

Response of the Ofcom Advisory Committee on Older and Disabled People (ACOD) to Ofcom's consultation on Delivering super-fast broadband in the UK.

Introduction to our response

We would encourage Ofcom to take a full, but innovative involvement in the development of super-fast broadband networks and services in the UK as we believe that these could provide considerable benefit to UK society.

Ofcom's neutrality in this development will be important, ensuring a balance between commercial interests and those of wider social value.

To help inform the debate, we would welcome Ofcom publicising case studies of superfast broadband services around the world: its financing and profitability, as well as its uses. Such neutral research could both support the cases provided by companies that require capital, and also inform lenders so that they lend appropriately, thereby appropriately encouraging the release of funding for such investments.

ACOD recognises that in developing these services all parties need to take a long term view. In these times of economic uncertainty, this is especially important, but also very difficult for many businesses. Ofcom may need to play a role in ensuring that the right framework is in place so that in the event of companies having difficulties completing NGN projects, others will be able to continue their work e.g. through the transferring of assets.

Our response to this consultation is framed by a view that demographically there may be relatively higher numbers of older and disabled people in poorer areas of the country because poverty is often linked to a lack of health care. Such areas would be less commercially attractive for NGA, and hence the people living there would be discriminated against if commercial factors alone dictated the supply of NGA.

Similarly people living in rural areas are likely to be discriminated against as they may not in themselves have the volume of customers to make broadband upgrades commercially attractive. Similarly we understand that rural areas have a very different population density to urban conurbations and that this will mean that more resources have to be deployed to reach the same numbers of people.

However, despite this, if Ofcom were seen to be taking a proactive role to ensure that the digital divide doesn't increase then it may encourage companies to act accordingly rather than just focus on their return to shareholders. Companies may well already have a policy of Corporate Social responsibility, and Ofcom's actions could support this.

We recognise that unless a case of providing to a mass market is shown, then NGA may not be regarded as the right solution for applications of social benefit. However upgrading a street cabinet would affect typically 350 homes, and so would make a significant improvement in what is available for a council estate, or a rural community. ACOD is anxious to ensure that these communities are not overlooked and that as much thought is put into developing services and applications for these users, as heavy consumers of HD or multi-player gaming services.

Question 1: Is there further evidence available on the applications and services or consumer benefits that may be supported by next generation access?

- 1.1 Telecare and Telehealth are two areas where super-fast broadband can offer significant benefits to both ageing and disabled people, by providing health and well-being related services that prolong their ability to live at home in the midst of their caring friends and family. Socially inclusive services should not be constrained to people's homes; rather next-generation broadband enables people to avail of services outside of their home. We believe that at present UK Broadband providers – and Ofcom – do not fully appreciate this potential.
- 1.2 The USDA Rural development programme has supported Telemedicine – connecting students and teachers or medical professionals and patients at separate sites. Examples of applications used include video-conferencing or teleradiology equipment.

Below is just one example of this which we have taken from http://www.usda.gov/rus/telecom/dlt/dltsuccess/dltsuccess_al.htm:

“Rural Americans in east central Alabama are on the road to solving their health care crisis. Like their fellow rural citizens, they know first hand that health care in rural America is in jeopardy-- services are either too far away, too expensive or inadequate.

Physicians, nurses, and technicians who do move to rural communities face the inevitable difficulty of acquiring needed hours of continuing medical education due to distance from teaching medical centers. The road rural Alabama residents are traveling to solve their health care crisis is not the interstate highway system, but rather the information super highway. The vehicle that is helping them to get there is funding assistance from RUS. In 1995, a telemedicine project submitted by the Rural Alabama Health Alliance (RAHA) was selected for a \$300 thousand Telemedicine grant.

The telemedicine system will be used to provide health care and distance learning in one of the most rural areas in Alabama. The system will link four remote hospital sites located in Bibb, Pickens, and Fayette Counties to the University of Alabama's Interactive Instructional Telecommunications System which also links the university campuses at Tuscaloosa, Birmingham and Huntsville, Alabama.

Over 90,000 people in four rural counties will benefit from a more effective local hospital and health care system, essential for economic and social well being. Telemedicine technology allows these local hospitals to treat as many patients locally as possible. This is generally the preference of the patients as well, and is cost-effective for all. Continuing medical education will become more available for physicians, nurses and other health professionals.

They now have the same opportunity to be involved in “grand rounds” and conferences as physicians in urban areas. Practitioners such as LPN's, RN's, and XRAY Technicians can obtain the educational credits necessary to maintain their certification.

The total estimated staff development cost savings of the RAHA project over a ten year period is over one quarter of a million dollars.”

- 1.3 Evidence from other countries (notably Canada, USA and Australia) suggests Telecare and Telemedicine applications could substantially reduce the level and costs of delayed in-patient discharge and/or "bed blocking" within the NHS. Recent Government figures show that during 2006/7, over a million "bed days" were lost in the NHS for these reasons.
- 1.4 Another key area where super-fast broadband can add real value is through tele/videoconferencing for disabled/deaf people and their organisations domestically and internationally. At present UK technologies in this arena fall far behind those in other parts of the developed world, notably North America. NGN provide an opportunity to redress this balance.

For many groups, including older and disabled people cost will be a key factor in determining whether and how quickly they might benefit from NGA. However, some (for example, disabled people in adult, further and higher education) will benefit sooner – and are likely to use this technology were it widely available to them.

- 1.5 Noting that the use of satellite to provide NGA may be a future possibility (this would be particularly helpful in rural areas), it should also be borne in mind that there are now an increasing number of people with disabilities living independently in properties primarily rented from Housing Associations who traditionally restrict tenants from installing satellite dishes. Providing fibre to the home or street cabinet would help negate the need for involvement by Housing Associations or other landlords.
- 1.6 Two other issues of concern are media literacy and usability. Although it is difficult to assess whether the technologies behind NGA will in themselves have any significant impact on media literacy, it is without question or doubt that NGA has many applications which can serve to increase media literacy.
- 1.7 NGA could be provided via such a wide range of products, it will be difficult for Ofcom or any other body to control the usability of the products it may be embedded in. However, we use this opportunity to remind Ofcom and equipment manufacturers alike of the importance of inclusive design and that obligations exist in this regard under the Disability Discrimination Act. It is therefore imperative that not only are services designed for older and disabled audiences so that they can benefit from this new technology, but that inclusive design is also an integral part of the product development process. ACOD will continue to keep a keen eye on developments of NGA products and services to ensure that this is the case.

Question 2: Who should lead on defining and implementing a process for migrations to and from next generation access networks? What roles should industry, Ofcom and other bodies play?

- 2.1 The Broadband Stakeholder Group – with whom Ofcom works closely – states on its website that it is open to "anyone who has a commercial interest in broadband". We would like to see Ofcom working with commercial entities to ensure that those who don't have a commercial interest in broadband are not excluded from influencing the policy and investment debate.
- 2.2 Ofcom, on behalf of the wider UK public, could use its influence to ensure that a more representative group of the country rather than just commercially-minded stakeholders are

involved in discussions – balancing its support for corporate investment with its role to maximise the opportunity for the country as a whole rather than the shareholders of a few companies.

- 2.3 Ofcom should liaise with potential stakeholders e.g. particular NHS trusts, or appropriate organisations that represent the rural communities of the country (such as the Post Office or libraries, who have a presence in many areas which may not otherwise see NGA) to see if faster broadband can be offered in locations at the heart of a community if it's not possible to reach everyone's home.

2.5 At present most of the anticipated uses of next generation networks are simply existing applications and services done faster. ACOD believes that community organisations and healthcare providers are just two areas which could benefit greatly from this new technology – with new applications and services being developed to utilise this new infrastructure.

However, it's possible that these organisations may not be able to compete with commercial organisations in terms of offering incentives for investment, or paying for access to this technology. We would like to see Ofcom explore how these obstacles can be overcome, and similarly to encourage companies to look beyond the largest commercial returns to also look at providing services in areas where hospitals and significant community utilities are located. This would encourage appropriate innovations which could help drive the take up and investment in superfast broadband.

Question 4: How far does current regulation, including market definitions, equivalence and the BT's Undertakings, need to evolve as result of next generation access deployment?

- 4.1 We recognise that next generation broadband offers huge potential from a consumer and citizen perspective. ACOD believes that the technology has the opportunity to support both community cohesion and social inclusion as well as utilise new delivery methods such as telemedicine to support the health and welfare of older and disabled people.
- 4.2 However, we also recognise that the roll out of this new infrastructure will be very expensive and that paying for it, especially in the current climate presents many challenges. As a result, current regulatory frameworks may need to be revised in order to encourage this investment.
- 4.3 While Ofcom acknowledges the risks that companies are taking with these initiatives, it should similarly recognise it also provides companies new opportunities revenue streams. As this technology has the potential to benefit the whole of society, we would welcome a regulatory environment which rewards inclusion, not just investment as a precursor for profit. We would therefore welcome an exploration of how light touch regulation can be used to facilitate efforts to reduce, not increase, the current digital divide.
- 4.4 The consultation suggests that private sector deployment is likely to be less than the current Broadband service, and may be as low as 40-50%. (1.40-1.42). Ofcom could be proactive and require a higher level of deployment if providers want to have the benefit of a minimum of regulation.

We appreciate the complexity of ensuring that Ofcom balances the need for profit with the wider societal benefit of deploying the service to less profitable areas or working with partners such as NHS trusts / hospitals, libraries (since many libraries do provide internet access to the community) etc. who will be able to maximise the social gain which can be derived from this technology.

Question 7: Are there other options for promoting competition through regulated access that have not been considered here?

- 7.1 ACOD recognises the importance of competition and – for example – the role it has played in developing the UK's broadband market.
- 7.2 ACOD is keen however to ensure that as well as promoting competition Ofcom equally promotes the wider social benefit which super-fast broadband could provide citizens and consumers, including Older and Disabled people.
- 7.3 We are concerned that competition alone may mean that some consumers are not effectively served and that this could broaden the digital divide yet further. Older and Disabled citizens are just two groups who would be vulnerable if market forces alone dictated the roll out of super-fast broadband services.
- 7.4 Therefore, we would like to suggest that appropriate mechanisms are developed whereby competition could be offset / encouraged by rewarding providers who provide services which the market alone will not deliver. If Ofcom were to identify a means to simultaneously promote competition whilst at the same time preventing a new super-fast digital divide, then this would be a very agreeable outcome.
- 7.5 One way to do this might be to suggest a minimum service level for the whole country to avoid some areas of the country lagging too far behind the areas which are best served. This could be in terms of a specific capacity, such as 512K or as a proportion e.g. 10% of the fastest (e.g. 10Mb if 100Mb is provided).

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