# Disability action plan for Northern Ireland

# Foreword

Ofcom's mission is 'making communications work for everyone'. Throughout the Covid-19 pandemic, society has relied more than ever on communications services: for connecting them to family and friends, for entertainment, shopping, bringing them news, home working and home schooling as well as accessing essential services such as health and education.

Our job has involved responding to changing consumer demands, supporting our industries through the crisis, and planning for a post-pandemic world reliant on strong networks and trusted media.

Fundamental to this is ensuring we do all we can at Ofcom to promote diversity, equality, and inclusion both inside our organisation and in the sectors we regulate.

Outlined in this document are some of the measures we have already taken in meeting our statutory duties to 'promote positive attitudes towards disabled people and encourage the participation of disabled people in public life'.

For example, we announced new rules further enhancing the provisions for contacting emergency services, where British Sign Language users will be able to contact the emergency services using video relay. We have also set new expectations on telecoms firms for supporting vulnerable consumers. Alongside this we are setting clearer rules to make TV accessible to people with hearing or sight impairments.

If we are to do our job effectively for all consumers in the UK – across our nations, regions and communities, and for people of all ages and backgrounds – Ofcom itself must also reflect the country as it is today. A diverse and inclusive culture means better decisions on behalf of diverse citizens and consumers.

In January 2021 we launched our 2021-2026 Diversity and Inclusion Strategy including our vision for the type of organisation that we want to be: representative of the citizens we serve across all parts of the UK.  We have made good progress in the first year of the strategy, delivering on our year one targets including improved representation of colleagues with disabilities across our organisation.

The Action Plan in this document identifies the measures we commit to completing throughout this next five-year period, in order to enhance what we have achieved so far in relation to improvements for disabled people, both within our organisation and in the sectors we regulate. We recognise that for disabled people barriers exist to full participation in all aspects of public life, including societal perceptions. Our hope is that this Action Plan, working alongside our internal strategies, and our regulatory role, will combine to make a real difference to the lives of disabled people in our community.

Lord Grade of Yarmouth
Chair

Dame Melanie Dawes
Chief Executive

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# 1. Overview

This Disability Action Plan for Northern Ireland shows how Ofcom proposes to fulfil its duties under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by article 5 of the Disability Discrimination (Northern Ireland) Order 2006), to have regard, when carrying out its functions, for the need to:

- promote positive attitudes towards disabled people; and
- encourage participation by disabled people in public life.

If you require this plan in an alternative format and/or language, please contact the following person to discuss your requirements:

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Please note this document is available on request in other formats including:

- Large font
- Braille
- Audio
- Easy read
- Other languages, including sign language

# 2. Introduction

2.1    Under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by article 5 of the Disability Discrimination (Northern Ireland) Order 2006), Ofcom is required when carrying out its functions to have due regard for the need to:

a)    promote positive attitudes towards disabled people; and

b)    encourage participation by disabled people in public life ('the disability duties').

2.2    Under Section 49B of the DDA 1995, Ofcom is also required to submit to the Equality Commission a Disability Action Plan for Northern Ireland showing how it proposes to fulfil these duties in relation to its functions.

2.3    This document sets out Ofcom's proposals for our Disability Action Plan, reflecting the measures we have already implemented, and outlining those we propose to take over the period to March 2027. Responsibility for implementing, reviewing, and evaluating this disability action plan for Northern Ireland (and the point of contact within Ofcom) is:

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2.4    Ofcom is committed to ensuring both compliance with the disability duties, and that this Disability Action Plan for Northern Ireland is fully implemented. We will allocate the necessary resources required to effectively implement this plan and, where appropriate, build objectives and targets relating to the disability duties into corporate and annual operating plans.

2.5    Ofcom will ensure the effective communication of the plan to staff and provide the necessary training and guidance for staff on the disability duties and the implementation of the plan.

2.6    Ofcom will consult with disabled people in implementing and reviewing this plan, approaching such bodies as Disability Action and Ofcom's Advisory Committee on Older and Disabled People (see paragraph 3.5).

2.7    Ofcom will submit to the Equality Commission an annual progress report on the implementation of this plan and carry out a five-year review of it, which will also be submitted to the Commission. A copy of this plan, each annual progress report and the five-year review will be made available on Ofcom's website.

# 3. Ofcom's functions

3.1      Ofcom makes sure people get the best from their broadband, home phone and mobile services wherever they are in the UK. We monitor standards on TV and radio. We also oversee the universal postal service, look after the airwaves used by wireless devices, and help to make sure people don't get scammed and are protected from bad practices.

3.2      We have recently taken on the regulation of video-sharing platforms, and we are preparing to take on new powers to ensure a safer life online for everyone. As a result of these new duties we will complete a mid-review of this Plan to ensure it remains relevant.

3.3      In all areas of Ofcom's regulatory work, it is essential that we consider the needs of disabled people, recognising that without accessible communication sectors, they can be left extremely vulnerable and isolated. Our statutory duties include specific responsibilities relating to disabled citizens and consumers

3.4      Ofcom operates under a number of Acts of Parliament, including, in particular, the Communications Act 2003. Ofcom must act within the powers and duties set for it by Parliament in legislation. Our principal duty is to further citizen and consumer interests, where appropriate by promoting competition.

3.5      We are independent of Government and the companies we regulate, and our duties are set out in statute, making us accountable to Parliament.

## Our legal duties guide the direction of our work

3.6      Our main legal duties are to ensure that:

a)   the UK has a wide range of electronic communications services;

b)   radio spectrum is used in the most effective way;

c)   a wide range of high-quality television and radio programmes are provided by a range of different organisations, appealing to a range of tastes and interests;

d)   people are protected from harmful or offensive material, unfair treatment and invasion of privacy on the television and radio; and

e)   the universal service obligation on postal services is secured in the UK.

## Our values

3.7      To help us with our work in promoting choice, securing standards and preventing harm, we need to make the best decisions for all UK consumers and citizens. To do this, every part of our organisation needs to be diverse and foster an inclusive culture. We aim to achieve this by adopting our values of collaboration, empowerment, agility, excellence and respect. These values shape how we treat one another, how we work together, how we relate to our stakeholders, how we judge performance and how we collaborate to achieve our

priorities. Our values are central to our effectiveness and they support the organisation we want to be.

# 4. Public life positions

4.1     Ofcom offers a range of public life positions.

## Ofcom Board

4.2     Providing strategic direction for Ofcom, the Board currently consists of up to 10 members, including the Chairperson and other non-executive members, who are appointed by the Secretary of State; the Chief Executive and other executive members are appointed from Ofcom's employees. In March 2022 we appointed our first member of the Board to represent the interests of Northern Ireland (matching existing Board member appointments for Scotland and Wales).

## Communications Consumer Panel and Advisory Committee on Older and Disabled People

4.3     The Communications Act 2003 requires Ofcom to set up and maintain effective arrangements for consultation with consumers. The Communications Consumer Panel (CCP) was established, representing the interest of consumers, citizens and microbusinesses in communications.

4.4     The CCP provides advice that is robust and independent but, at the same time, pragmatic and constructive.  Ofcom shares information and ideas with the CCP at the early stages of policy development, allowing it to provide advice to ensure that the consumer voice is taken into account from the outset.

4.5     The Advisory Committee on Older and Disabled People (ACOD) advises Ofcom about communications sector issues relating to older and disabled people.

4.6     To take advantage of the synergy between the CCP and ACOD, and to avoid potential duplication, cross membership of the two bodies was established in 2012. The remits of the bodies, however, remain unchanged.

4.7     Independent of Ofcom, the CCP consists of up to twelve experts, including representatives from Scotland, Wales, Northern Ireland and England, with experience in many different fields.

## Ofcom Content Board

4.8     The Content Board is a committee of the main Board and it sets and enforces quality and standards for television and radio. It has members representing each of the countries in the UK and includes members with extensive broadcasting experience. It is charged with understanding, analysing and championing the voices and interest of the viewer, the listener and citizen.

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## Advisory Committees for the Nations

4.9     Ofcom has separate advisory committees for Northern Ireland, Scotland, England and Wales. Each comprises seven independent expert members who provide Ofcom with detailed and expert insights into the particular challenges faced by citizens and consumers in different parts of the UK. These committee meetings are also attended by the respective nation's member of the Communications Consumer Panel and Content Board (see above).

# 5. Previous measures

**5.1**     At Ofcom our vision is to make sure communications work for everyone. We want the UK's communications systems to be accessible to everyone. If we are to make sure communication services really do work for everyone then we must understand the needs of people across the different nations, regions and communities within the UK.

5.2     It also means we must look at accessibility, diversity and inclusion in the areas we regulate. Without this access, many people can be left extremely vulnerable and isolated.

5.3     To do our job really well we must also focus on these principles in our own organisation. We should have a workforce made up of people with a wide range of background and experiences, and we should make sure that our colleagues can bring all those diverse experiences to their work.

5.4     In this section we outline some of the key measures that Ofcom have already taken both within our own organisation, and in the sectors we regulate which support us meeting both statutory duties 'to promote positive attitudes towards disabled people and encourage the participation of disabled people in public life'.

## Ofcom's Northern Ireland Equality Scheme

5.5     Under section 75 of the Northern Ireland Act 1998 (The Act), Ofcom is required to produce an Equality Scheme in relation to its functions in Northern Ireland. Section 75 of the Act includes an obligation to promote equality in relation to people with disabilities, and people without.

5.6     In December 2019, Ofcom published an updated version of our R[evised Northern Ireland Equality Scheme for Ofcom](), which sets out how the organisation proposes to fulfil its duty to promote equality of opportunity, including for disabled people, over the next five years. This is in addition to the Single Equality Scheme (SES) outlining our duties under the Equality Act 2010.

## Ofcom's Diversity & Inclusion Strategy 2021-26

**5.7**     At the beginning of 2021, as part of our Diversity & Inclusion Programme we launched our Diversity & Inclusion Strategy, explaining how diversity and equality are essential to the way we operate, both as an employer and as the UK's communications regulator.

5.8     The Strategy outlines our priority areas of work, including our workforce diversity targets and vision as an organisation, and has been approved by the Ofcom Board and will be overseen by our Chief Executive and our Senior Management Team. Our Senior Management Team and our directors will be responsible for applying this strategy in their work. Ofcom's Board and People Committee will hold our Senior Management Team to account for progress in delivering the strategy. Progress against our targets and regulatory action plans will be reported to them on a regular basis.

5.9     One such workforce target is that by 2026, we will increase the proportion of disabled people in Ofcom to 15%.

5.10    As of March 2021 Ofcom 12% of our workforce have told us that they consider themselves disabled. By disabled, we mean a disability and/or long-term condition such as arthritis, asthma, dyslexia, depression, mobility condition, sickle cell, hearing, speech or visual impairment, as examples.

5.11    Disabled representation has increased from 2015 when only 2% of our people said they were disabled. We have substantially reduced our 'no data gaps' on disability which has given us a much more accurate reflection of the profile of our colleagues. 'No data' means our staff have not answered this question at all on our HR system, different to 'prefer not to say' (which was 10% in March 2021). This enables us to better understand the impact of our processes, policies and systems around areas such as progression and retention. However, this is an area where we still have some work to do to further close the gap.

5.12    Our work to date has focused on making sure Ofcom is an inclusive workplace for disabled people. We have been developing our knowledge, behaviour and practices on disability through mandatory equality awareness and unconscious bias training for all, introducing a system for recording disability-related absence and improving our recruitment, development and performance-management processes to account for appropriate adjustments. We overhauled our workplace adjustments policy and process in 2019, working alongside an expert disability consultant, focusing on the removal of barriers and not the condition, establishing a dedicated workplace adjustments team and introducing a central budget for adjustments. Alongside this we provide comprehensive guidance for line managers and colleagues and introduced a workplace adjustments 'passport' which records any agreed adjustments and which colleagues take with them wherever they move into the organisation.

5.13    Now that we have put in place these fundamental measures we are setting a new ambition to make sure Ofcom is welcoming to all disabled people and setting a new workforce target of 15%.

5.14    We know this will be challenging, but we are clear in our ambition in this area. We will take a three-pronged approach to making progress towards this target.

    a)  We will continue to educate everyone at Ofcom on what constitutes disability (including long-term health conditions).

    b)  We will focus on inclusion to make sure those with a disability feel more comfortable sharing their personal data with us.

    c)  We will prioritise attainment of the Government's Disability Confident scheme at Level 3; a scheme developed by employers and disability organisations which encourages employers to recruit and retain disabled people and those with long-term conditions. We are currently at Level 2 (Disability Confident Employer) and aim to attain the highest level of Disability Confident Leader.

## Ofcom's systems and processes

5.15   The systems, processes and policies that we use as an employer have a huge impact on our ability to build a diverse workforce and an inclusive culture. We need to get these systems, processes and policies right if we are to deliver the vision we have set out in the Strategy and ultimately to do high quality work for the benefit of citizens and consumers.

5.16   We have made a good start over the past couple of years by introducing new or updated policies which remove barriers and provide the support that enables more of our people to do their jobs effectively. These changes include our new workplace adjustments policy, which makes it easier to request adjustments not only for disabled colleagues but also for parents and carers, colleagues with religious or cultural observances or those going through life changes where additional time or support might be needed.

5.17   In our new strategy, we will now go further. We will overhaul the core systems, processes and policies that we use as an employer to make them fairer by design, recognising that to treat everyone fairly we will have to support some people differently. Based on consultation with our workforce, we have identified recruitment processes, career progression and performance management as the highest priorities and the areas we should initially focus on. So, we have started to review these important processes.

5.18   We annually report on our gender and ethnicity pay gaps and in 2021 we also published our first disability pay gap report. We will make sure our new approaches to performance management have a positive impact on our work to address pay gaps.

## Culture, wellbeing and inclusion

5.19   We know that fairness in our systems and processes play an important role in creating an inclusive culture, but this isn't enough on its own.  As part of our strategy, we set out how our drive for a naturally inclusive culture means we all take personal responsibility for this and enable our leaders to be role models so disabled colleagues feel valued, feel able to speak up and have a voice and feel as though they belong.

5.20   In 2021 we added 'respect' to our organisational values for Ofcom (outlined in paragraph 2.7 of this document) and have committed to drive the behaviours which underpin this, and our other values through our interactions, processes, policies and everyday work. These values and supporting behaviours set the foundations for an inclusive culture at Ofcom, and our leaders have a new, specific leadership objective to personally role model these in everything they do, every day, with their teams and across Ofcom

5.21   We have also launched a new way to measure and track inclusion through the strategy period. Our inclusion tracker is made up of statistically validated measures which cover feeling safe to speak up, feeling valued and a sense of belonging to the organisation, to support our understanding of our progress to drive an inclusive culture. We also track how our leaders act as role models for our values and behaviours through a new survey tool which enables us to break down the results by teams and by diverse groups, where the

numbers are large enough for us to do so. Based on regular measurement and insight, this enables us to change our approach and support we give to colleagues if we need to.

5.22    Throughout the strategy period Ofcom commits to supporting colleagues with their physical and mental health. We are committed to ending any stigma attached to having poor mental health and are looking further at how we provide targeted mental health support for specific groups such as minority ethnic and LGBT+ colleagues. There are a range of internal and external support mechanisms at Ofcom to support our colleagues' wellbeing.

5.23    In early 2020 we launched our wellbeing programme, Thrive@Ofcom, which has also been vital during the Covid-19 pandemic, making support to colleagues available when and where they needed it most. We have recently completed our first refresh of this programme and will do so each year. This year we will continue to focus on short term support (over the next 12 months) through the challenges created by Covid-19.

5.24    Our longer-term wellbeing programme (2021-2023) will focus on four strategic priorities:

   a)   mental wellbeing;

   b)   physical wellbeing;

   c)   financial wellbeing; and

   d)   corporate social responsibility (CSR), which involves 'doing good to feel good'.

## Diversity of Non-Executive representatives

5.25    Another commitment in our Diversity & Inclusion Strategy is in relation to our boards, advisory committees and panels, that they will have a membership that reflects UK society in relation to disability

5.26    We recognise that the current balance of our non-executives is not representative of UK society. We are constantly looking for new ways to extend our reach so that we can attract applicants from a diverse range of backgrounds. For the first time, we published overall data on the diversity of our non-executive members in terms of gender, ethnicity and disability in our 2019/2020 Annual Report & Accounts and will continue to report on them each year.

5.27    The diversity of the non-executive membership of the Ofcom Board itself is a matter for the Government, but among the boards and committees to which the Ofcom Board makes appointments we will aim for a membership that reflects UK society in relation to disability (along with commitments with regard gender and ethnicity).

5.28    Ofcom's boards and committees are spread across the UK, and they include some committees specifically appointed to reflect different nations within the UK. We have set our targets informed by both the UK adult populations and the relevant adult populations for those nations. We will aim for 15% of non-executive directors with disabilities.

## Monitoring and reporting of the strategy

5.29    We will publish annual updates on our diversity and inclusion strategy. These updates will include progress against our targets and areas of focus, including an annual diversity report on the profile of Ofcom colleagues and processes.

5.30    Separately, as part of our Annual Report and Accounts, we will report on our diversity data as an organisation, including our boards and committees. We will also continue to report on our gender pay gap, our ethnicity pay gap and our disability pay gap.

## Our colleague networks

5.31    Our Senior Management engages with the vibrant and active employee networks and groups representing some of our diverse communities within Ofcom.

5.32    These networks and groups play an important role in supporting colleagues. Open to everyone who wishes to join, they help Ofcom drive our diversity and inclusion programme, and hold senior managers to account both in our ambition and our delivery. They also offer us a great insight into how our people feel from different diversity groups.

5.33    At the end of April 2021, we launched a new colleague network at Ofcom, the SOUND network.  This is a support network for neurodiverse colleagues, disabled colleagues, colleagues with a long term-health condition and their allies.  The aim of the SOUND network is to provide a space within Ofcom where we can **S**upport all neurodiverse and disabled colleagues and provide opportunities for all colleagues to have **O**pen conversations about neurodiversity and disability so that as an organisation and as individuals, we develop our **U**nderstanding about **N**eurodiversity and **D**isability.

5.34    We will keep working with our networks and groups to bring our diversity and inclusion strategy to life. We will learn from and support them and take on a co-ordinating role to achieve even greater collaboration across all networks and groups, delivering a real intersectional approach to celebrating diversity and inclusion at Ofcom. We are investing in training our network chairs and leaders in a joint pilot programme with Henley Business School. We will also ensure that each network is supported and sponsored by one of Ofcom's senior leaders, and that we align funding to support the events and learning across Ofcom.

## Staff training

5.35    In order to raise awareness among staff of the issues faced by disabled people, and their relevance in the workplace, all staff now complete annual e-learning courses on Equality in the Workplace and Unconscious Bias.

## Wider stakeholder engagement

5.36    We value external perspectives on our diversity, inclusion and equality work and seek input from external partners on best practice to help us identify where we are doing well and

where we can do more. We are members of the Business Disability Forum, for example, and participate in external benchmarking including Employers for Carers/Carers UK Carers Confident accreditation, and Social Mobility Foundation's Social Mobility Index, among others. We keep such memberships and participation under review.

5.37    Regular updates are given to the People Committee and Policy Management Board on the progress of various initiatives under our diversity and equality work programmes.

# Ofcom as a regulator

5.38    As previously stated, it is essential that in all areas of Ofcom's regulatory work we consider the needs of disabled people, recognising that without accessible communication sectors, they can be left extremely vulnerable and isolated.

5.39    Outlined below are measures that we have taken as a regulator in relation to improvements for disabled people.

## Telecommunications

5.40    In telecommunications, we have a combination of specific rules about services for disabled customers, and rules about policies for the fair and appropriate treatment of customers in vulnerable circumstances. We also have a guide to illustrate best practice on the latter, and voluntary fairness commitments.  We also take the need of disabled customers in to account in general in policy making. If we suspect non-compliance with our rules for disabled customers, we can investigate and impose penalties where breaches occur.

**We have specific rules about services for disabled customers**

5.41    Ofcom has rules requiring communications providers (fixed and mobile) to provide a range of services designed to benefit disabled customers:

- **Access to an approved text relay service** for publicly available telephone services to and from people who because of their disability needs to make or receive calls in text format.
- **Access to emergency services via SMS** (mobile only) for people who cannot make a voice call due to hearing or speech impairments and who need to contact the emergency services.
- **Free directory enquiries**, with through-connection of calls, for consumers who are unable to use a printed directory because of visual impairment or another disability.
- **Priority fault repair** (for landline and broadband but not mobile) for any disabled person who has a genuine need for an urgent repair.
- **Third party bill management**, enabling a nominated friend or relative to act on behalf of someone with a disability who needs help to manage their account.
- Bills, contracts, end-of-contract notifications and annual best tariff **notifications in alternative formats** such as large print and Braille, on request, for those who are blind or whose vision is impaired.

5.42    Communications providers are required to publicise the availability of services for disabled people.

5.43    We are extending our current rules on accessible formats from December 2021 to go beyond requiring accessible formats for bills, contracts, end-of-contract notifications and annual best tariff notifications. The new rules will ensure that any customer who, due to a disability, might need their communications in an accessible format (such as braille or large print) can receive all information about their communications service in this way.

5.44    In June 2021, we announced new rules further enhancing the provisions for contacting emergency services.  From this year, British Sign Language users will be able to contact the emergency services using video relay.

5.45    Under our existing rules, as outlined above, people with hearing or speech impairments can already communicate with other people over the phone via an Ofcom-approved text relay service and can contact the emergency services by simply sending a text message to 999. However, these services rely on written English, which can lead to misunderstandings for British Sign Language (BSL) users in emergency situations.

5.46    We want BSL users to have equivalent access to the emergency services with other people in the UK. So, we are now requiring telephone and broadband companies to offer a free, 24/7 video relay service for BSL users to contact the emergency services, via a dedicated mobile app and website. As part of the public consultation process on our proposals, we published BSL videos and invited people to respond in BSL or English, to which a number of deaf people responded.

5.47    Given that telecoms companies needed time to contract a provider of an approved service and prepare for implementation, and the dedicated app and website also need to be designed, telecoms providers had until 17 June 2022 to introduce an emergency video relay service.

### We have rules requiring providers to have policies and procedures for the fair treatment of vulnerable customers

5.48    Our rules on vulnerability recognise that anyone can face circumstances that lead to them being vulnerable, either temporarily or permanently.  This might include disabilities, physical or mental health problems, specific characteristics such as age or literacy skills, or changes in circumstances such as bereavement, job loss or changes in household income. We require communications providers to have clear, effective policies and procedures in this area that staff are made aware of and appropriately trained on. These policies and procedures should include, as a minimum:

- Practices for ensuring the fair and appropriate treatment of vulnerable customers
- How information about the needs of such customers will be recorded
- The different channels these customers will be able to use to contact/receive information from the provider, and
- How providers will monitor and evaluate the impact and effectiveness of the policies and procedures.

5.49   In July 2020 we published our guide on 'Treating vulnerable customers fairly' which suggests practical measures providers could adopt to help ensure they treat vulnerable customers fairly and give them the help, support and services they need. The guide is designed to help providers build on current practices to improve how they treat vulnerable customers, in light of their regulatory obligations. The guide does not amend or replace their previous regulatory obligations, nor does it introduce new rules. It should give providers flexibility in how they comply in this area in order to achieve the fair treatment of vulnerable customers. The measures suggested in the guide are not prescriptive or exhaustive and will be subject to ongoing review. We also expect providers to review their own performance and take steps to continually improve their approach.

5.50   Since the publication of the guide, we have monitored with research whether vulnerable customers experience a service in line with the guide. Whilst there were some positive examples of customers in vulnerable circumstances being supported, there was a lack of consistency in the customer experience they received when contacting communication providers. We believe there is still more that providers can do to make sure vulnerable customers are consistently treated fairly. We will keep the guide under ongoing review and continue to work with providers and monitor their performance. We will work with individual providers on the specific areas where improvements could be made to ensure vulnerable customers get the level of service they need.

## We introduced our Fairness for Customers Commitments

5.51   In 2019 we introduced our Fairness for Customers Commitments. The commitments were launched to complement our rules and voluntary schemes, to encourage signatories to embed fairness more deeply across their businesses – from the boardroom to customer service teams - and to go beyond compliance with regulatory minimums.  All of the biggest phone and broadband providers in the UK have signed up to these voluntary commitments.

5.52   One of our fairness commitments relates specifically to customers whose circumstances may make them vulnerable, including due to a disability. It states:

'**Customers get the support they need when their circumstances make them vulnerable**. Providers understand and identify the characteristics, circumstances and needs of vulnerable customers - such as vulnerability due to a disability, age, mental illness or having recently been bereaved - and act to give them fair treatment and equal access to services."

5.53   In our monitoring of progress against this commitment, we found positive indicators: most signatories are making it easier for customers to self-report their circumstances or needs. Most signatories now have a named vulnerable customer champion in their senior team and/or a working group focussed on supporting vulnerable customers, and some have accessibility roles embedded in products teams.  We also identified areas for further development: we want all signatories to measure the impact of the changes they are making to support vulnerable customers and we encouraged all signatories to continue to improve how they identify vulnerable customers and record their needs so they can be

appropriately supported, including active promotion to all customers of the services available.

5.54     We will continue to engage with signatories and to challenge them to treat their customers fairly. We will also ask signatories to report on progress to us again in 2022.

**We are taking the needs of disabled people into account in our general policy making.**

5.55     An example of how we do this is in relation to the improvements we are making to the information providers must give to customers who are considering switching their mobile phone service. A customer's current provider will now also need to tell them about the impact of the switch on other services they also have with that provider. This will include, for example, any specific services for disabled customers. This will help customers understand the implications of switching so they can make an informed decision about whether to go ahead with the switch.

5.56     A further example is our work in relation to telephone providers moving their landline customers from the country's traditional telephone network – the 'public switched telephone network' (PSTN) -  to Voice-over Internet Protocol (VoIP). This change is led by telephone providers to replace obsolete technology and will help make sure the UK's landline telephone services are fit for the future.

5.57     We have a role to play, however, in making sure providers have reasonable measures in place, so customers experience minimal disruption and are protected from harm. We have been working with providers to help make sure issues are identified and addressed at an early stage and have outlined measures that we expect them to adopt to protect customers, especially vulnerable people.

## Accessibility of communications services

5.58     We regularly carry out research in relation to the usability of devices and services, and accessibility, particularly in relation to older people and those with disabilities; specific communications technologies such as audio description and text relay; and the accessibility of communications services for the purposes of active citizenship.

5.59     In our Access and Inclusion report, for example, we present a range of data on the availability, take-up, use and affordability of communications services. This helps us understand how well the communications sector is meeting the needs of consumers whose circumstances make them vulnerable.

5.60     This report tells us, for example that while it is less likely for disabled people than non-disabled people to have household ownership of computers, games consoles and smartphones, disabled people are more likely to have a landline phone and a simple mobile phone in their household. The same pattern is true for personal use of communications services and devices.

5.61     The report also highlights that disabled people are most likely to say that their use of TVs is either limited or completely prevented due to their condition. Nearly two in ten (17%) said

their use of TV was limited or prevented, while 14% said the same for computers (PC, laptop or tablet).

## Post

5.62    Known as Articles for the Blind scheme, free post is available through Royal Mail for blind and visually impaired people accessing books and letters in braille, large print or audio, and mobility aids such as white canes, first class and free of charge. Packages must be unsealed, marked 'Articles for the Blind', and show a return address.

## Diversity and equal opportunities in TV and radio

5.63    Ofcom has a duty to promote equality of opportunity in relation to employment in the broadcasting sector.

5.64    As required by their licence conditions, broadcasters must make arrangements for promoting equality of opportunity in employment between men and women, people of different racial groups and disabled people, and make arrangements for training. To help us assess how they're meeting these obligations, we require them to provide data on the make-up of their workforces for each of these characteristics, as well as information on training.  We also ask on a voluntary basis for information on other characteristics such as socio-economic background, sexual orientation, age, and religion/belief.

5.65    In September 2021 we published our five-year review of diversity and equal opportunities in the TV and Radio industries. The report looked at what we have learned over the last five years of monitoring TV broadcaster workforce diversity (four years for Radio). It highlighted key areas for improvement, made recommendations to broadcasters and set out how Ofcom will support and drive change.

5.66    Having pushed broadcasters to collect data we now know more than ever about the disability status of broadcast employees. Ofcom's monitoring has showed consistent under-representation of disabled people across broadcaster workforces. Disabled people are under-represented not just in television but across all employment, and we do not under-estimate the scale of the challenge in bringing about change. However, broadcasters are uniquely placed to drive change in this area and to change perceptions through their on-screen and on-air content. To do this though there must be significantly greater opportunity for disabled people to be employed and valued offscreen and off-air, particularly in senior, decision-making roles.  Our monitoring has shown that disabled colleagues across TV and Radio are less likely to be promoted.  We want broadcaster to focus not just on recruiting more disabled people but on retaining them and enabling them to progress.  If current trends stay as they are, our research suggests that the proportion of disabled employees in TV is likely to decrease slightly over the next five years.

5.67    Over the last 5 years, it's been positive to see disability become a much greater focus for broadcasters, with collaborative initiatives such as Doubling Disability that aims to double the percentage of disabled people working on productions for the larger broadcasters by

the end of 2021. However, there remains a long way to go before we see either UK TV or radio workforces' representative of the UK's disabled population.

5.68    We believe that collective action is critical to progress and have redoubled our efforts to bring industry together to collaborate and share best practice. Alongside quarterly roundtables for broadcaster diversity leads, this has been spearheaded by our five-year event this September "ALL IN: Diversity in Broadcasting 2021".

# Television and on-demand programme services: Access Services Report

5.69    Subtitling, sign language on TV and audio description, known as television access services, help people with hearing or visual impairments to understand and enjoy television. Ofcom ensures that broadcasters provide minimum proportions of programmes with television access services through the Code of Practice and the best practice guidelines on Television Access Services that apply to television services regulated by Ofcom.

5.70    People using access services do not fall neatly into homogenous groups. For example, many people using audio description have visual impairments, but by no means all are completely blind, and most have had some vision at some time. By the same token, those using subtitles can range from those with normal hearing (using subtitles so that the television sound can be turned down), through those with relatively minor hearing loss, to those who are profoundly deaf.

5.71    Some people (particularly the deafblind) may benefit from more than one access service – certain conditions that lead to the loss of one sense may also impair another. Those using access services range from the very young to older people, but a significant proportion of viewers using access services are older people, as the incidence of hearing and sight loss increases with age.

5.72    As our viewing shifts however, from the traditional broadcast services to online and on-demand content, many disabled consumers are being left behind because these services are often not accessible to people with hearing and sight impairments due to not providing 'access services'.

5.73    In 2018, Ofcom made recommendations to Government on new regulations to improve the accessibility of regulated video on-demand services ("ODPS"), following the Digital Economy Act 2017 which paved the way for such requirements.  Following a formal request from Government, we further consulted on additional detail, looking at how the regulations should work in practice including who should be exempt.

5.74    As a result of this, in July 2021 we published our second report with regard making video on-demand services more accessible to people with sight and/or hearing impairments. It contains further recommendations to Government on making the accessibility of on-demand services a legal requirement.

5.75    Each year Ofcom publish a report setting out the extent to which broadcast television channels and on-demand programme services ("ODPS") deliver on these access services.

5.76    The report allows consumers to compare the extent to which traditional broadcast television and catch-up or on-demand services are accessible to people with sight and/or hearing impairments. We have provided this report in an interactive form on our website so that consumers can compare the accessibility of broadcast and on-demand services across a variety of platforms.

# Electronic Programme Guides (EPGs)

5.77    Ofcom produced a code of practice on EPGs setting out the practices to be followed by EPG providers so that EPGs can be used by disabled people.

5.78    In June 2018 following consultation, we made amendments to this EPG Code to ensure that people with visual impairments are able to use EPGs in the same way that people without such disabilities use them.

5.79    EPG providers now have to use reasonable endeavours, where practicable, to provide specific features (magnification, high-contrast displays, filtering/highlighting of accessible programmes, and 'text to speech' functionality).

5.80    Each year since the amendments to the EPG Code we publish an EPG Accessibility report outlining the improvements for people with visual impairments. These are available on our website.

# Accessibility of Ofcom's website

5.81    Ofcom recognises the importance of providing a website that is accessible to everyone, including disabled people.

5.82    We are committed to making our website accessible, in accordance with the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018.

5.83    Our website contains an Accessibility Statement in relation to its compliance with the Web Content Accessibility Guidelines version 2.1 AA standard, and is deemed partially compliant.  Work continues on resolving the non-compliant issues, with the aim of having these resolved this year.

# Public events

5.84    Ofcom normally holds two keynote public events in Northern Ireland every year – a Plan of Work stakeholder consultation and the launch of the latest Northern Ireland research report.  A wide range of stakeholders are invited to these events, including equality and diversity organisations.  In order to accommodate disabled guests we ensure the chosen venue is accessible, and we have provided sign language interpreters at these events, whenever required.

# 6. Action measures

6.1    Outlined below are the measures Ofcom proposes to take over the period to March 2027, together with related performance indicators or targets.

6.2    Ofcom's annual progress report on the implementation of this plan will detail the relevant outcomes associated with the above actions and will be submitted to the Equality Commission and made more widely available, as detailed in paragraph 1.7 above.

| No. | Measure | Timescale | Performance indicator/target |
|---|---|---|---|
| 1 | Promote the advertisement of Non-Executive Director posts[1] through disabled stakeholder groups, such as Disability Action, and note in advertisements that we guarantee an interview to disabled candidates who meet all the essential criteria of the job description. | Recruitment exercises for Non-Executive Director posts expected in 2022 and future years of the plan. | To help us better reflect UK society in relation to disabled people and achieve our target of having 15% of non-executive directors across Ofcom with disabilities. |
| 2 | Publish our annual disability pay gap report for Ofcom. | The first of these was published in May 2021, and annually throughout the plan thereafter | Demonstrates Ofcom's commitment to ensuring there is a fair and equitable pay structure, while hiring and retaining the best talent. Supports Ofcom's aim to be a diverse, fair and inclusive employer. |
| 3 | Continue work to attain Level 3 of the Government's Disability Confident Scheme, to be a Disability Confident Leader. | Ongoing throughout the period of the plan. | Demonstrates Ofcom's commitment to being a diverse, fair and inclusive employer. |
|  | Continue to raise disability awareness among staff through the mandatory e-learning courses |  | Improved staff awareness of issues faced by disabled people, |

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[1] Posts for Ofcom Board Member for Northern Ireland, Ofcom's Content Board Member for Northern Ireland and Ofcom's Advisory Committee for Northern Ireland

| No. | Measure | Timescale | Performance indicator/target |
|---|---|---|---|
| 4 | of Equality in the Workplace and Unconscious Bias. | Completed on an annual basis. | and of their relevance in the workplace. |
| 5 | Source and rollout training for staff, on neurodiversity. | Expected to commence in 2022. | Improved staff awareness of issues faced by those with neurodiverse conditions, and of their relevance in the workplace. |
| 6 | Aim for staff in Northern Ireland team to be JAM (Just A Minute) card friendly for those with neurodiverse conditions and those with dementia. | To be complete by March 2023. | Demonstrates Ofcom's commitment to fair treatment of consumers with additional needs. |
| 7 | Continue to publish progress updates on our Diversity & Inclusion Strategy priorities and workforce targets, including an annual statistical report on the diversity of Ofcom colleagues; the diversity profile (disability, gender and ethnicity) of our non-executive board members and senior management team in our Annual Report and Accounts and gender, ethnicity and disability pay and equal pay audits. | Annually throughout the period of the plan. | Demonstrates transparency in relation to Ofcom's commitment to being a diverse, fair and inclusive employer/ |
| 8 | Ensure ongoing quantitative and qualitative research includes a representative sample of disabled citizens and consumers. | Ongoing throughout the period of the plan. | Ofcom gains in-depth knowledge about issues of concern to disabled people, enabling regulatory resources to be directed where they can have the most impact, leading to |
|  |  |  |  |

| No. | Measure | Timescale | Performance indicator/target |
|---|---|---|---|
| 9 | Conduct stakeholder engagement with organisations representing the interests of disabled people. | Ongoing throughout the period of the plan. | improved communications services for disabled people[2] (see above) |
| 10 | Monitor Ofcom complaints data to identify disability issues relevant to complaints. | Ongoing throughout the period of the plan. | |
| 11 | Continue the publication of the annual monitoring report on 'Diversity and equal opportunities in TV and Radio', based on equal opportunities data and information on diversity initiatives from broadcasters. | Report due for annual publication in Q3. | Ensure that TV and radio broadcasting represents and accurately reflects UK society. |
| 12 | Continue to work with Government on accessibility of on-demand services, following our publication of further recommendations to Government on making the accessibility of on-demand services a legal requirement. | Ongoing throughout the period of this plan. | Promote accessibility of On Demand Programme Services (ODPS) for those with sight and/or hearing impairments. |
| 13 | Publish the annual Television and on-demand programme services: Access Services Report on broadcasters' compliance with the requirement to deliver a certain proportion of their programmes with subtitles, signing, and audio description. | Publish interim report in Q4 and full year report for previous year in Q2 throughout the period of the plan. | The report allows consumers to compare the extent to which traditional broadcast television and catch-up or on-demand services are accessible to people with sight and/or hearing impairments. |

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[2] Examples of outcomes to date that have led to improved communications services for disabled people can be found under 'Previous measures' (Section 4).

| No. | Measure | Timescale | Performance indicator/target |
|---|---|---|---|
| 14 | Continue to publish an annual Electronic Programmes Guide (EPG) Accessibility report outlining the improvements for people with visual impairments. | Expected in Q1 2022. | Ensures that people with visual impairments are able to use EPGs in the same way that people without such disabilities use them. |
| 15 | Our Fairness for Customers programme seeks to ensure people, particularly those who might be vulnerable (including because of a disability), are treated fairly by the companies who provide their home phone, broadband, mobile and pay-TV services. This programme informs many of our key work areas such as switching, pricing, and the use of consumer data. | Update due in 2022/23. | Update on how communication companies are delivering on their commitments to ensure people, particularly those who might be vulnerable, are treated fairly. |
| 16 | Implement a new package of consumer protection measures contained within the European Electronic Communications Code (EECC), a new EU directive that updates the regulatory framework for communications services. | Due to phase in from December 2021. | Disabled customers will be able to request all communications (except marketing) are provided in accessible formats. |
| 17 | Implement new rules that require telephone and broadband companies to offer a free, 24/7 video relay service for British Sign Language (BSL) users to contact the emergency services via a dedicated mobile app and website. | Due to be introduced by Telecoms companies by June 2022. | BSL users will have equivalent access to the emergency services as other people in the UK. |
| 18 | Work with telecoms providers to ensure reasonable measures are | | |

| No. | Measure | Timescale | Performance indicator/target |
|---|---|---|---|
| | in place to protect customers throughout the switchover from the 'public switched telephone network' (PSTN) to 'Voice over Internet Protocol' (VoIP). | Ongoing, throughout the period of the plan. | Customers, particularly those more vulnerable, experience minimal disruption and are protected from harm during the switchover. |

6.3     Ofcom's annual progress report on the implementation of this plan will detail the relevant outcomes associated with the above actions and will be submitted to the Equality Commission and made more widely available, as detailed in paragraph 1.7 above.

# A1. Consultation responses

We published a consultation on our proposed Disability Action Plan (DAP) for Northern Ireland on 7 January 2022 and the closing date for responses was 4 March 2022.

We received responses to the consultation from two organisations and have published these non-confidential responses on our website. In addition, Ofcom's Advisory Committee for Northern Ireland (ACNI) commented on the proposed DAP prior to publication.

In this annex, we set out the responses we received to our proposals, along with our consideration of them and the changes we have decided to make as a result.

Our consultation asked stakeholders two questions:

1. Do you have any comments on the **Previous Measures** outlined in Section 4 of the DAP?
2. Do you agree with the **Action Measures** outlined in Section 5 of the DAP?

We have also considered more **general comments** made in the responses to our proposals.

## Previous measures

### Ofcom's Northern Ireland Equality Scheme

The Communications Consumer Panel & Advisory Committee on Disabled and Older People (CCP/ACOD) noted that Equality Impact Assessments are an important tool for Ofcom, and they recommended that Ofcom's colleague networks, including members of the SOUND network (see 'Our colleague networks' section below) and the Northern Ireland team, are involved in developing and embedding these for use in Ofcom's policy projects. We agree. Ofcom is currently reviewing how we carry out Equality Impact Assessments as an integral part of our policy work, with input from colleagues across the organisation.

### Our colleague networks

CCP/ACOD stressed the importance of Ofcom's colleague networks being supported with time and resources. Each of our networks are supported by champions from our Senior Management Team. Networks are given time for their activities and all colleagues are able to support the work of any network and to attend their activities and events. All our networks have a modest annual budget.

We want to learn from, as well as support, all our staff networks. We launched the SOUND network just over a year ago, and it provides a space within Ofcom where we can **S**upport all neurodiverse and disabled colleagues and provide opportunities for all colleagues to have **O**pen conversations about neurodiversity and disability so that as an organisation and as individuals, we develop our **U**nderstanding about **N**eurodiversity and **D**isability.

### Diversity and inclusion strategy 2021-26

ACNI encouraged Ofcom not to rest on its laurels if we meet our workplace target for disabled colleagues, and we should look to continually learn and improve. We agree. Our Diversity and Inclusion strategy 2021-2026 set stretching representation targets to help us further diversify our workforce. We believe that the variety and difference of experience which all colleagues bring to the organisation, whatever their role, has a positive impact on Ofcom's work as a regulator to drive better outcomes for the people of the UK.

The targets we set ourselves – 15% disabled representation is one – were based on our baseline representation at the time of developing our strategy. We are committed to collecting, publishing and monitoring our data, and informed by our data, we may set further goals or new targets over the strategy period.

## Ofcom's systems and processes

ACNI asked how we will ensure an equitable approach to the way we accommodate colleagues' life changes, and whether it would be discretionary and subjective, depending on line managers. Ofcom recognises that colleagues work at their best when they can be their full selves in the workplace and are supported to do so. We have a number of policies that support our colleagues through various life changes, from family leave to absence to flexible working.

As with all policies, line manager support to colleagues is key, and a good example is our workplace adjustments policy. This policy empowers line managers to implement adjustments related to things like working patterns and hours, workload and duties; and to consult a central advisory and co-ordinating team on adjustments relating to physical equipment such as furniture, ICT equipment and other adjustments. Line managers are also expected to signpost to colleague support services under our wellbeing programme, where appropriate. These include our Employee Assistance service, and mental and physical wellness services.

Our approach to making workplace adjustments is founded on the removal of barriers or responding to a colleague's circumstances to enable them to work at their best. It is underpinned by open and honest conversations taking place between a colleague and their line manager.

## Telecommunications

ACNI asked whether a universal register for the most vulnerable consumers could be established. ACNI noted that the onus is still on a vulnerable consumer to inform their provider and not enough is being done to share this information across industry.

We believe that the best practice approach to ensure that vulnerable customers are treated fairly is for providers to identify who might be a vulnerable customer and to record a customer's needs in relation to their specific service. As identifying potentially vulnerable customers can be challenging for providers, our Treating Vulnerable Customers Fairly guide recommends that providers raise awareness with all customers of the help, support and services they offer. The guide sets out more

detail on these areas.[3] We think this dual approach is the most effective way of ensuring that vulnerable people receive the support they need in relation to their service.

ACNI also observed that there is no indication of any consequences for providers who fail to comply with Ofcom's specific rules about services for disabled customers, and ACNI encouraged Ofcom to take action if necessary.  If we suspect non-compliance with our rules for disabled customers, we can investigate and impose appropriate penalties where breaches occur[4]. We have now noted this point in the DAP.

Our DAP also indicates that we have rules requiring providers to have policies and procedures for the fair treatment of vulnerable customers and a guide on Treating Vulnerable Customers Fairly that sets out good practice in this area. We have monitored through research whether vulnerable customers experience a service in line with this guide and we continue to engage with individual providers on the specific areas where improvements can be made.

## Post

WaveLength said the 'Articles for the Blind' free post scheme should include other disabled people not only blind and deaf communities. We would note that the Articles for the Blind scheme is part of the Postal Services Act, and any changes to legislation would be a matter for Parliament.

# Action measures

## Action measure 1: Advertisements for non-executive posts

WaveLength suggested that advertisements should be distributed more widely to reach avenues that all disabled people can access. We recognise that we need to do all we can ensure that advertisements for our non-executive posts reach the widest possible audience. We will continue to promote our NI non-executive posts with the help of organisations such as Disability Action.

## Action measure 2: Publishing our disability pay gap report

WaveLength suggested that we publish the percentage of disabled people within Ofcom in relation to national standards. WaveLength also suggested that we publish the percentage of those who are blind and deaf separately from other cognitive disabilities and impairments and provide a comparison of these figures to national levels.

Our annual Diversity at Ofcom workforce report contains statistics on the proportion of disabled people at Ofcom and their outcomes across the colleague lifecycle from joining us to leaving us. We reference national working age populations to give context to our diversity profile. In 2020 we published our first disability pay gap report after we had improved staff declaration rates for disability. We will publish our third disability pay gap report this summer. At the end of 2020 we started to collect information from our colleagues about the type of disability or long-term condition

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[3] See Treating vulnerable customers fairly guide, particularly the section on "identifying vulnerable customers" para 4.2. to 4.9 as well as section 5 on "recording information".
[4] In line with our penalty guidelines.

they have. We consulted the Business Disability Forum on ways to ensure we capture the most appropriate information.  We monitor completion rates and from this we recognise that we have more work to do to increase completion rates. We are committed to carrying out further internal communications campaigns to encourage more of our staff to share their information with us.

## Action measure 7: Publishing progress updates on our diversity and inclusion strategy

ACNI and CCP/ACOD encouraged Ofcom to create an environment where Ofcom colleagues feel comfortable reporting or sharing information on their disability. We agree that we need to work to create a culture of inclusion at Ofcom, where everyone's skills and contributions are valued and respected; people of all characteristics and backgrounds can succeed in their career; and where the diversity of thought, experiences, as well as a culture of inclusion and respect for each other, deliver better outcomes for people in the UK. Our workplace is focused on making sure Ofcom is an inclusive place for everyone including disabled people.

An example of how we're doing this is the transformation of our workplace adjustments policy in 2019. We provided guidance for line managers, introduced a new workplace adjustments passport and improved our recruitment, development and performance management processes to account for appropriate adjustments. We are a Disability Confident Level 2 employer and are working towards Level 3 Leader status to ensure we continue to attract, recruit and retain disabled people.

A new workforce target to achieve 15% representation of disabled people in Ofcom by the end of March 2026 sends a clear signal of our commitment to disability inclusion as well as representation.

Our eight staff networks, including our SOUND network for disabled colleagues and those with long-term conditions, also play an important role in creating a welcoming and safe space for colleagues. They provide opportunities to share experiences and to support each other, collaborate on work that's important to them and act as a critical friend to the organisation by influencing change and helping us to make improvements in the way that we do things. Examples include working with our internal communications team to upgrade our document templates or providing insight and support to our recruitment team.

Our staff networks and Colleague Forum are given the opportunity to input and comment on relevant People policies (like our workplace adjustments, family and grievance and disciplinary policies) when they are being refreshed or when new ones are introduced. Having a senior management champion for each network is another way that helps cultivate an inclusive environment.

We have run internal communications campaigns to encourage our colleagues to share their diversity information with us. This has yielded positive results. Our 'no data' gaps (where people hadn't provided us with any information at all) was 24% in 2019, reduced to 9% in 2020 and was 7% in 2021. While 'prefer not to say' has stayed constant (11-12% in the last two years) the proportion who told us they are disabled increased from 6% in 2019 to 12% 2021.

## Action measures 8, 9 and 10: Developing our knowledge about issues of concern to disabled people

WaveLength encouraged us to consider the think-piece published by Graeme Whippy in September 2021 which listed ten actions that can be implemented to make communications services inclusive and accessible. Ofcom has considered this think piece which was published by the CCP/ACOD. Our Treating Vulnerable Customers Fairly guide sets out good practice in a range of areas, including suggestions that make telecoms services inclusive and accessible. While the think-piece focuses primarily on telecoms services, we will take into account the general insights in our current work on the accessibility of media services, and in particular the revision of our Best Practice Guidelines for broadcasters.

## Action measure 11: Publishing our annual diversity and equal opportunities in TV and radio report

WaveLength suggested that our diversity reporting should include on-demand services and not just linear television and radio services. In our 2021 Five-year Review of diversity and equal opportunities in UK broadcasting, we said we would work with Government and others to consider the value of equal opportunities obligations for sectors such as regulated video on-demand services. We are also engaging with representatives from these sectors on a voluntary basis to facilitate the sharing of best practice across the wider industry.

## Action measure 12: Working with Government on the accessibility of on-demand services

WaveLength was supportive of the work being done but said more must be done for those with other cognitive impairments and cognitive processing impairments – which can be both visual and auditory – as well as a range of learning disabilities and difficulties.

The relevant legislation enables Government to impose requirements on providers of regulated on-demand services to ensure that their services are accessible to disabled people, in particular those with disabilities affecting their sight or hearing, or both. We have recommended requirements similar to those in place for broadcasters, i.e. to provide subtitles, audio description and signing. However, we have also suggested that on-demand providers should be required to have regard to Ofcom's guidelines on the quality and usability of access services. We are currently updating our current Best Practice Guidelines and aim to encourage broadcasters and on-demand providers to consider all their audiences. This may mean elements of flexibility, customisation, and choice.

## Action measure 16: Implementing the European Electronic Communications Code

WaveLength asked whether the EECC directive was still valid after the UK's departure from the EU, and we can confirm that it has been transposed into UK law.

WaveLength also suggested that 'accessible format' should include human voice recordings. The requirement in our rules is for a 'reasonably acceptable' format. We give examples but are clear that is not an exhaustive list. This reflects the fact that technology can change over time and new assistive technologies may be developed.

## Action measure 17: Implement video-relay service for BSL users

WaveLength suggested that people with Cognitive Processing impairments should have equivalent access to the breadth of services provided for other disabled people, including the emergency video relay service. However, this service is designed specifically to allow BSL users to call for help in BSL and to receive advice from people who don't use BSL in emergency situations.

## Action measure 18: Switch to VoIP

In relation to the switching of landline customers from the old copper PSTN to the new fibre VoIP network, WaveLength said a free help scheme should be put in place to support the switch. WaveLength also expressed concern that the time delay in digital voice is a barrier access to those with auditory processing impairments.

We acknowledge the valid concerns surrounding the switch from PSTN to VoIP, and we recently wrote to the major phone companies as a matter of urgency to remind them of their obligations. We have been clear that they must take steps to identify customers who depend on their landline, and make sure they have the support they need. Since we closed our DAP consultation, BT has announced a delay in its migration of customers to VoIP in order to help address the growing concerns.

Once consumers have moved to VoIP, they will continue to be able to use a telephone handset to make calls if they wish to do so. This means that making a telephone call should look and feel the same as it does now. If a customer needs a router or handset replaced to migrate to VoIP, then service providers will provide these free of charge. Ofcom rules also requires providers to provide a resilience solution (such as battery back-up) free of charge to customers dependent on their landline to call emergency services in a power cut.

Some non-voice services that use the PSTN (such as telecare alarms or intruder alarms) may not work once the service has been migrated. This equipment is not provided or maintained by providers so will have to be replaced by the customer or, in the case of care alarms, the authority that provided them. Communications providers are making test facilities available to manufacturers and organisations to test equipment that uses the PSTN.

Our 2019 policy document on the future of fixed telephone services sets out our expectations of providers during the migration including our expectation that providers should assess customers need and offer help where needed, for example, a home visit to assist with installation.

# General comments

## A 'social model' of disability

ACNI & CCP/ACOD encouraged Ofcom to use the 'social model' of disability rather than focusing on a narrow view of disability conditions – often referred to as the 'medical model'. The social model views people as being disabled by barriers in society, not by their impairment or difference.

We recognise the difference in these two approaches, and we are updating our work accordingly – both as an employer and as the industry regulator – to use the social model.

As an employer, we overhauled Ofcom's 'reasonable adjustments' policy to become a 'workplace adjustments' policy in 2019. It was premised on the social model of disability and making it easier and more comfortable for colleagues to ask for the support that they need. It focuses on understanding the needs of colleagues and responding to those needs by removing the barriers someone is facing, rather than establishing whether or not any condition is a disability, impairment or long-term condition.

We are taking the same approach to our work as a regulator. For example, in our work on the employment diversity in broadcasting, our goal is to identify barriers to entry and progression, and actions that broadcasters can take to remove those barriers so that disabled people can join and progress within the industry. We recently published a Call for Inputs aiming to improve the breadth and quality of the workforce diversity data we collect, in which we explicitly discuss our approach to data collection in light of the 'social' and 'medical' models of disability.

We believe our approach to telecoms regulation focuses on ensuring the best possible outcome for customers and on meeting their needs. This means we don't focus on conditions but instead refer to *"customers who may be vulnerable due to circumstances such as age, physical or learning disability, physical or mental illness, low literacy, communications difficulties or changes in circumstances such as bereavement"*. We have additional provisions for *"end-users with disabilities"* to ensure that disabled people can obtain comparable access to communications services to that of non-disabled people, and that their access to these services is protected when they have a genuine need.

## Taking an intersectional approach

CCP/ACOD welcomed Ofcom's approach of seeing consumers' and colleagues' privileges and barriers as a complex, intersectional matrix.

In our Diversity and Inclusion Strategy we set the goal of making Ofcom a confident and connected organisation, where everyone's skills and contributions are valued and respected, and where people of all characteristics and backgrounds can succeed in their career. And we intend to use that diversity of thought and experience, and a culture of inclusion and respect for each other, to deliver better outcomes for people in the UK. In the last few years we have run a series of Diversity & Inclusion learning courses for a range of colleagues.

One way that we hold ourselves accountable is by entering benchmarking and accreditation programmes. This helps us assess our progress against other organisations and best practice but more importantly the feedback we receive informs our workplace-based approaches and interventions. One element that organisations are assessed against is on consideration of intersectionality. This is true of the Times Top 50 Employers for Women, the Stonewall Workplace Equality Index, the Social Mobility Foundation Index and Investing in Ethnicity's Maturity Matrix, all programmes we participate in.

Our *Rise* programme – a targeted development programme for colleagues currently under-represented at senior level in Ofcom – has an intentional emphasis on intersectionality. The development of each participant is tailored to their individual development needs rather than a universal approach. All our Rise participants have a senior sponsor and some participants have already secured more senior roles.

Our staff networks also play an important role in raising awareness and understanding of intersectionality. They have increasingly taken an intersectional approach to celebrating diversity and inclusion at Ofcom and frequently collaborate on events such as book clubs, cultural celebrations and events and joint member meetings.

Our corporate celebration of LGBT+ History Month in February 2022 was consciously intersectional. We invited a diverse external panel from the LGBT+ community for a discussion and Q&A on LGBT+ representation in broadcasting.

## Engaging with stakeholders

ACNI asked if there are there were other stakeholders Ofcom could work with on implementing and reviewing the DAP. We agree that there is a need to engage widely. When we publish the final statement, we will ensure that all our Northern Ireland equality stakeholders are aware that the new DAP is now in place, and we will encourage them to continue a conversation with us throughout the five years of its tenure.

## Lessons learned during the coronavirus pandemic

ACNI asked what positive lessons were learned during the coronavirus pandemix with the rapid change to working from home, and whether some of these changes would continue post-pandemic.

When lockdown was introduced in March 2020, we moved quickly to implement remote working for all our colleagues. We put in extra support for our people, both in terms of providing equipment and supporting their wellbeing through our wide-ranging Thrive@Ofcom programme. We implemented remote working using Microsoft Teams, introduced different technologies that enable colleagues to maintain agile working arrangements, irrespective of their work location. This was supported by the introduction of a £200 allowance, access to ergonomic chairs and workplace adjustment assessments that ensured home working arrangements are as inclusive as possible. As restrictions begin to ease at different rates across our UK estate, we continue to undertake full risk assessments to ensure all our offices meet the official guidance wherever they are in the UK.

## Online safety duties

ACNI suggested noting that Ofcom's online work will make sure there will be appropriate protections in place for disabled people. This is an important point and we have noted in Section 2 of the DAP (*Ofcom's functions*) that we will complete a mid-review of the DAP to ensure it remains relevant as Online Safety legislation and regulations become established.

## Using our influence

CCP/ACOD encouraged Ofcom to use its regulatory powers as well its 'soft powers' (i.e. Ofcom's ability to influence the culture of the sector) on behalf of all disabled consumers.

Some of our regulatory work is specifically focused on rules that make communications work for disabled people, such as audio description and subtitling requirements for broadcasters. And sometimes we direct service providers to offer inclusive information and engagement routes that ensure disabled consumers receive equitable service and support.

We have always combined formal regulation with the use of soft powers to encourage providers to improve the fair treatment of customers. For telecoms, the formal regulation is set out in our General Conditions of Entitlement, and an example of the use of soft powers is our Treating Vulnerable Customers Fairly guide that sets out good practice in this area.

Our approach to diversity and inclusion in broadcasting has relied on both statutory powers (holding industry to account through collection and publication of data on broadcaster workforces) and 'soft powers' around convening and encouraging collaboration. We have brought industry together through bilateral engagement, a regular industry roundtable and a major event in 2021. Research commissioned by Ofcom for our Five-year Review found that interviewees highlighted the value of these opportunities to share best practice.

## Northern Ireland specific issues

CCP/ACOD urged Ofcom to provide more detail on the specific issues facing disabled consumers in Northern Ireland and challenged Ofcom to consider ways it can further reflect Northern Ireland's distinct needs and requirements, including those of disabled consumers living and working there, in its policy-making and Fairness work. We accept this challenge, and we are committed to listening to and understanding the lived experience of disabled consumers in Northern Ireland – and across the UK – so that we can take the right action and do the best job possible for disabled consumers.

## Terminology

WaveLength noted that the DAP should consistently refer to 'disabled people' rather than 'people with disabilities'. This is a valid point, and we have adopted a more consistent approach in the DAP. We hope it reassures the respondent that Ofcom's vulnerable customers guide refers to 'disabled people'. Also, the General Conditions of Entitlement (which set the rules for telecoms providers) refer to 'disabled end-users'.