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| **Source:** | JCA-AHF Vice-Convener (Christopher Jones) | |
| **Title:** | Deaf Access to Alternative Relay in Telecommunications (DAART) response to UK government’s Department of Business Innovation Skills public document “Implementing the revised EU Electronic Communications Framework” (November 2010) | |

This document provide the draft version of DAART’s (deaf Access to Alternative Relay in Telecommunications) response to UK government’s Department of Business Innovation Skills public document “Implementing the revised EU Electronic Communications Framework” which is being transposed to UK law. This document is made available to JCA-AHF for consideration and information.

BIS Implementing the revised EU Electronic Communications Framework (September 2010)

This response from DAART[[1]](#footnote-1) to the BIS “Implementing the revised EU Electronic Communications Framework” (September 2010), will focus on Question 10. Section – Equivalence for Disabled Users.

The terms “deaf” and “deaf people” for the purpose of this response, will refer to all of the following groups of disabled user: deaf people with speech, Deaf who use BSL, deafened, deaf-blind and hard of hearing people.

**Section 189.**

We fully support Section 1 of the Article 23a of the Universal Service Directive, because currently not all deaf users needs are met. The current relay service is only appropriate for a small proportion of deaf people, leaving the rest with no, or insufficient, access to telephone services. Therefore it is imperative to provide these people with equivalent access to a variety of relay services, giving all deaf individuals access, equivalence and choice.

**Section 190.**

Regarding the ‘text relay services’ referred to in this section, we would like to point out that there is currently only one text relay service in the UK[[2]](#footnote-2), which as already stipulated above does not meet the needs of the majority of deaf users. With regards to the current General Conditions (GC), particularly GC 15, deaf users have extremely poor access to Text Relay services from mobile phones and no online access. Therefore there are concerns that the current General Conditions, particularly GC15, is weak, unenforceable and lacks equivalence. Any changes to access for deaf people need to address both the communication needs of individual groups to ensure that real access is provided and an understanding of how people use new technologies to aid communication, both socially and economically, as well as practically.

**Section 191.**

We applaud the proposal to amend Section 51 of the Communications Act 2003 to clarify OFCOM’s power to impose a General Condition in relation to equivalence. We advocate that all telecommunications service providers should contribute 0.5% of their total income before tax to an independent Telecommunications Relay Fund (TRF) as an integral part of the General Conditions. Experience of almost 20 years of Text Relay Services under the USO has resulted in the provision of a minimal service with no incentives to incorporate new technologies or innovative developments. We strongly believe this is due to a lack of properly constructed TRF to provide adequate funding. Without adequate funding or expertise relay services will lag behind other telecommunication developments, resulting in a poor, and therefore not equivalent, service. If all the new relay services and the Text Relay were to be within the General Conditions with the TRF as an integral part, this would allow the sharing of good practice and cross-developments between services for disabled and non-disabled users. Therefore we would support the removal of obligation on universal service providers.

**Section 192.**

As we are advocating for the General Conditions with TRF as an integral part, we fully understand the need for OFCOM to carry out public consultation on this. However, our main concern is the additional delay that this would incur; many deaf users have no appropriate access to telephone services and this is an issue which needs to be resolved quickly. We suggest that the consultation process is carried out efficiently and within the shortest time frame possible. It is also imperative that the consultation process incorporates the full range of user needs.

**Section 193.**

In the past, the availability of suitable terminal equipment as distributed by social services and/or Access to Work has often been a lengthy and painful process; some users having to wait up to two years before receiving the equipment necessary to communicate at work or with their families and social network. Deaf blind users, in particular, have had very bad experiences due to the lack of access and provision of highly specialized terminal equipment which were available only at high cost. We wish to avoid the mistakes of the past and so we advocate that the distribution of appropriate terminal equipment should be via the TRF.

**Conclusion**

In conclusion, DAART does agree that the Telecommunications Relay Fund comprising 0.5% of the total income of all telecommunications service providers, should be an absolute integral part of the General Conditions. We believe that this source of funding has many advantages as outlined in appendix below and would allow a range of equivalent services to be developed which meet the varying communication needs of deaf people, whether deaf with speech, BSL users, hard of hearing, deaf-blind or deafened, in the full range of communication activities currently enjoyed by non-disabled users: at work, at home, on the road, communicating with families and loved ones, communicating for work purposes, as well as the more mundane and practical uses for telecommunications. We would like to offer our services to the eAccessibility forum as an advisory body in such matters.

**APPENDIX**

The advantages of having a **TRF** within General conditions are:

* Funds become available on a yearly basis for companies who wish to provide specialist relay services to be able to tender bids.
* There would be healthy competition among service providers to demonstrate quality of service, value for money and who use the latest improved technology to be more effective and efficient to secure tenders
* Removes the burden from Government to fund services through various departments
* There will be a variety of relay services available catering for the diverse range of disabled people to ensure they receive functionally equivalent access.
* It does not place the burden on one company that has the SMP.

1. DAART (Deaf Access to Alternative Relay in Telecommunications Campaign Group) is a consumer group of deaf, deafened, deaf blind, hard of hearing and hearing people who wish to see an equivalent access to the telephone using a range of relay services which meet individual needs. These relay services include Captioned Telephone Relay Service (CTRS) for hard of hearing, deafened and deaf people with speech and Video Relay Service (VRS) for Deaf people whose first language is British Sign Language (BSL). [↑](#footnote-ref-1)
2. The Text Relay which is provided by BT under their USO. [↑](#footnote-ref-2)