



# Disability Equality Scheme

Consultation

Closing Date for Responses: 10 November 2006



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## Section 1

# Foreword by the Chairman

The ways in which we communicate with each other, both individually and as a society, have never been more diverse. New communications technologies continue to emerge, providing more choice and opportunity for consumers to access entertainment and information and to interact with each other. But full participation for all is not a given; service providers and manufacturers need to take into account the needs of disabled people.

As the UK's communications regulator, Ofcom has a number of duties designed to ensure disabled people have fair access to electronic communications. These include setting and monitoring targets for television access services (subtitling, audio description and signing) and encouraging the availability of easy to use equipment. In television we regulate the text relay service, which enables Deaf people and hearing people to communicate with each other. We are also working with telecoms providers to make new and existing telecoms services and technology accessible to disabled people.

The independent Ofcom Advisory Committee on Older and Disabled People provides advice to the main Ofcom Board to ensure that Ofcom's policies and practices take into consideration views expressed by older and disabled consumers. There are also disabled members on the independent Ofcom Consumer Panel and the Welsh Advisory Committee. The Chair of our Community Radio Fund Panel is also disabled.

For our part, Ofcom is committed to building an inclusive and diverse workforce while recruiting the best talent available. We are also committed to promoting equality of opportunity and good relations between disabled and non-disabled people and do not tolerate unlawful disability discrimination and harassment. Diversity amongst our colleagues is valued.

The main aim of our first Disability Equality Scheme is to ensure that disability equality is not reliant on the commitment of a few individuals but instead is fully integrated as part of our normal daily business. It is founded on best practice principles and has been shaped with the involvement of disabled people from across the UK.

**David Currie**

Chairman, Ofcom

## Section 2

# Summary

- 2.1 This is Ofcom's first Disability Equality Scheme (DES). It sets out what we have done so far and the next steps to ensure that Ofcom plays its role in promoting equality of opportunity and access for disabled people.
- 2.2 Ofcom involved disabled stakeholders in the identification of our priorities and the development of this DES through:
- its Advisory Committee on Older and Disabled People;
  - involving disabled colleagues within the organisation.
  - advertising in Disability Now magazine and website; and
  - focus groups in England, Scotland, Northern Ireland and Wales;
- 2.3 In engaging disabled people in the development of the scheme, Ofcom identified seven priorities that it should concentrate on over the next three years to help promote disability equality. These were:
- Access
  - Media literacy
  - Content and standards
  - Information services and complaints
  - Participation and consultation
  - Employment and training
  - Procurement
- 2.4 In our action plan, we outline the agreed work on equality for disabled people as it relates to Ofcom's role as the UK's communications regulator and as an employer. The priorities identified during the involvement process are aligned to Ofcom's aims and activities identified in its Annual Plan to ensure that actions to address disability equality are part of our daily activities. These actions include:
- Clarifying the way in which we serve disabled citizens.
  - Ensuring broadcasters meet their obligations with respect to subtitling, signing and audio description.
  - Promoting media literacy through dialogue with disabled stakeholders, particularly those with learning disabilities
  - Effectively implementing content regulation rules to ensure that the portrayal of disabled people on radio and television is balanced and not offensive.

- Embedding disability equality in our approach to impact assessments in order to improve our policy decisions.
- Seeking to recruit more disabled people to Ofcom's decision making boards.
- Being more creative and pro-active in recruiting and developing disabled colleagues.
- Seeking to ensure that the companies we buy our goods and services from have equal opportunities policies that include disability equality.

2.5 Progress on the disability action plan will be reviewed annually. New actions might be included depending on developments within the communication industry and any changes in priorities that might be identified further to the publication of our action plan. We will undertake to review our operations in three years time, in line with the Disability Discrimination Act.

## Section 3

# About Ofcom

- 3.1 Ofcom is the regulator for the UK communications industries, with responsibilities across television, radio, telecommunications and wireless communications services. It is independent of Government but accountable to Parliament.
- 3.2 Ofcom's sponsoring Departments of State are the Department of Trade and Industry and the Department for Culture, Media and Sport.
- 3.3 Ofcom was set up, and its powers and duties are provided for, under the Communications Act 2003. Its principal statutory duty in carrying out its function is to:
  - a) further the interests of citizens in relation to electronic communication matters;
  - b) further the interests of consumers in relevant markets, where appropriate by promoting competition.
- 3.4 Ofcom's main office is located in London; it has, in addition, National offices in Wales, Scotland and Northern Ireland and a network of field operations colleagues across the UK.

## Ofcom Board

- 3.5 The Board provides strategic direction for Ofcom – it is the main statutory instrument of regulation with a fundamental role in the effective implementation of the Communications Act.

## Content Board

- 3.6 The Content Board is a committee of the main Ofcom Board. It has delegated and advisory responsibility for a wide range of content issues, predominantly dealing with broadcasting.

## Ofcom Consumer Panel

- 3.7 The Consumer Panel is independent of Ofcom. It was established to advise Ofcom on consumer interests in the markets regulated by Ofcom. It has a specific remit to inform Ofcom on consumer issues, specifically those of people with disabilities, older people, rural customers and those on low income or who are otherwise disadvantaged.

## Advisory Committee on Older and Disabled People

- 3.8 This is one of Ofcom's five statutory advisory committees. The committee has a direct reporting line to Ofcom's main Board and can advise on issues across Ofcom's remit as well as Ofcom's internal policies and procedures.

## Ofcom's duties to promote equality of opportunity

### Ofcom's general duties

- 3.9 Under the Communications Act 2003, Ofcom has specific responsibilities for the promotion of disability equality. Under Section 3 (4i) of the Act, in the performance of its duties, Ofcom must have regard to the needs of persons with disabilities, of the elderly and of those on low incomes.

### Employment and training

- 3.10 Under Sections 27 and 337 of the Act, Ofcom is required to promote equality of opportunity in employment and training for disabled people, and other equality groups, in television and radio.

### Fair access to services

- 3.11 Under Sections 303, 308 and 309 of the Act Ofcom has duties that cover drawing up a code giving guidance to promote enjoyment of television by people who are deaf, visually impaired or both; ensure the inclusion of assistance for the visually impaired with the teletext service; and draw up a code of practice for electronic programme guides.

## Ofcom's Aims and Activities

- 3.12 Ofcom has many duties, from protecting viewers and listeners against offensive material to ensuring the optimal use of the radio spectrum. Ofcom also has an important role in enforcing consumer law, which means protecting consumers against mis-selling and other harmful conduct. In its role as a competition authority, Ofcom aims to make markets work better by tackling and deterring anti-competitive behaviour. We have organised our work into eight areas that represent our aims and activities:

- **Addressing citizen and consumer issues** - All of Ofcom's work is ultimately focused on furthering the interests of citizens and consumers. We will protect consumers and citizens by taking appropriate enforcement action; promoting media literacy; handling complaints via our Contact Centre; and carrying out research to understand better the varying needs of different groups within the UK population.
- **Encouraging innovation** - The work Ofcom will be doing to encourage innovation includes three priority areas: spectrum release: auctions and liberalisation; next generation deployment; and content delivery. Ofcom will work to encourage an environment which supports investment and innovation in the future, not just lower prices for existing services now.
- **Promoting competition** - In a rapidly changing world, the benefits for citizens and consumers are potentially largest where markets are open, new entrants can compete against incumbents, investment is encouraged and innovation flourishes. An emphasis on helping markets work better, for example, through the provision of better information to consumers, rather than substituting regulation for the market.
- **Pursuing better regulation** - There is a requirement under the Communications Act for Ofcom to avoid imposing or maintaining regulatory burdens which are



unnecessary. Ofcom will continue to explore opportunities to reduce and better target regulation, taking account of the latest regulatory thinking in Europe and throughout the world.

- **Engaging internationally** - The framework within which Ofcom regulates is to a significant extent determined at the supra-national level and we need to understand and help inform this legislative agenda. Ofcom will seek to influence the way that regulatory policy evolves, in particular, the new EU directive on TV and other audio-visual content, the revised EU framework for electronic communications and international negotiations on spectrum.
- **Providing key services** - Ofcom provides some key services to its stakeholders. They fall into four categories: supporting authorised use of spectrum; licensing access to spectrum; keeping spectrum free of interference; and providing advice via the Contact Centre, responding efficiently to enquiries from stakeholders and informing the policy-making process the issues which are raised.
- **Understanding the sector and our stakeholders** - To ensure that Ofcom has a strong evidence base to inform our thinking and decision making, we carry out and publish a comprehensive programme of research.
- **Operating effectively** - Ofcom continually seeks to operate more effectively. This includes improving the information technology services within Ofcom; re-organising our business processes and systems to achieve the most efficient and integrated use of resources; exploring ways of achieving a more diverse workforce and encouraging diversity in the communications sector more generally; and providing support to Ofcom's advisory panels and committees.

## Section 4

# The Disability Duty

- 4.1 The Disability Discrimination Act (DDA) 1995 says that "A person has a disability if he has a physical or mental impairment, which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities."
- 4.2 The Code of Practice for the DDA 2005 moves this issue on by explaining that, "The poverty, disadvantage and social exclusion experienced by many disabled people is not the inevitable result of their impairments or medical conditions, but rather stems from attitudinal and environmental barriers". This is known as 'the social model of disability'.
- 4.3 True equality of opportunity for disabled people requires more than an approach which seeks to treat disabled people the same as everyone else. This philosophy underpins the requirements to combat discrimination (notably the Act's requirement to make reasonable adjustments) and to promote equality of opportunity.

## The General Duty

- 4.4 The DDA amended the 1995 Act to insert a disability equality duty - known as the General Duty - into the Act. The duty is aimed at tackling systemic discrimination, and ensuring that public authorities build disability equality into everything that they do.
- 4.5 Section 49A of the Act says that public authorities must, when carrying out their functions, have due regard to the need to:
- promote equality of opportunity between disabled people and other people
  - eliminate discrimination that is unlawful under the Act
  - eliminate harassment of disabled people that is related to their disability
  - promote positive attitudes towards disabled people
  - encourage participation by disabled people in public life
  - take steps to meet disabled people's needs, even if this requires more favourable treatment.
- 4.6 Public authorities are expected to have 'due regard' to the six parts of the general duty. In all their decisions and functions, authorities should give due weight to the need to promote disability equality in proportion to its relevance. 'Due regard' comprises two linked elements: proportionality and relevance.
- 4.7 Proportionality requires greater consideration to be given to disability equality in relation to functions or policies that have the most effect on disabled people. Where changing a function or proposed policy would lead to significant benefits to disabled people, the need for such a change will carry added weight when balanced against other considerations.

- 4.8 Disability equality will be more relevant to some functions than others. Public authorities will need to take care when assessing relevance, as many areas of their functioning are likely to be of relevance to disabled people.

### **Specific duties**

- 4.9 The specific duties require each of those public authorities which are listed to:

- publish a DES showing how it intends to fulfil its general duty and its specific duties
- involve disabled people in the development of its scheme
- review the scheme at least every three years.
- The DES should include a statement of:
  - how disabled people have been involved in developing the scheme
  - the steps which the authority will take to fulfil its general duty (the action plan)
  - arrangements for gathering information about performance of the public body on disability equality
  - arrangements for assessing the impact of the activities of the body on disability equality and improving these when necessary (impact assessments)
  - arrangements for making use of the information gathered in relation to reviewing the effectiveness of its action plan and preparing subsequent Disability Equality Schemes.

- 4.10 A public body must also:

- take the steps set out in its action plan
- put into effect its arrangements for gathering and making use of information
- publish an annual report which includes a summary of the steps it has taken to involve disabled people in the development of the scheme, the result of information gathering and the use it has made of such information.

### **Ofcom's duties under the Disability Discrimination Act 2005**

- 4.11 The DDA places an obligatory General Duty on public bodies, including Ofcom, to promote disability equality. The overarching goal of the General Duty is to ensure equality of opportunity for disabled people. It aims to ensure that the promotion of disability equality is embedded in all of a public authority's activities in policy, service delivery and employment and Ofcom is fully committed to discharging this duty.
- 4.12 Ofcom also has a specific legal duty to publish a DES which sets out how it intends to carry out its duties under the General Duty through meeting the specific duties listed above.

- 4.13 Ofcom's aim is to ensure that it pays due regard to equality for disabled people in developing its policies and strategies, providing services or employing people. Ofcom will make sure that its disability equality priorities and action plan will be part of its business plan. The DES and action plan will be monitored and progress reported on every year in Ofcom's Annual Report.

## Section 5

# Disabled people and use of electronic communications

- 5.1 National statistics for the UK suggest that people with disabilities make up 18% of the population. Using the definition of disability under the DDA, it is estimated that as many as one in five people of working age have a disability.
- 5.2 Electronic communications can be of particular importance to those disabled people with visual impairment, hearing impairment and/or mobility issues, as it provides access to services and can improve participation in civic life.
- 5.3 Some 82% of disabled people aged under 65<sup>1</sup> have a mobile phone, 65% have digital TV, 50% have home access to the internet and 46% say they have access to digital radio services. These levels of ownership are similar to all UK adults under 65, with the exception of mobile phones (90% all adults under 65) and the internet (62%).
- 5.4 Compared to the average for all UK adults under 65, disabled people aged under 65 on average watch more TV and listen to more radio, and use the internet and mobile phones to the same extent.
- 5.5 Concerns about TV content, particularly the portrayal of disability, are higher amongst disabled people aged under 65 than amongst the equivalent age group across UK adults as a whole, with concerns about radio content, the internet and mobile phones at around the same level. Concerns appear to be slightly greater for those with mobility impairments than those with sensory impairments.
- 5.6 Nearly three-quarters of tasks related to television (both analogue and digital) were felt to be able to be done with confidence by disabled owners aged under 65, with slightly lower levels for internet, and higher levels for mobile phone tasks.
- 5.7 Four-fifths of disabled adults aged under 65 are aware of the 9 pm watershed. Just over half of disabled home internet users aged under 65 say they can control content. By contrast, relatively few disabled mobile phone owners aged under 65—15% - demonstrate knowledge of the content controls available on the most recent mobile phones. These measures are all close to those for UK adults under 65.
- 5.8 Knowledge of how TV is funded, and whether or not it is regulated, is fairly high, at an index level of 78%. This is very similar to the measure for all UK adults under 65 (80%). Levels of knowledge about industry funding and regulation for radio are not as high. The overall index measure is 55%, very similar to the measure of 58% for all UK adults under 65. Knowledge of internet funding sources is relatively low, with an index measure of 35%.

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<sup>1</sup> The reason for the focus on adults aged under 65 is to disentangle the strong relationship that exists between age and disability.

## Section 6

# Ofcom's work on disability equality

6.1 There are two parts to Ofcom's work to promote disability and other equalities issues - the internal aspect ensuring that Ofcom manages diversity effectively across the organisation; and the external aspect promoting fair access to communications and encouraging equal opportunities within the sectors we regulate.

## Communications Act

6.2 Under the Communications Act 2003, Ofcom has legal obligations to promote equality of opportunity that explicitly refer to the needs of disabled citizens and consumers.

Section	Detail
<b>Section 3 (4)i</b>	<b>General duties of Ofcom</b> Ofcom must have a regard, in the performance of its duties, to the needs of people with disabilities, inasmuch as they are relevant to the circumstances.
<b>Section 21</b>	<b>Advisory Committee for Older and Disabled People</b> Ofcom must establish and maintain a committee to provide advice on the needs of disabled and older citizens.
<b>Section 27</b>	<b>Employment in broadcasting</b> Ofcom should take steps as considered appropriate for promoting the equalisation of opportunities in the employment and training for disabled people in television and radio.
<b>Section 303</b>	<b>Television services for the deaf and visually impaired</b> Ofcom has a duty to draw up and from time to time revise and review a code giving guidance to promote understanding and enjoyment by: <ul style="list-style-type: none"> <li>- people who are deaf or hard of hearing;</li> <li>- people who are blind or partially sighted; and</li> <li>- people with a dual sensory impairment</li> </ul>
<b>Section 308</b>	<b>Assistance for the visually impaired with the teletext service</b> In the public teletext service, Ofcom should consider conditions to ensure the inclusion of particular features of this service, so that people with disabilities affecting their sight are able to make use of the service.
<b>Section 310</b>	<b>Code of practice for electronic programme guides</b> Ofcom has a duty to draw up and from time to time review and revise a code giving guidance as to the practices to be followed in the provision of electronic programme guides. The practices required by the code must also include the incorporation of features that will ensure access by people with disabilities affecting their sight or hearing or both.
<b>Section 337</b>	<b>Equal opportunities and training</b> Ofcom requires broadcast license holders to make arrangements for the equalisation of opportunity in employment and training for disabled people.

## Internal activities

### Diversity Champion

- 6.3 Since Ofcom's formation in 2003, it has undertaken work to progress disability equality and raise awareness of issues across the organisation and amongst the industries it regulates.
- 6.4 In 2006, Ofcom appointed Kip Meek as its Diversity Champion. Kip is an Executive Member of Ofcom's Board and sits on Ofcom's Executive Committee. He is also Ofcom's Chief Policy Partner.
- 6.5 Kip has responsibility for disability equality as well as other diversity issues and leads the agenda within the organisation. Kip will have responsibility for the operational implementation of this DES and action plan.

### Diversity Working Group

- 6.6 The Diversity Working Group (DWG) was established to steer the diversity agenda within Ofcom and assist in managing the organisation's approach to equality and diversity. The group also monitors the implementation of the Diversity Action Plan, which includes activity to promote disability equality.
- 6.7 The DWG consists of colleagues from each Ofcom Group and is chaired by Ofcom's Diversity Champion.

### Advisory Committee on Older and Disabled People

- 6.8 The Advisory Committee on Older and Disabled People (ACOD) advises Ofcom about the interests and opinions of older and disabled people living in the UK. The remit of the Advisory Committee is to:
- seek to identify issues affecting the communications sector of interest to disabled and older people, both collectively as a Committee and individually as Members;
  - provide advice to Ofcom about general and specific issues concerning the communications sectors relating to disabled and older people;
  - provide advice and comment as required on matters brought to the Committee by Ofcom;
  - offer comment, as appropriate, on consultations undertaken by Ofcom;
  - where requested by the Content Board, to provide specific advice to that Board on matters relating to television, radio and other content on services regulated by Ofcom;
  - when so requested by the Ofcom Board, to provide advice to the Consumer Panel on matters relating to disabled and older people in the communications sector;
  - provide Ofcom with advice on matters relating to its responsibilities for the promotion of media literacy affecting disabled and older people; and

- to contribute to Ofcom's Annual Report to ensure this reflects Ofcom's work on issues relating to disabled and older people.

6.9 ACOD has twelve members who reflect the diversity of disabled and older people and who have a wide range of expertise and interests across all the areas that Ofcom regulates.

## **Equality Scheme for Northern Ireland**

6.10 Under section 75 of the Northern Ireland Act 1998 (NIA), Ofcom is required to produce an Equality Scheme in relation to its functions in Northern Ireland. Section 75 of the NIA includes an obligation to promote disability equality. In 2005, Ofcom published its Equality Scheme which sets out how the organisation proposes to fulfil its duty to promote equality of opportunity over the next five years until 2010.

## **Employers' Forum on Disability**

6.11 The Employers' Forum on Disability (EFD) is the UK's leading employers' organisation focused on disability as it affects business. It is funded and managed by its members. The aim of the forum is to make it easier to recruit and retain disabled employees and to serve disabled customers. Ofcom has been a member of the forum since 2004. We use this forum to keep pace with developments which impact on the recruitment and development of disabled colleagues.

6.12 Ofcom has joined to the EFD's Disability Standard, enabling us to measure our current performance on disability and what needs to be done to make progress. The standard allows us to compare our performance against organisations within the communications industry and other employers.

## **External activities**

### **Provision of Television Access Services**

6.13 Ofcom commissioned the Provision of Access Services research to provide the first independent and statistically significant data on the numbers of people who could benefit from television access services (subtitling, signing and audio description), and on those actually making use of them. This provided an important input to Ofcom's review of the Code on Television Access Services, which was published at the end of September 2006.

6.14 The Code on Television Access Services sets out the requirements on subtitling, sign language and audio description that apply to television services licensed in accordance with the Communications Act 2003, the Broadcasting Act 1996, or the Broadcasting Act 1990. Ofcom notes that some broadcasters already provide television access services on a voluntary basis, and encourages broadcasters to do so where possible, even if they are not required to do so by this code.

6.15 Ofcom requires television service providers to promote awareness of the availability of their television access services to potential users of the services by making available accurate and timely information to electronic programme guide (EPG) operators listing their services, and by providing similar information on their website. Ofcom has imposed corresponding obligations on EPG operators through the code to be made under section 310 of the Act. Broadcasters who provide programme synopses for use in EPGs should indicate which programmes are accompanied by



television access services by including the standard upper-case acronyms for subtitling, audio description and signing.

- 6.16 Each year, a review is carried out to determine which channels have an audience share and income that would justify the provision of access services. From 1 January 2007, some 90 channels will be required to provide access services. These channels account for more than 95% of peak-time viewing.
- 6.17 The research commissioned by Ofcom showed that about 66,000 claimed to have seen a signed programme at least once, and to have a good knowledge of BSL, but indicated that many of these preferred to use subtitling instead. It is likely that on many of the channels with small audiences, signed programmes are being watched by very few people, if any. Following discussion with disability organisations and feedback from access service users, Ofcom believes that the current arrangements for signing on television are not meeting the needs of sign language users, and is discussing with disability organisations and broadcasters whether alternative arrangements would be more appropriate. Ofcom expects to consult on alternative arrangements towards the end of 2006.

### **Universal Service Review**

- 6.18 Universal Service Obligations (USO) ensures that basic fixed line services are available at an affordable price to all citizen and customers across the UK. USO services include: special tariff schemes for low income customers; a connection to the fixed network, which includes functional internet access; reasonable geographic access to public call boxes; and the provision of a text relay service for customers with hearing impairment.
- 6.19 In 2006, Ofcom reviewed USO to ensure that the obligations continue to meet the needs of consumers as demands and technology change, find the right balance between the needs of vulnerable customers and changing commercial conditions and make sure the benefits of measures reach those who need them by targeting and creating incentives.
- 6.20 The review has a section specific to the needs of disabled consumers. In this section Ofcom concluded that a Stakeholder Advisory Panel for the relay service should be established and an annual plan and report on the operation of the service published. We also proposed that other changes to requirements on providers in respect of services for disabled customers should be made. These include extending the scope of customers who can receive bills and contracts in special formats and increasing some accessibility requirements for PCBs. These changes will require changes to the relevant conditions. Ofcom will propose these changes in a separate consultation document shortly. This document will also address legal issues arising from the dispute raised by providers against BT's increase of the connection charge to BT's Text Direct service.

### **Research**

#### Media Literacy Audit: Report on media literacy of disabled people

- 6.21 In 2006, Ofcom undertook research which looked at how disabled adults and children in the UK access, understand and create electronic communications. In this context, our definition of access was much wider than availability or take-up of the platforms. Rather, it focused upon interest, awareness, usage and competence relating to each platform. Understanding relates to how content (such as television and radio

programmes, internet websites, or mobile video and text services) is created, funded and regulated.

### The Representation and Portrayal of People with Disabilities on Analogue Terrestrial Television

- 6.22 The research was conducted to evaluate the representation of people with disabilities on analogue terrestrial television in terms of the extent of representation and how people with disabilities have been portrayed. The report is of a content analysis of recorded samples of television programmes broadcast in 2004.
- 6.23 Our research found that, in 2004, only 12% of sampled programmes (on BBC1, BBC2, ITV, Channel 4 and Five) included representations of people with disabilities. However less than 1 person/character in 100 in the sampled programmes overall had a disability.

### Universal Service Obligation: Deaf and Hearing Impaired Consumers and Text Phone Services

- 6.24 This presents the findings from a qualitative study, undertaken in 2004, into the provision of text relay services for deaf and hearing impaired consumers, conducted by MORI Social Research Institute on behalf of Ofcom, the communications regulator.
- 6.25 A text relay service allows text phone users to call phone users (and vice versa) via a third party operator who translates text to speech. A text phone has a keyboard into which messages can be typed and a display screen to read messages. They are used primarily by deaf and speech impaired users and anyone else who is unable to use a standard telephone.
- 6.26 Research was commissioned with members of the deaf and hearing impaired communities, in order to develop understanding about the usage of, attitudes towards, and perceived benefits of text phone services. The aim is to assess the operation of text relay services and gather views on their marketing.

### **Code on Electronic Programme Guides**

- 6.27 This code requires electronic programme guide (EPG) providers to give appropriate prominence for public service channels; provide the features and information needed to enable EPGs to be used by people with disabilities affecting their sight or hearing or both; and secure fair and effective competition. The EPG Code requires EPG providers to:
- Provide easily accessible information on how to identify programmes broadcast with subtitling, signing and audio description services.
  - Provide easily accessible information on how to switch on these services.
  - Give 'appropriate prominence' to public service channels such as the BBC, ITV1, Channel 4, S4C, five and Teletext and explain their approach to this. As there are different ways which this can be done Ofcom will intervene only if there are complaints, or if it is not content with the way public service channels are displayed;

- Treat channels listed on their EPGs in a fair, reasonable and non-discriminatory way;
- Explain their approach to listing other channels on their EPG, and review this approach from time to time.

6.28 Ofcom expects EPG providers to consult disability groups and individuals about the way they meet their obligations under the code, which are set out above.

6.29 Ofcom intends to review the Code at intervals of no more than two years, or more frequently if circumstances warrant it. As part of the review, it will consult stakeholders, including EPG providers, broadcasters, and disability groups.

### **Equal Opportunities: A Toolkit for Broadcasters**

6.30 This toolkit provides broadcasters with practical ways to promote equality of opportunity (including disability equality) in employment and training within their organisations.

## Section 7

# Involving disabled people

- 7.1 The main focus during the development of our DES has been the involvement of disabled people from the start.

### Advisory Committee on Older and Disabled People (ACOD)

- 7.2 Our first step was to involve our Advisory Committee on Older and Disabled People in the identification of barriers to access and the priorities that Ofcom should be concentrating on over the next three years.
- 7.3 ACOD is Ofcom's primary mechanism to involve disabled people in shaping our disability equality direction. There is ongoing involvement and communication between this Group and the Ofcom Board.

### Colleague engagement

- 7.4 We invited disabled colleagues to contribute to the development of the DES through the intranet.

### Advertisement in Disability Now magazine and on the website

- 7.5 Ofcom placed a full page advertisement in Disability Now magazine and on the publication website for a month inviting readers to contribute to the development of the scheme identifying our priorities.

### Consultation with access service users

- 7.6 Ofcom consults periodically with television access service users (subtitling, signing and audio description) on issues of concern to them, including issues such as proposals to revise the standards applying to the provision of access services, and changes to the Code on Television Access Services. Ofcom is convening a Subtitling Forum with disability groups and broadcasters in November to discuss how subtitling is provided, and the problems that arise with the service.

### Focus groups

- 7.7 Ofcom organised four focus groups in England, Scotland, Wales and Northern Ireland to hear the views of disabled people. The meetings were held in Manchester, Glasgow, Cardiff and Belfast.
- 7.8 Ofcom would like to thank Inclusion Scotland, Disability Wales, Disability Action Belfast and the Greater Manchester Coalition of Disabled People for helping us organise these focus groups.

## Section 8

# Ofcom's disability equality priorities

8.1 After discussions with, and research amongst disabled people across the UK as well as colleagues at Ofcom, we have identified seven priorities.

### Access

8.2 There are issues around access to communications for disabled people, particularly with regard to the universal service review in telecoms and access to television, especially the preparations for digital switchover.

8.3 In the run up to digital switchover, the delivery of access services over digital platforms remains a potential area of concern. Disabled people need to receive timely advice on accessible digital equipment and support during the switchover process.

8.4 Access to communications services can be particularly difficult for those on low incomes, which includes a disproportionate number of disabled people. As a consequence, sections of society risk being excluded from accessing certain services based largely on the cost of these services.

8.5 According to the Broadcasting and Creative Industries Disability Network, there is also a growing desire among disabled people to access the media – in studio audiences, in creative roles such as acting, writing and directing, as game show contestants and as programme contributors as well as in corporate positions such as in accounting, legal services, marketing and senior management.

### Media literacy

8.6 Electronic communications networks play a central role in daily life. They underpin all businesses and are central to the workings of a modern democracy. Ofcom's definition of media literacy, developed after formal consultation with stakeholders, is 'the ability to access, understand and create communications in a variety of contexts'. Media literacy gives people the confidence and knowledge to get the most out of the many media platforms that now exist.

8.7 When compared to all adults, disabled people have lower levels of competence in using electronic media. The greatest difference in levels of competence relates to the internet, where the measure for adults with a disability is at 68% of the maximum potential, compared to 76% for the wider population.

8.8 Relatively few mobile phone owners with a disability - 15% - demonstrate knowledge of the content controls available on the most recent mobile phones.

8.9 This measure is at almost the same level all mobile phone owners, with only 17% aware of the availability of these relatively new controls.

8.10 The measures relating to content creation are internet and PC-based. Current levels of content creation amongst disabled people aged under 65 with internet access are low, at 10% of the maximum potential. This measure is lower than that of the equivalent age group of all UK adults with internet access (15%).

- 8.11 We will work with stakeholders to help focus on the present and future media literacy needs of all members of society. There are many stakeholders who have a key role to play in the promotion of media literacy skills, knowledge and understanding in both adults and children. These include content producers, broadcasters, platform and network providers, educators, Government departments, parents, children's charities and other organisations. Our principal role will be to help provide leadership and leverage in the promotion of media literacy.

### **Content and standards**

- 8.12 The way disabled people are portrayed in broadcast media is a significant influencing factor in determining public attitudes towards disabled individuals, how disabled people feel about themselves and whether they feel included in society.
- 8.13 ACOD has raised concerns about the portrayal (or lack) of disabled people on radio and television. Furthermore, the committee felt that people with learning disabilities and those with mental health issues are particularly subject to negative portrayal in broadcast media when they do appear.
- 8.14 According to our research<sup>2</sup>, perceived hurdles to inclusion include society's attitudinal bias towards physical attractiveness, leading to the rejection of groups with disabilities. Our findings indicate that 46% of those who reported negative attitudes towards disabled people formed this view because of what they had seen on television.
- 8.15 Use of derogatory terms for disabled people can amount to a breach of the Ofcom Broadcasting Code. Ofcom will implement content regulation rules regarding the portrayal of disabled people on television and radio. It will ensure that that generally accepted standards are applied to the content of TV and radio services so as to provide adequate protection for members of the public from the inclusion of offensive and harmful material.

### **Information services and complaints**

- 8.16 One of the barriers for disabled people accessing Ofcom's services can be a lack of clear and appropriate information. All citizens and consumers have the right to access and understand full, accurate and timely information. The provision of appropriate communication support to users of public services is an issue of equality of opportunity. It helps remove discriminatory barriers to full participation in society.
- 8.17 In addition to its spectrum management responsibilities, one of Ofcom's main public roles is the investigation of complaints about television, radio and telecommunications provision. To deliver this service effectively we need to ensure that we provide information in a manner which is accessible to the UK public, including disabled citizens.

### **Participation and consultation**

- 8.18 Ofcom's statutory committees and boards have relatively limited disability representation when compared to the working population at large. In order to ensure the needs and concerns of disabled consumers fully inform our decision making

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<sup>2</sup> The Representation and Portrayal of Disabled People With Disabilities on Analogue Terrestrial Television, Ofcom, 2005

process, Ofcom is actively seeking to recruit further disabled members to these committees and boards.

- 8.19 Ofcom understands that disabled people may have taken a different education path or had career breaks, which represent a career profile different from the norm. Ofcom will take this into account when selecting disabled members to our committees and boards.

## **Employment and training in the communications industry**

- 8.20 Disabled people continue to face disadvantage and discrimination in employment. In 2005, the employment rate of disabled people was 47%, compared to 75% for wider UK society<sup>3</sup>. Research indicates that disabled people of all ages are significantly under-represented in the media workforce either as part of the programme-making process or in other roles.
- 8.21 For disabled people with associated health issues there might be difficulties in accessing employment opportunities because of gaps in their employment history. Many disabled people do not have conventional career paths and this can be detrimental to their efforts to secure employment.
- 8.22 The Workforce Census conducted by Skillset<sup>4</sup> in 2004 of 2,878 companies in the sector indicated that only 1.3% of people working in broadcasting are disabled (this represents a slight increase from 1% in 2002). The 2005 Skillset Survey of 7,000 individuals working in the audio visual industries (both employees and freelancers) also indicated that employers underestimate the number of disabled people, since 5% of this workforce reported having a disability<sup>5</sup>. Even so, the Disability Rights Commission estimate that 13% of disabled people of working age are in employment, so the broadcasting sector is well below the national average.

## **Procurement**

- 8.23 Procurement is a key area where one organisation can influence another's diversity practice and ensure that services delivered equitably. Over the past decade, it has become the norm for companies are to outsource some of their functions to contract other organisations to deliver services. Procurement policy, therefore, provides an opportunity to encourage other companies to adopt policies which promote equality of opportunity.
- 8.24 We shall seek to ensure that all suppliers we use have an equal opportunities policy or statement that includes disability equality.
- 8.25 The EU Public Procurement Directive, implemented in UK law in January 2006, introduced a new provision allowing contracting authorities like Ofcom to reserve contracts for supported factories and businesses (those which have at least 50% disabled employees). This is a further option for Ofcom to promote disability equality through its procurement practice. In addition to reserving contracts, we can try to ensure that there are no barriers to the participation of supported businesses in procurement exercises more generally, in competition with other suppliers and service providers.

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<sup>3</sup> Public Service Agreements 8b and c, Department for Work and Pensions, 2006

<sup>4</sup> The Workforce Census, Skillset, 2004

<sup>5</sup> Workforce Survey, Skillset, 2005

## Section 9

# Action plan

- 9.1 This action plan outlines the agreed work on equality for disabled people as it relates to Ofcom's role as the UK's electronic communications regulator and as an employer. The priorities identified during the involvement process are aligned to Ofcom's aims and activities identified in our Annual Plan to ensure that actions to address disability equality are part of our daily activities.
- 9.2 Progress on the disability action plan will be reviewed and reported annually. We will monitor the actions that have been identified for each year; what has been achieved and where there has been slippage or no progress has been made understand the reasons for this and revise timescales. New actions might be included depending on developments within the electronics communication industry and any changes in priorities that might be identified subsequent to the publication of this action plan.

Ofcom Aim/ Activity	DES Priority	Action / Project Description	Owner	Year
Addressing citizen and consumer issues	Information services and complaints	Clarify the way in which the communications industry serves the interests of disabled citizens	Claudio Pollock (Director of Consumer Policy)	2007
		As part of the Consumer Complaints Review, assess to what extent disabled consumers are able to access complaint systems and their knowledge of their rights.	Rosalind Stevens-Strohmann (Competition Policy Manager)	2008
	Access	Review communications networks and services and assess the barriers to access and inclusion, which will include use of services by disabled consumers.	Alan Pridmore (Manager, Consumer Policy)	2007
		Ensure broadcasters meet their obligations with respect to subtitling, signing and audio description.	Peter Bourton (Senior Policy Executive)	2006-2009
		Promote greater awareness of audio description amongst potential users.	Peter Bourton (Senior Policy Executive)	
		Encourage the availability of easily usable apparatus for communications services.	Bradley Brady (Consumer Policy Manager)	2007
		Ensure that forthcoming EU Communications Framework Review facilitates specific actions on access including addressing access issues for disabled consumers.	Alex Blowers (Head of International)	2007-2008



	Media literacy	Promote media literacy through dialogue with disabled stakeholders.	Peter Davies (Director of Radio & Multimedia)	2006-2009
		Seed fund Sky to produce weekly news programme for people with learning disabilities to promote media literacy amongst this group	Peter Davies (Director of Radio & Multimedia)	2007
	Employment and training	Encourage a best-practice approach to equal opportunities in the broadcasting sector. Ensure broadcasters make arrangements for promoting disability equality in employment and training.	Juliette Brown (Programme Diversity & Training Advisor)	2006-2009
	Content and standards (portrayal)	Enforce content regulation rules regarding the portrayal of disabled people on television and radio. Ensure that generally accepted standards are applied to the contents of TV and radio services so as to provide adequate protection for members of the public from the inclusion of offensive and harmful material.	Christopher Banatvala (Director of Standards)	2006-2009
	Content and standards (Public Service Broadcasting)	Ensure that - among other criteria - Public Service Broadcasting services include what appears to Ofcom to be a sufficient quantity of programmes that reflect the lives and concerns of different communities, cultural interests and traditions (including disabled people) within the UK and locally in different parts of the UK.	Stephanie Peat (Programme Executive)	2006
Encouraging innovation	Access	Oversee Ofcom's role in the planning and implementation of digital TV switchover, including monitoring disabled consumer issues relating to switchover (including liaison with ACOD); publishing research on specific switchover-related issues during the course of the year; and ensuring that our work is co-ordinated effectively with Digital UK, the Government and other stakeholders.	Jim Egan (Strategy Director)	2007-2009
Promoting competition	Access	Evaluate the impact of the BT Undertakings, including the effect this will have on disabled citizens, in particular whether the expected benefits for consumers materialise.	James Thickett (Acting Head of Research)	2007
		Ensure Voice Over Internet Protocol services policy on takes into account the needs of disabled consumers.	Andrew Heaney (Director of Competition Policy)	2008
Pursuing better regulation	Participation and consultation	Embed disability equality into our approach to impact assessments in order to improve our policy decisions.	Alistair Bridge (Policy Development Manager)	2007
Engaging	Content and	Ensure that the development of the revised EU Directive on TV	Alex Blowers	2006-2009

internationally	standards (portrayal)	and other audio-visual content reflects our diversity aspirations and those of our disabled stakeholders	(Director of International)	
Providing key services	Access	Make all publications available in alternative formats and languages upon request and free of charge.	Andy Bailey (Head of Design & Publications)	2006-2009
	Information services and complaints	Seek to ensure the Ofcom website conforms to best practice accessibility guidelines.	Andy Bailey (Head of Design & Publications)	2006-2009
	Information services and complaints	Respond appropriately to requests for alternative formats resulting from enquiries from disabled citizens and consumers (via letter, email and our website) in relation to broadcasting, licensing, digital TV switchover, telecoms and spectrum.	Jackie Caspary (Director, Central Operations)	2006-2009
Understanding the sector and our stakeholders	Media literacy	Carry out a second survey to identify trends and issues related to disabled citizens and the availability, take-up and consumption of communications services.	Alison Preston (Senior Research Associate)	2009
Operate effectively	Access	Modernise the field force teams and improve delivery, governance and quality of service to disabled citizens.	Robert Thelen-Bartholomew (Head of Field Operations)	2006-2009
	Participation and consultation	Undertake disability impact assessment on policies relevant to disability equality	Dougal Scott (Director of Policy Development)	2007-2009
		Continue to recruit more disabled people to Ofcom's decision making boards	Graham Howell (Board Secretary)	2008
		Support for the Advisory Committee on Older and Disabled People	Graham Howell (Board Secretary)	2006-2009
	Employment and training	Be more creative and pro-active in recruiting and developing disabled colleagues	Janet Campbell (HR Director)	2006-2009
		Improve the accuracy of the declaration rate for disabled colleagues by raising awareness of what is defined as a disability under the DDA	Janet Campbell (HR Director)	2007
		Ensure colleagues receive the appropriate training on their duties under the DDA	Keeley Addison (Head of Professional Development)	2007-2008
	Procurement	Seek to ensure that the companies we buy our goods and services from have equal opportunities policies that include disability equality.	Rona Chester (Finance Director)	2008

## Section 10

# Gathering and using information

- 10.1 Evidence gathering is part of the process of achieving greater equality for disabled people. However, the process of information gathering is not an end in itself, but is a vital mechanism to enable Ofcom to make better decisions about what actions would best improve disability equality. The information will allow us to:
- assess our performance;
  - carry out effective impact assessments;
  - identify barriers to good performance and actions for improving;
  - review progress and adjust actions as appropriate;
  - set targets for improving outcomes; and
  - benchmark against other comparable authorities.
- 10.2 Ofcom collects evidence to meet its responsibilities under Section 3 of the Communications Act 2003, which requires Ofcom to have regard for the needs of disabled people.
- 10.3 Ofcom undertakes research into disabled citizens' use and participation in electronic communications to help it understand the priorities for action amongst this group. It monitors barriers and differences in outcomes for disabled people in accessing communications technology. Recommendations from these information gathering activities are carried forward into business planning activities and action plans.
- 10.4 Ofcom monitors its recruitment process and workforce profile to assess its effectiveness in attracting talented disabled candidates into the organisation. It is also able to identify any support, requirements and adjustments that might be needed by disabled colleagues to enable them to perform their roles effectively.
- 10.5 Ofcom will use information gathered to review its effectiveness in tackling disability equality and the implementation of its action plan.

## Section 11

# Impact assessment

- 11.1 Under Section 7 of the Communications Act, Ofcom has a regulatory duty to carry out an Impact Assessment (IA) as part of its regulatory decision-making process. As the decisions which Ofcom makes can impose significant costs on our stakeholders, it is important for us to think very carefully before adding to the burden of regulation.
- 11.2 Impact Assessments form a key part of best practice policy making and help inform different options for regulation.
- 11.3 Impact Assessments are also useful in reviewing existing regulation. They provide a framework for weighing up the costs and benefits of removing regulation, as well as analysing other options. Ofcom has decided to incorporate disability and other equality impact assessments into our existing process.
- 11.4 Impact Assessments are carried out in relation to the great majority of our policy decisions. This is a significant commitment, but in carrying out Impact Assessments, we will be guided by the principle of proportionality. This means that a decision which is likely to have a wide-ranging impact and/or impose substantial costs on stakeholders will have a more comprehensive Impact Assessment than a decision which will have a less significant impact.
- 11.5 Another benefit of carrying out Impact Assessments is that they provide a mechanism for considering the impact of our work on the interests of the full range of our stakeholders, including different groups of citizens and consumers. In some cases, for example, we will need to consider the impact of policy options on the interests of people living in different parts of the country or people who are elderly, disabled or on low incomes.
- 11.6 Our stakeholders play an important part in the Impact Assessment process as often they will hold the information needed to carry out the analysis. Generally, therefore, we will seek to engage with stakeholders at an early stage.

## Section 12

# Ofcom as an employer

- 12.1 Under the DDA, Ofcom has a legal duty to promote equality of opportunity for disabled people in employment and training.
- 12.2 We must make arrangements to gather information on the impact of our policies and practices on the recruitment, development and retention of disabled colleagues. Our arrangements need to include:
- a review of applicant numbers, short listed and appointed profiles;
  - types of jobs being undertaken by disabled people, grades/salary levels;
  - training courses attended;
  - career progression;
  - appraisals;
  - disciplinary action;
  - reports of disability harassment (and how resolved);
  - duration of employment;
  - numbers in full or part-time work;
  - numbers leaving giving reasons, including redundancy, dismissal, ill-health, retirement; and
  - analysis of exit interviews for disabled staff (including those taking ill-health retirement).
- 12.3 Similar assessments need to be made, not just of colleagues, but also of our Board, independent Ofcom Consumer Panel and advisory committee members to seek to ensure the participation of disabled people.
- 12.4 Although one in five people in the UK is disabled, just over ten per cent of the UK population is disabled and economically active or seeking employment<sup>6</sup>. Currently, 2.2% of Ofcom's colleagues have declared they are disabled. Proportionately, Ofcom's performance in this area is comparable to similar public bodies. For example, the Office of Fair Trading has 4% disability representation, the Cabinet Office 3.6% disabled employees and the Treasury 3%.
- 12.5 When looking at the employment of disabled people, it is essential that Ofcom is clear about its definition of disability. Ofcom's recruitment monitoring form asks individuals whether they consider themselves to meet to the DDA definition of disability but also uses a broader self-identification social model definition.

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<sup>6</sup> Disability Rights Commission, 2005

- 12.6 In considering the workforce profile it is important to note that there may be more disabled people within the organisation who have not declared their status. Non-disclosure may occur for a range of reasons, including where colleagues do not consider themselves to be disabled, do not apply the DDA definition to their circumstances, distance themselves from the label 'disabled', especially for those who may have recently acquired an impairment, and fear of discrimination. Another reason is that many people with impairments or long term health conditions would not describe themselves as 'disabled'.
- 12.7 Ofcom will seek to improve the accuracy of the declaration rate for disabled colleagues through raising awareness of what is defined as a disability under the DDA. Ofcom is committed to offering more support for disabled colleagues through the creation of a disabled colleagues' network if a need for such a group is identified.

## Recruitment

- 12.8 Ofcom is committed to building a workforce that reflects wider UK society. Whilst improvement is required, Ofcom is seeking ways to be more creative when attracting and recruiting disabled colleagues into the organisation.
- 12.9 Certain vacancies within Ofcom require the use of specialist agencies. Ofcom is working with recruitment agencies to ensure that they are aware of Ofcom's commitment to diversity and the desire to attract additional talented disabled candidates.

## Graduate Recruitment

- 12.10 Approximately 6% of first degree graduates have a disability, representing over 11,500 people<sup>7</sup>. Ofcom will seek to reflect this diversity in its Graduate Recruitment Campaign.

## Training

- 12.11 It is essential that all Ofcom colleagues have a good basic knowledge of the DDA and are given specialist knowledge relevant to their work, so that they can carry out their duties in accordance with the general duty of the DDA.
- 12.12 In 2005, Ofcom commenced its diversity training programme. Training sessions included details on disability equality, as well as wider diversity issues. Over the next three years Ofcom will organise a training programme to inform colleagues of their duties under the DDA

## Work-Life balance

- 12.13 Ofcom is expanding its Work Life Balance policy to include staggered hours to assist those colleagues whose disability does not allow them to work in the same patterns as their able bodied colleagues. Subscription to this work method will be subject to the business needs of Ofcom.

## Employment procedures and policies

- 12.14 Ofcom will review procedures and policies to seek to create an environment which is designed actively to minimise barriers to employment and progression for disabled

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<sup>7</sup> Higher Education Statistics Agency, 2006

people. Ofcom strives to ensure that appropriate reasonable adjustments are made and in place and will provide advice and information to disabled colleagues and line managers on the DDA and DES and available support.

### **Broadcasters**

- 12.15 Ofcom has a legal duty to encourage the promotion of equality of opportunity for disabled people in employment and training within the broadcasters we regulate.
- 12.16 In 2005, Ofcom produced an equal opportunities toolkit for broadcasters to provide guidance on how to promote equality of opportunity and enhance their recruitment activity.
- 12.17 Ofcom also encourages broadcasters to monitor their workforces and access to training by disability, gender and race. An annual report from all public service broadcasters providing information on the diversity of their organisations is required by Ofcom and will be published on our website.

## Section 13

# Implementing the Disability Equality Scheme

### Who is responsible for our DES?

- 13.1 All Ofcom colleagues are responsible for implementing this DES. However, the Ofcom Board is ultimately responsible for the delivery of the organisation's statutory responsibilities. Its role is to guide the organisation to ensure that its goals are achieved in the most effective and efficient manner.
- 13.2 Members of Ofcom's boards, panels and advisory committees also have a role to play in helping Ofcom to meet its duty to promote equality for disabled people.
- 13.3 The Diversity Champion will be responsible for the operational implementation of the DES.
- 13.4 The Diversity Working Group will work to ensure that effective action is taken to promote disability equality and reduce disadvantage.
- 13.5 This DES is a public document and Ofcom will be answerable to the public for delivering the programme set out in the scheme.

### Annual review and reporting

- 13.6 Ofcom will review progress on the DES and the activities in the action plan annually and provide a summary of work for inclusion in its Annual Report. This will include details of the evidence used to monitor performance on disability equality, and a summary of what this indicates.
- 13.7 In line with the DDA, a more formal three year review will take place in 2009, with the involvement of disabled people to evaluate Ofcom's work against the goals set within the action plan. Ofcom will also evaluate the content, structure and priorities of the DES. Particular focus will be placed on whether the priorities are still relevant and appropriate, how successfully disabled people were involved, the way information was gathered and used, and the process for carrying out Impact Assessment.



## Section 14

# How to contact Ofcom

- 14.1 If you are a consumer, viewer or listener and you want to complain to Ofcom, you can contact us through the website at <http://www.ofcom.org.uk/>.
- 14.2 You can also contact Ofcom by phone between 9:00am and 5:30pm, Monday to Friday. The number for the Ofcom Contact Centre is **020 7981 3040**.
- 14.3 If you are deaf or speech-impaired, you can use the Text phone number **020 7981 3043**. Please note that this number only works with special equipment used by people who are deaf or hard of hearing.
- 14.4 The fax number is **020 7981 3334**
- 14.5 Ofcom handles complaints about the following:
- Problems with your landline phone
    - Phone bill, tariff and contract issues
    - Privacy issues - nuisance and sales calls
    - Customer service issues
    - Problems or delays with repairs
  - Problems with your mobile phone
    - Phone bill, tariff and contract issues
    - Privacy issues - nuisance and sales calls
    - Customer service issues
  - Problems with your internet service
    - Internet service bill & contract issues
    - Privacy issues - spam emails
    - Customer service issues
    - Problems switching between internet service providers
    - Quality of internet service - e.g speed
  - Programmes on TV/radio
    - A specific programme
    - Subtitling, signing or audio description

- Scheduling
- Advertising and sponsorship on TV/radio
  - A specific advert
  - Sponsorship and product placement
- Digital TV/radio availability
- TV/radio interference and reception
  - TV interference or reception problems
  - Radio interference/reception problems
  - Interference to Ofcom radio communications licensed services
  - Digital TV/radio availability
- Complaints about Ofcom
  - Ofcom does its best to meet the needs of businesses, consumers, viewers and listeners. However, sometimes things can go wrong - or Ofcom can fall short of its own standards. A complaint about Ofcom can be made through the website or by phoning the Contact Centre.

### **Important note about Data Protection**

14.6 Ofcom complies with the Data Protection Act. If you are making a complaint Ofcom may pass on your details, as appropriate, for the purposes of dealing with your complaint.

## Annex 1

# Responding to this consultation

## How to respond

- A1.1 Ofcom invites written views and comments on the issues raised in this document, to be made **by 5pm on 10 November 2006**.
- A1.2 Ofcom strongly prefers to receive responses using the online web form at <http://www.ofcom.org.uk/consult/condocs/des/howtorespond/form>, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response (see Annex 3), to indicate whether or not there are confidentiality issues. This response coversheet is incorporated into the online web form questionnaire.
- A1.3 For larger consultation responses - particularly those with supporting charts, tables or other data - please email [moira.ugoji@ofcom.org.uk](mailto:moira.ugoji@ofcom.org.uk) attaching your response in Microsoft Word format, together with a consultation response coversheet.
- A1.4 Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.
- Moira Ugoji  
Floor 6  
Dept Organisational Planning and Development  
Riverside House  
2A Southwark Bridge Road  
London SE1 9HA
- Fax: 020 7981 3534
- A1.5 Note that we do not need a hard copy in addition to an electronic version. Ofcom will acknowledge receipt of responses if they are submitted using the online web form but not otherwise.
- A1.6 It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 4. It would also help if you can explain why you hold your views.

## Further information

- A1.7 If you want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Moira Ugoji on 020 7981 3977.

## Confidentiality

- A1.8 We believe it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk), ideally on receipt (when respondents confirm on their response coversheet that this is acceptable).

- A1.9 All comments will be treated as non-confidential unless respondents specify that part or all of the response is confidential and should not be disclosed. Please place any confidential parts of a response in a separate annex so that non-confidential parts may be published along with the respondent's identity.
- A1.10 Ofcom reserves its power to disclose any information it receives where this is required to facilitate the carrying out of its statutory functions.
- A1.11 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use in order to meet its legal requirements. Ofcom's approach on intellectual property rights is explained further on its website at <http://www.ofcom.org.uk/about/accoun/disclaimer/>

### Next steps

- A1.12 Following the end of the consultation period, Ofcom intends to publish a statement in December 2006.
- A1.13 Please note that you can register to receive free mail Updates alerting you to the publications of relevant Ofcom documents. For more details please see: [http://www.ofcom.org.uk/static/subscribe/select\\_list.htm](http://www.ofcom.org.uk/static/subscribe/select_list.htm)

### Ofcom's consultation processes

- A1.14 Ofcom seeks to ensure that responding to a consultation is easy as possible. For more information please see our consultation principles in Annex 2.
- A1.15 If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at [consult@ofcom.org.uk](mailto:consult@ofcom.org.uk) . We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.16 If you would like to discuss these issues or Ofcom's consultation processes more generally you can alternatively contact Vicki Nash, Director Scotland, who is Ofcom's consultation champion:

Vicki Nash  
Ofcom  
Sutherland House  
149 St. Vincent Street  
Glasgow G2 5NW

Tel: 0141 229 7401  
Fax: 0141 229 7433

Email [vicki.nash@ofcom.org.uk](mailto:vicki.nash@ofcom.org.uk)

## Annex 2

# Ofcom's consultation principles

A2.1 Ofcom has published the following seven principles that it will follow for each public written consultation:

### Before the consultation

A2.2 Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

### During the consultation

A2.3 We will be clear about who we are consulting, why, on what questions and for how long.

A2.4 We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened version for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5 We will normally allow ten weeks for responses to consultations on issues of general interest.

A2.6 There will be a person within Ofcom who will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organizations interested in the outcome of our decisions. This individual (who we call the consultation champion) will also be the main person to contact with views on the way we run our consultations.

A2.7 If we are not able to follow one of these principles, we will explain why. This may be because a particular issue is urgent. If we need to reduce the amount of time we have set aside for a consultation, we will let those concerned know beforehand that this is a 'red flag consultation' which needs their urgent attention.

### After the consultation

A2.8 We will look at each response carefully and with an open mind. We will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

## Annex 3

# Consultation response cover sheet

- A3.1 In the interests of transparency, we will publish all consultation responses in full on our website, [www.ofcom.org.uk](http://www.ofcom.org.uk), unless a respondent specifies that all or part of their response is confidential. We will also refer to the contents of a response when explaining our decision, without disclosing the specific information that you wish to remain confidential.
- A3.2 We have produced a coversheet for responses (see below) and would be very grateful if you could send one with your response (this is incorporated into the online web form if you respond in this way). This will speed up our processing of responses, and help to maintain confidentiality by allowing you to state very clearly what you don't want to be published. We will keep your completed coversheets confidential.
- A3.3 The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their coversheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.
- A3.4 We strongly prefer to receive responses via the online web form which incorporates the coversheet. If you are responding via email, post or fax you can download an electronic copy of this coversheet in Word or RTF format from the 'Consultations' section of our website at [www.ofcom.org.uk/consult/](http://www.ofcom.org.uk/consult/).
- A3.5 Please put any confidential parts of your response in a separate annex to your response, so that they are clearly identified. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your coversheet only so that we don't have to edit your response.

## Cover sheet for response to an Ofcom consultation

### BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

### CONFIDENTIALITY

What do you want Ofcom to keep confidential?

Nothing	<input type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	If there is no separate annex, which parts?	

### DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on Ofcom's website, unless otherwise specified on this cover sheet, and I authorise Ofcom to make use of the information in this response to meet its legal requirements. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

## Annex 4

# Consultation question

### Sub heading

A4.1 The specific questions raised in this consultation in which Ofcom is seeking stakeholder views are as follows:

*Question 1: Do you agree with Ofcom's seven priorities to promote disability equality over the next three years?*

*Question 2: Do you agree that the activities identified in the action plan will improve outcomes for disabled people?*