

TAG Response to the BEREC Consultation on “Ensuring equivalence in access and choice for disabled end-users”

TAG welcomes the opportunity to respond to the BEREC consultation on “Ensuring equivalence in access and choice for disabled end-users”. As a consortium of the full range of national and regional organisations in the UK working on behalf of deaf people, TAG promotes equality of access to electronic communications, including telecommunications and broadcasting, for deaf, deafened, hard-of-hearing, deafblind people and sign language users. In this response the word “deaf” will be used to cover the complete range of hearing loss unless otherwise specified.

More information about TAG may be found at <http://www.deaftag.org.uk/>

Consultation questions

Consultation Question 1: Are there additional legal provisions, other than those listed in Section 2, currently in place in MS with respect to end-users with disabilities regarding electronic communications? If yes, please detail the provisions and the organisation responsible for implementing or monitoring these provisions.

Many EU countries have now ratified the UN Convention on the Rights of Persons with Disabilities. The Convention contains provisions similar in principle to those of the Framework Directives. In the United Kingdom, the Convention is implemented and monitored by the Office of Disability Issues.

Consultation Question 2: Do you agree that the factors listed in sections 3.1.1 and 3.1.2 are important to consider when assessing equivalent access? Are there other factors which should be considered? Are some factors more important than others?

All the factors listed are important. Deaf users rely on relay services and the degree of equivalent access depends on the user’s needs and the capabilities of the relay service. For example, sign language users require a video relay service to achieve equivalent access; a text relay service is not helpful because English is often not their native language. Relay services, such as traditional text relay, which operate slowly, provide access for deaf people but that access is far from equivalent. Modern relay services can provide much more fluid conversations and come closer to equivalence.

In cases where the cost of equipment is a disproportionate burden to the user, for example, in the case of Braille terminals for deafblind users, any scheme for the promotion of equivalence should take this burden into account.

Consultation Question 3: Do you agree that the factors listed above (section 3.2.1 and 3.2.2) are important to consider when assessing

equivalent choice? Are there other factors which should be considered? Are some factors more important than others?

All the factors listed are important. It is important to realise that a deaf person's telecoms service is the relay service rather than the operator which provides access to it. If there is only one relay service of each type there is very little choice for deaf users and no competition. Competition is important because it helps to create services that improve as time goes on. Without competition there is little incentive for the relay provider to develop the service.

Consultation Question 4: In your view, should the obligations currently in place under USO, for end-users with disabilities, be placed on all service providers? If no, what types of service providers, considering factors such as financial impact (cost), should the obligations be placed on? What is your view in relation to alternative mechanisms for funding?

The obligations should be placed on all providers if that provides equivalence in access and choice. In the case of relay services, there is a considerable extra cost in providing the service because of the need for a relay assistant to be connected for the duration of the call. Clearly, funding must be provided from somewhere. It would be possible to place the burden on the universe of providers but there is also a case for including contributions from industry in general. In less difficult times, there would be considerable justification for a significant contribution from public funds. This is probably the fairest way of funding such services.

Consultation Question 5: In what form should the information provided by service providers to inform end-users with disabilities of details of products and services designed for them and information regarding pricing and contracts be provided in?

The information should be provided in a format accessible to the particular end user. This might be large print, Braille, accessible website etc. Deaf sign language users would often prefer information by video clip on a website. Note that email is accessible to many people with disabilities.

Consultation Question 6: Do you consider it appropriate that NRAs have a role in encouraging the availability of terminal equipment, in accordance with Article 23 (a) (ii)? If yes, what do you consider that NRAs could do to achieve this?

It is appropriate that NRAs encourage the availability of terminal equipment but no amount of encouragement will make unaffordable equipment affordable. There must be some funding mechanism to make special equipment available to, for example, deafblind users.

NRAs could spread the word that products using inclusive design principles should be no more expensive than others and have the potential to reach a

larger market. Government may also have a role to play especially if some sort of incentive scheme could be developed. NRAs would probably not be involved in such a scheme.

Consultation Question 7: In addition to the services, features and types of terminal equipment listed are there any others which you consider necessary to ensure equivalent access.

There are many possible types of relay service. The list of services in the document only includes three types. The relay service that comes top of the wish list for deaf people in the UK is known as captioned-telephony relay. This service is particularly suitable for hard of hearing users and provides the normal incoming speech together with a nearly simultaneous transcription into text. The text is very useful as an aid to understanding and it allows people with deteriorating hearing to continue using the telephone. Profoundly deaf people who have clear voices can also use the service but with a little less efficiency.

Captioned telephony allows conversations to proceed with much the same fluidity as conventional calls and provides equivalence for hard-of-hearing users.

NRAs should be able to select which types of relay service should be provided after consulting users.

Consultation Question 8: Where services, features or terminal equipment suitable for end-users with disabilities have been provided voluntarily, has there been encouragement from NRAs Government or other parties, or does it appear that the market is delivering and will continue to deliver of its own accord?

We take the word “voluntarily” to cover the case where service providers offer services, features or terminal equipment suitable for end-users with disabilities without being required to do so by regulation. There has been encouragement from the UK NRA in this area and a considerable number of products are provided. Nevertheless, these products are generally only provided if there is economic benefit in some way for the service provider to do so. For example, there are several types of mobile handset designed for the older user who may have failing eyesight or hearing. There is a considerable market for this type of product and the market will continue to deliver.

The market will not deliver products that are loss-making or made in small quantities. Relay services and special terminals fall into this category and regulatory intervention is necessary to provide them.

Consultation Question 9: What consideration should be given to NRAs mandating undertakings to provide services, features or terminal equipment for end-users with disabilities as part of the standard services and packages they offer?

As mentioned above, NRAs must mandate service providers to provide products where the products would be loss-making or made in small quantities. This is the only way at present to obtain equivalence for a wide range of users.

Consultation Question 10: What is the role for public procurement of accessible terminal equipment, as it is likely that NRAs may have no powers with respect to design or supply?

Some countries, such as Japan and the USA, already require that terminal equipment purchased by government bodies be accessible. The idea is that this will increase the size of the market for accessible devices and encourage suppliers to offer them. The indications are that these programmes have a beneficial effect. Again, the system will not help with very specialised terminals with a small group of users.

Consultation Question 11: Where a subsidy is available for services, features or terminal equipment needed for disabled end-users is the up-take as expected and are there any barriers to take-up? If yes, what are the barriers?

It is very difficult to generalise about this topic. Clearly, if the up-take is not as expected, the expectations were incorrect and based on inadequate research. Many people who could benefit from the products do not consider themselves disabled and would not seek out products aimed at disabled people. Marketing of these products has to be done in a sensitive way to remove this barrier.

There should also be an obligation on providers to create awareness of products and services for disabled users. Failing to do this creates a barrier to the up-take of those products and services.

Consultation Question 12: If funding is provided to facilitate equivalent access for disabled people, is it best targeted at purchase of equipment, discounts on tariffs, by subsidising special services such as relay services or by direct payment to the user?

The funding should be targeted at purchase of equipment and by subsidising special services. Discounted tariffs should be used if the service does not provide equivalent access, for example, where a text relay service call takes much longer than a conventional call to pass the same information. Direct payment is unlikely to be successful in providing equivalence because there will often be something more important to spend the money on.

Consultation Question 13: Are there any details available on the cost per user of implementing any of the measures mentioned in the report?

Some information exists on the costs of providing relay services although it is very difficult to predict the number of users who will take up the services.

Consultation Question 14: Are you in agreement that the steps, as proposed above, are appropriate for NRAs to consider when preparing to implement Article 23a? Are there any additional factors that should be considered?

The steps proposed in the document are a good start. NRAs may discover that they do not have the powers to mandate equivalence and choice in all cases. If so, they must seek an increase in their powers or ask governments to intervene.