relay service, which BT's current platform cannot deliver. Compliance with the proposed standards would require the building of a new platform that would allow improved access via broadband technology and off-the shelf terminal equipment, ultimately leading to greater efficiency. If BT were to invest in building the replacement platform, removal of the USO would help BT to commercially price the wholesale supply of the new service and recover the capital expenditure over time. Whilst there may be some concern that withdrawal of the USO would allow BT to take the opportunity to no longer support the service, we would point to the 999/112 service where there is no ex-ante regulation and yet we maintain and supply a call handling service for our own customers and other CPs on commercially acceptable terms. This is because the quality of the service is important to us; in addition to the increased economies of scale and revenue opportunities that wholesaling provides.

Subject to our detailed comments in response to Questions 1 and 2 of the consultation, we agree that end users could benefit from improved access and usability of text relay and that Ofcom's proposals for Next Generation Text Relay (NGTR) are largely proportionate. We have based this assessment on the balance between the estimated cost of building the replacement platform and BT's ability to wholesale NGTR for commercial supply to other CPs, in addition to the potential for greater efficiencies from NGTR over time.

Video Relay

As well as proposing NGTR, Ofcom believes video relay may be necessary to comply with the new equivalence of access for disabled end-users obligations in the revised Electronic Communications and Wireless Telegraphy Regulations 2011⁵.

⁴ [The Number \(UK\) Limited and Conduit Enterprises Limited v Office of Communications – CAT case number 1100/3/3/08](#): Paragraph 2.24

⁵ http://www.legislation.gov.uk/ukxi/2011/1210/pdfs/ukxi_20111210_en.pdf

Paragraph 27 amends section 51 of the 2003 Act, which contains details of the permitted subject matter of general conditions. The amendments give further examples of the matters which may be included in a general condition including equivalence of access for disabled end users and to impose conditions on operators to

However, video relay is considerably more expensive⁶ on a per user basis, primarily due to the cost of the BSL interpreters needed to perform the translation function. Offset against the relatively small number of BSL users, estimated at between 50,000 and 75,000 across the whole of the UK, the cost per person is significant and in our view disproportionate. There is a practical issue as well - currently there are insufficient numbers of trained BSL interpreters available within the UK to operate a full video relay service and training takes up to 3 years.

In addition to implementation issues, capital expenditure and on-going operational costs, we believe the benefits of providing video relay services in improving accessibility to work are highly questionable. Aside from improved access to business and services for BSL users, it is hard to balance the high costs of provision against any perceived wider consumer or commercial benefit. BSL users who have a good standard of written English can already benefit from a variety of communication options such as text relay, live chat, SMS, email Instant Messenger, Skype and FaceTime; and they are able to use this equivalent communication technology at work. As Ofcom is aware from its survey results, much of business life is conducted in text format rather than voice, and remote video relay is not considered to be an equivalent form of communication to face-to-face situations where an interpreter is required.

Ofcom's preferred restriction for a video relay service is to make it accessible during working hours only.⁷ This could be interpreted as a service that helps employees who are BSL users do their job. However, UK organisations are already bound under equality legislation to provide adjustment for employees who require communication support and prefer to use BSL over English. The provision of such a restricted service would not therefore materially improve accessibility for BSL employees. Moreover, there is a real danger that employers would see a communications industry funded video relay service as the solution to fulfilling their existing obligations towards their BSL employees, and that they would abrogate responsibility for the needs of those employees if such a restricted service were implemented.

For these reasons, we believe that government should take the necessary steps to amend primary legislation requiring all businesses to take responsibility for their disabled customers and callers. Direct engagement with customers provides a superior customer experience, raises awareness and helps to develop and improve inclusion, whilst providing true equivalence of access and greater benefit to society as a whole.

prevent the degradation of service. The amendments also require Ofcom to notify the European Commission when they propose to make a particular general condition (relating to minimum quality of service).

⁶ Estimated at c. £3,000 user/annum: text relay costs £400 user/annum

⁷ http://stakeholders.ofcom.org.uk/binaries/consultations/review-relay-services/summary/relay_services_final.pdf

5.91 Our research provides some support for [method 1: time of day restrictions] restricting usage because it indicated that most benefit to BSL-users would be likely to come from increased ability to contact businesses and public bodies. Therefore, the restriction would not prevent the type of usage that generally provides the highest value to the users.

Answers to specific questions

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?

Whilst we believe the changes proposed by Ofcom would provide a better customer experience than the existing Text Relay service, any relay service cannot deliver equivalence of access. However, end-users could benefit from improved access and usability of text relay, particularly with the by-product of increased access to the internet. Hearing and speech impaired end-users, who do not yet take a broadband service or use internet enabled devices, are also likely to benefit from access to internet banking, live chat services, instant messenger and email.

The range of improvements proposed by Ofcom provides solutions to the concerns and limitations of the service as outlined within the Ofcom Relay Services Opinion Leader Research published in Feb 2011⁸. Additionally, early investigations indicate that it is reasonable to assume that the implementation cost of these improvements is likely to be proportionate to the benefits they deliver to end-users. This is likely to have most impact on those users with residual hearing and clear speech which we believe will particularly help an ageing society and those who require communications support later in life.

We are concerned, however, by Ofcom's cost analysis, which we do not believe fully takes into account the development spend required to build a bespoke service of this type. Whilst Ofcom envisages an initial capital cost of £348,000, our initial investigations estimate that provision of the NGTR service as set out by Ofcom would be closer to £1.2 million. This could be closer to £1.9 million depending on the required development. It also appears that the £348,000 has been considered in isolation from the implementation costs (testing, for example) associated with this platform.

When considering the 3 demand models used by Ofcom in their cost and benefit analysis we believe they have restricted their calculations to the impact of growth against the relay service itself and have not considered the potential benefits to end-users of direct textphone-to-textphone communication. In some scenarios we may see relay calls reduce in volume due to an increase in direct person-to-person communication. Whilst this may allow us to reduce running costs for the operational element of the service, it may still be necessary to expand the capacity if growth within the direct market were to increase, therefore incurring additional costs in future capital expenditure.

Although we agree with the principles of increase in take up used by Ofcom in their growth models, we would strongly question the additional take up in call minutes outlined. We believe that the move to other forms of communication would not support the increase to 16.2 million call minutes within the medium demand scenario and 29.6 million call minutes in the high demand scenario. Consequently, we do not agree with the calculations outlined within the costs and benefits section.

⁸ <http://stakeholders.ofcom.org.uk/market-data-research/telecoms-research/ofcom-relay-services/>

Whilst our assumptions for growth more closely mirror the low demand scenario, we also have the added dimension of migration to direct person-to-person communication, which we anticipate would demonstrate a decrease in ongoing costs year on year compared to the static costs included by Ofcom within this model.

We would also question the assumption that a benefit of £400,000 per year would be realised as a result of faster conversations. We estimate that a relatively conservative saving of £45-50K per year would be more realistic based on the time saved from switching from text to voice for those who currently use Voice Carry Over.

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?

We support the proposal to implement any amendment to the text relay service via General Condition 15. However, we have a number of concerns about the proposed text under 15.5, as we believe the current wording risks setting unrealistic end-user expectation of the proposed NGTR service and goes beyond what Ofcom proposes in the body of the consultation document. We therefore believe some amendment of the proposal is necessary and have set out our recommendations below:

- Use of the term 'simultaneously' under 15.5(b) is misleading for consumers and undeliverable by Communication Providers. It is impossible to synchronise live speech and text (live subtitling provides good evidence of this). We suggest that 15.5(b) is reworded as follows:

(b) provide facilities for the receipt and transmission of voice communications in parallel with text communications, allowing both channels to work in tandem to deliver near-synchronous voice and text.

- The proposed inclusion within the General Condition of a requirement to ensure the accessibility of the relay service from 'readily available terminal equipment' at 15.5(e) requires rethinking. It is not within the gift of Communication Providers to guarantee that terminal equipment is compatible. The regulation should instead require Communication Providers to ensure that there are no restrictions placed on accessing the service other than those to protect against malware, for example. This is particularly important for Mobile and Internet Service Providers. Government should also encourage equipment and software manufacturers to build in compatibility with the relay service as standard and to work proactively at the development stage of hardware and add-on applications with relay service providers. We suggest alternative wording might be used as follows:

(e) ensure there are no unnecessary restrictions or limitations inhibiting the service from being accessed by End-Users from a range of compatible, available terminal equipment including textphones, personal computers and mobile telephones;

- Ofcom should clarify what the term 'Relay Services' at 15.5(f) seeks to capture within the regulation. We agree that any competing text relay or NGTR service providers should ensure their services are inter-compatible, allowing end-users of one text relay service to contact end-users of any other.
- We believe Ofcom should revisit their intention to revoke the use of a prefix for contacting the relay service at 15.5(g). BT's network cannot identify a text call and route it accordingly unless first instructed to do so. The 1800X prefix in use for the text relay service acts as a network identifier – without it, calls would not reach the relay platform and could not route to a relay service operator to translate, if required. It is possible to embed the prefix into the end user's preferred terminal equipment dial-up software but this can only be done post registration to use the service. Similarly, a unique, non-geographic contact number can be allocated to registered users so that there is no longer any need for a prefix to be used by those calling a relay service end-user. However, both these solutions are only cosmetic and do not replace the need for the prefixes to ensure correct call routing. End-users choosing to use a PSTN-based textphone to make text calls and without the facility to pre-programme their terminal equipment will need to be able to continue to dial the prefixes as they do today. We therefore suggest the following amendment:

(g) not require the dialling of a prefix number for End-Users accessing the service:

(i) using their home phone line or terminals that automatically connect the registered end-user and,

(ii) to call registered end-users who have opted into a mechanism that enables number translation;

- We consider the requirement as set out at 15.5(h) is unrealistic and likely to incite dissatisfaction with the service, as the 'reasonably practicable' caveat is open to interpretation. Whilst we support fully the conveyance of relay calls at the fastest speed possible, we do not believe that this speed can be equivalent to a voice only call. Ofcom set out in the consultation their understanding that standard voice calls progress at 170 wpm (words per minute) whilst the typing speed for the text element of the call could be only up to 60 wpm.⁹ From this, it is assumed that the average NGTR call might progress at an overall speed of about 110 wpm. Whilst considerably faster than the current text relay service, this would not achieve a speed equivalent to a voice call. It is also Ofcom's intention to set performance levels for both conversation voice to text transcription speed and accuracy of voice to text transcription, which seems to recognise that a balance must be struck between an acceptable error rate and typing speed. As technology continues to develop, alternatives to typing become ever more possible. However, we are not yet in a place where we can assume this will reach 170 wpm. We therefore believe that Ofcom should, if necessary, include specific typing speeds within the performance standards for the service and amend the General Condition as follows:

⁹ [Ofcom's Review of Relay Services consultation](#): paragraph 4.23

(h) allow for communication between End-Users of the service at optimal speeds in line with Ofcom agreed performance standards;

- The confidentiality requirement set out at 15.5(i) requires amendment. While we would always seek to ensure confidentiality of any call, it is impossible to guarantee given the necessary human element of the service. We consider a more reasonable obligation would be to ensure the level of confidentiality of communications between End-users of the service equivalent to that of standard telephone calls.

Question 3: Do you agree that a period of up to 18 months for implementation of NGTR, following an Ofcom statement, is appropriate?

18 months is the minimum necessary timescale for putting in place the NGTR service outlined above due to the complexity and specialist nature of compliantly implementing Ofcom's proposals.

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.

Equivalence of access is not delivered by any service requiring an independent third party to facilitate the call, as this is unnecessary for customers without hearing or speech impairments. Wherever possible, conversations should be person-to-person with no intermediary between them. This is even more important when the languages being translated are different and open to some interpretation as is the case for BSL and English. Many of the hearing and speech-impaired people in the UK already make use of readily available technology to communicate direct with their friends and family. This is evidenced by an increasing ageing population offset against a steady decline in calls to the BT Text Relay service¹⁰. However, when the call is to a business or other organisation, far too often, ability to communicate person-to-person is compromised, leaving text relay as the only alternative option. In this way, the communications industry subsidises wider UK plc and Ofcom should not seek to increase this subsidy by mandating video relay by the same route.

The Equality Act 2010 requires businesses, employers and organisations to make reasonable adjustment(s) to ensure accessibility. It should not therefore, be the sole responsibility of Communication Providers to ensure the inclusion of people who need more support in their communication needs. Ofcom research of other countries operating video relay services demonstrates that these are either commercial (as in the UK) or funded by government or wider industry mandate¹¹. Given legislation is already in place to require accessibility it is unnecessary to impose considerable additional costs on Communication Providers. We believe that Ofcom should instead be working with Government to agree supplementary

¹⁰ 5% decline in calls year-on-year

¹¹ [Ofcom's Review of Relay Services consultation](#): paragraph 5.13 figure 2

guidance for the Equality Act setting out the minimum mixed-contact adjustment that business, organisations and employers must put in place to ensure accessible call centres, websites and telephone services.

Question 5: Do you agree that a restricted service would be more proportionate in providing equivalence for BSL-users than an unrestricted service?

We do not find Ofcom's argument that a restricted service is more proportionate than an unrestricted one sufficiently compelling. If there were a restricted service then the existing, commercial services could expand over time to manage demand. If a new service were imposed, whether restricted or unrestricted, the set up costs alone would make it disproportionate. Additionally, it is unlikely that the existing commercial services could continue to compete effectively against a larger, highly subsidised Video Relay and we anticipate that they would quickly fold or be absorbed into the Communication Provider funded scheme.

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.

As stated in our response to Question 5, we do not believe that a service restricted using any of the methods¹² or combinations of the methods as outlined in the

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Method 1: time of day restrictions

- available for a limited number of hours daily and/or limited to certain days of the week.
- typically restricted to working hours Monday to Friday.
- more severe restrictions could apply initially with extended availability possible over time as experience and the availability of interpreters grows.

Method 2: Financial cap

- available in accordance with a financial cap set on providers of VR the relay provider would need to ensure that that the service was adequately planned and resourced within the cap throughout the year.
- on occasions – for example, during periods of peak or unexpected demand – there may not be sufficient interpreters available to meet full demand.
- this might lead to the deployment of other restrictions discussed here, such as call booking arrangements.

Method 3: Monthly allocation of minutes

- allocation of minutes a month charged at the free or subsidised rate.
- account-based to monitor use users might need to forgo making their less important calls.
- calls exceeding the allowance could be charged at a full commercial rate or at a rate which reflects a lower subsidised rate.

Method 4: Differentiating between work place and private use

- free or at standard rates for callers from home, but from businesses charged at rates that reflect the cost of the service.
- targeted at the disabled end-user rather than offering a benefit to those that do not require the service themselves.
- may be difficult to accurately identify calls originating from business.

Method 5: Call booking system

- requires users to book a time slot with the relay provider.
- could be applied to all calls or to calls that are expected to be longer,

consultation will sufficiently reduce the cost and make implementation by Communication Providers proportionate.

The issue of Communication Providers subsidising other businesses and organisations is a primary concern that must be managed effectively in the implementation of any new regulation. Method 1 may offer some benefit if the restriction is limited to hours outside those typically used by call centres. Restricting availability in this way would be unlikely to have a significant negative impact on the existing commercial services who would continue to deliver to businesses and organisations largely as they do today.

Businesses and organisations would still need to put in place effective and inclusive contract strategies to ensure BSL-users are not disadvantaged under this remedy. If this failed to happen the Communication Provider funded service could be expanded under Method 4 to ensure businesses and organisations paid commercial rates for the Video Relay calls connected to or from their telephone numbers. For Method 4 to be effective, we believe Ofcom would first need to amend General Condition 15.3 to replace 'Subscriber' with 'Consumer' using the definition from the Framework Directive 2009¹³.

Additionally, new facilities would need to be put in place to ensure BSL calls could be made to the Emergency Organisations at any time of any day. However, we believe that these calls would be far better managed without relay, directly between the BSL caller and the Emergency Organisation they wish to contact. This is because these emergency calls do not use English as a language and are therefore different from calls received via text relay or EmergencySMS. Given that routing emergency calls using BSL need a bespoke telephone number¹⁴, there is no reason to assume that this service should use the existing emergency call handling methodology in place for 999 and 112 calls. Instead, calls should route to a centre staffed by BSL interpreters employed by the Emergency Organisations and trained to communicate and advise the caller directly. The centre could easily be linked with the existing BT and/or Cable & Wireless service/s to enable onward connection to the relevant Emergency Authority, but with the key difference being that this would only provide a conduit between the two. There would be no element of translation between BSL and English except that between the Emergency Organisation BSL interpreter and the Emergency Authority needed to complete the call and therefore no delay or risk of mis-interpretation. While we recognise that putting such a call centre in place is outside of Ofcom's remit, we believe that Ofcom is well placed to liaise with Government to ensure adequate funding is made available and allocated to the Emergency Organisations for this purpose.

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- could help the management of the relay service, allowing resources to be managed efficiently through more consistent deployment of interpreters.

¹³ "(i) "consumer" means any natural person who uses or requests a publicly available electronic communications service for purposes which are outside his or her trade, business or profession;"

¹⁴ 18000 is used in place of 999/112 for Text Relay calls as this enables priority routing of the call to the relay service and in onward connection to the relevant, requested emergency authority.

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?

We do not agree that a monthly allocation of minutes combined with a weekday/business hours service would be the most appropriate restriction. Please see our response to Question 6 for more detail.

Annex

Greater equivalence

All relay services, whether text or video, will always fall short of providing equivalence of access for those unable to make a standard voice telephone call. The provision of a text relay service enables accessible telephony that might otherwise not exist. However, whilst this is extremely important, the presence of an interpreter within a telephone call is intrusive, time consuming and interrupts the natural conversational flow.

Wherever possible, BT believes that people should be able to make telephone calls direct to the person they want to speak to without the need for an intermediary; and that direct accessibility is going to become ever more important as call centres, websites, email and home working increasingly replace the need for physical interaction.

Ofcom's research indicated that those with hearing and/or speech impairments encountered significant difficulties when contacting businesses and public bodies. It is imperative that the UK business community, and not just the communications industry, support the need for greater equivalence if this situation is to be fully rectified.

Technology now makes it easier for businesses to offer a variety of contact options such as Live Chat, SMS and email, which all use text as an alternative (and equivalent direct medium) to telephone calls between end users. Providing frequently accessed web pages in BSL video format also allows BSL users the opportunity to view information in their preferred language.

Businesses and organisations using call centres as the main route into their organisation can already:

- provide a textphone line to enable direct textphone-to-textphone conversation without any need for an interpreter;
- allow textphone users to by-pass call-steering systems, which can be complex and are often impossible to navigate successfully via a relay operator; and
- offer BSL access either directly into trained, in-house interpreters or by using one of the existing commercial video relay services.

BT would welcome the wider use of such services to enable greater access.

In 2010, BT sponsored research with Employers Forum on Disability (EFD) that resulted in best practice guidelines for contact centres. EFD are also promoting the need for organisations to put in place a variety of contact options to enable customers to choose their preferred contact method (see: www.efd.org.uk/).