

## Response to Ofcom's proposed plan of work 2022/23 - Making communications work for everyone

1. The National Association of Deafened People ("NADP") is a nationwide charity run by its members who are deafened. We were originally set up to support people who are profoundly deaf and rely on English as their preferred language. However this focus also cascades down to people with other levels of hearing loss. As a result our membership includes people with various levels of hearing loss; some have had a hearing loss since birth or early childhood, others may have become deafened suddenly or gradually during adulthood. Many share a gradually deteriorating hearing loss with age. Our members have a wide-ranging experience dealing with their hearing loss, many use hearing aids while others have been fitted with Cochlear Implants. Our membership includes people of working age and those who have experienced deafness during their working lifetime. NADP is therefore in a unique position to provide lived experience of hearing loss through its representation. NADP is pleased to have the opportunity to respond to Ofcom's consultation on its Plan of Work for 2022/3 and values its relationship with Ofcom over almost 20 years.
2. Overall we are encouraged by the direction of the work plan and the increased emphasis on inclusion. We are particularly interested in how the addition of persons with disabilities in Ofcom's diversity and inclusion strategy from 2021 will translate into each of the work streams identified for the forthcoming year and highlight in our response how the needs of people with hearing loss could be encapsulated within these plans at outset.
3. In our response we highlight the extracts to relevant parts from the work plan and provide our comments below each.

*"Mobile strategy. We will develop a strategy for our approach to the sector that will underpin our future regulation and support the delivery of high-quality connectivity and innovation to deliver good outcomes for consumers and citizens. We will take a broad look at changes taking place across the sector, including the growing role of the tech giants and the potential for greater fixed- mobile convergence, to consider how competition currently operates and how it is likely to evolve over the next 5 to 10 years. This will be undertaken alongside our mobile spectrum demand project. The review will have two main phases. Phase one will focused on evidence gathering and included a consultation to invite stakeholders' views. The second phase will build on stakeholder responses to draw initial conclusions and set out any next steps."*

4. NADP is encouraged by this strategy and the opportunity to provide input to the consultation giving the perspective of how deafened people and people with a hearing loss currently use the services available in the UK. We would also help provide input into how telecommunications could be improved to ensure equivalence for all levels of hearing loss for the future. We believe this strategy should encompass the full range of telephone relay services with inclusion of captioned relay services as defined in the

International Telecommunication Union recommendation F.930<sup>1</sup> and particularly in the light of switch to tele-health and telephone health consultations.

*“2G/3G switch off. We will continue our work exploring the impacts of 2G/3G switch off on all affected parties. We will work with mobile operators to support the process and help make sure issues are identified and addressed with the aim of protecting customers from harm and minimising disruption.”*

5. We believe that there will be a significant proportion of the population who have a hearing loss and so have had little need to upgrade their mobile handset to a 4G device. This is echoed in Ofcom’s report entitled “Disabled users access to and use of communication devices and services Research summary: Hearing-impaired people” in which it is stated that “People with a hearing impairment are more likely than non-disabled people to have a landline phone or a simple mobile phone in their household”<sup>2</sup>. It is therefore more likely that people with a hearing loss will need to be encouraged to move to 4G with the associated cost. We would welcome the opportunity to work with Ofcom to help them better understand how to address this population whilst also assisting in the communication to our members and followers.

*“Review of USO telephony services. We will continue our review of the telephony universal service obligations, in particular the provision of public call boxes by BT and KCOM.”*

6. We remain concerned as expressed in the previous consultation on public call boxes that people with a hearing loss will be less likely to use public call boxes without a screen on which they can read the text to access Relay UK services. Furthermore people who are unable to use their voice need a means in which to type what they would like to say. We would welcome the opportunity to discuss options to ensure this significant part of the population are not left out of this service particularly in an emergency situation in an area where mobile coverage is limited.

*“Migration to voice-over-IP services. We will work with communication providers to help make sure issues raised by their migration to voice-over-IP services, including the potential future switch-off of the public switched telephone network (PSTN), are identified and addressed with the aim of protecting consumers from harm and minimising disruption.”*

7. NADP has raised its concerns previously with regards to the impact the migration can have on legacy equipment used by deafened people. Of particular concern is the connectivity of Assistive equipment which may be located in various places in a house. We believe there could be a considerable expense involved for these vulnerable people as a result of the migration, either to ensure legacy equipment continues to work or in purchasing new equipment. We have welcomed the opportunity to test equipment on behalf of our members at the BT test centre but as a charity we simply do not have the resources to source the various legacy equipment. We believe communication providers

---

<sup>1</sup> <https://www.itu.int/rec/T-REC-F.930-201803-I>

<sup>2</sup> [https://www.ofcom.org.uk/\\_\\_data/assets/pdf\\_file/0024/132963/Research-summary-hearing-impairment.pdf](https://www.ofcom.org.uk/__data/assets/pdf_file/0024/132963/Research-summary-hearing-impairment.pdf)

should provide high street access to deafened people to allow them to test their equipment and be supported at an individual level to ensure they will not be worse off as a result.

8. We also remain concerned as to how access to telephony will be provided to deafened people who may become more vulnerable during a power cut particularly those who live in rural locations with no mobile phone network.
9. We are also concerned with the lack of awareness of the switch and have received feedback that some providers do not appear to be taking proactive steps to warn their customers about the switch to VOIP and to arrange engineers visits prior to the switch.
10. We would welcome the opportunity to continue our dialogue with Ofcom and interested parties for the benefit of all people with a hearing loss who maybe impacted.

*“Supporting vulnerable customers. We will monitor whether providers are treating customers in vulnerable circumstances fairly and giving them the support and services they need. This will include contributing to joint policy work with the UK Regulators Network to improve outcomes for vulnerable consumers.”*

11. We believe more needs to be done to proactively promote the Relay UK service to all consumers to ensure that anyone with a hearing loss is aware of the existence of the service and able to continue to communicate by telephone, by voice, as necessary. We understand that CPs have an obligation under the General Conditions to provide information on the service but this is currently failing to reach the majority of the population with hearing loss. We would welcome the opportunity to discuss with the Behavioural Insights team the most effective way to reach this population with the support of CPs and Ofcom.

*“Consumer protection monitoring and compliance. We will continue to work with providers as they implement new consumer protections relating to contract summary and contract information, contract modifications and right to exit and emergency video relay that will apply from June 2022. We will evolve our focus to monitoring and understanding the impact of these and other consumer protections including voluntary schemes., We will also focus on promoting effective compliance.”*

12. Whilst we agree it is important to ensure compliance with the new emergency video relay service we would welcome the opportunity to discuss how deafened people who use English as their first language can better access emergency services in an equivalent manner and speed to their peers who use BSL or are hearing. It should be recognised that Total Conversation is increasingly seen as the best multiple use for emergency situations with adding Real Time Text to it. We would be happy to share research by EU and ETSI to demonstrate support for this solution.

*“On-demand programme services (ODPS) accessibility code. We expect the UK Government to introduce regulations requiring providers of on-demand programme services to make them accessible to people with sight and/or hearing impairments. We will then consult on*

*and publish a code giving guidance on meeting the requirements. The requirements are likely to involve providing subtitles, audio description and signing alongside programmes. We will also be revising our best practice guidance in relation to broadcast accessibility to update it and to include guidance specific to on-demand services.”*

13. We welcome the continuing development of providing subtitles to ODPS content but remain of the view that all ODPS providers should provide subtitles for all content that has been previously broadcast with subtitles. We believe further discussion and investigation needs to be held about the quality of live subtitling both on terrestrial TV and ODPS. We believe the methodology and metrics used in the Ofcom review of live subtitling (2013-15) should be further developed and implemented to ensure that the quality of live subtitles meets the necessary standards of equivalence.
14. The recent outage of accessibility services at RedBee Media in September 2021 which impacted BBC, Ch4 and Ch5 programs needs to be fully investigated and measures taken to ensure back up systems are in place. Our members experienced significant interruptions to their viewing both in terms of the lack of subtitles and the quality of subtitles. We feel that the communication from Ofcom and the broadcasters could be improved to ensure further damage is not done to the reputation of each. In particular we believe Ofcom could utilise its social media channels and relationship with partners such as NADP to provide reassurance that the situation is being attended to with the necessary urgency and importance. We would appreciate reassurance that the necessary adjustments have been put in place to ensure effective and timely communication from all concerned parties going forward.

*“Monitoring diversity and equality of opportunity in broadcasting. We intend to publish a call for inputs to inform how we refine our approach to diversity data collection and will therefore suspend our usual reporting process in 2022. Instead we will collect and report on two years’ data in 2023, when we will also revise our diversity in broadcasting questionnaire. Our report will provide a picture of how well individual TV and radio broadcasters – and the industry as a whole – are promoting equality of opportunity, diversity and inclusion within their organisations.”*

15. NADP welcomes the opportunity to input into refining the approach to diversity data, and hopes that, like Ofcom’s own diversity agenda, this will include persons with disabilities and in particular people with hearing loss. We would also suggest that Ofcom redefines the way it refers to such people in line with international convention. For example, persons with disabilities. We would suggest further that this data identifies the different levels of hearing loss and how needs may differ accordingly. We would also suggest that Ofcom focuses on the ability of a person and not an impairment; many people with hearing loss do not define themselves as having a hearing impairment.

*“Annual diversity report. In Q2 2022/23, we will publish our annual diversity report, detailing diversity, inclusion and equality at Ofcom. It looks at the diversity profile of colleagues at Ofcom overall and in areas such as pay, recruitment, performance and promotions. The report will explain our gender, ethnicity, and, for the first time, disability pay gap data for*

*2020/21. The report helps us to determine our strategic diversity and inclusion priorities and objectives for the coming year.”*

16. We wish to record our thanks for taking on board our comments in our previous response with regards to including persons with disabilities within the diversity agenda. Given that communication is a key barrier for people with hearing loss we would expect more people with the living experience of hearing loss to provide more extensive input into those areas within Ofcom and wonder if there will be an intentional bias towards employing people with a hearing loss within those areas. Given that there are an estimated 10m people in the UK with hearing loss, which research suggests are either underemployed or unemployed, we wonder if the number of people with hearing loss employed by Ofcom could be set independently of that for people with disabilities. We note that there is no specific target for persons with disabilities to be included in senior leadership yet targets have been set for other diversity groups and hope this can be addressed in future targets.

*“Developing Ofcom's understanding of emerging and disruptive technologies and the roles they play in delivering services to consumers and businesses. We are seeking to understand, by engaging with technologists in academia and industry internationally, the potential impact of technological innovation on the sectors we regulate, including evolutions of known technologies and radical new technologies. These include technologies such as artificial intelligence (AI), quantum communications, new computing architectures and new materials.”*

17. We have seen an increasing use of AI in the generation of speech in Automated Speech Recognition (“ASR”) with varying degrees of success. There is an increasing concern that the development of such solutions may be deemed suitable to replace human transcribers such as STTR but without any qualitative and consistent measure to justify such a replacement. We believe a quality measure needs to be put in place that is acceptable. We believe Ofcom could use its position to ensure that this is prioritised before damage is caused by ASR being introduced prematurely. Any research should include how the ASR works in different scenarios, with different numbers of speakers and different dialects.

18. We understand that Ofcom had been monitoring the development of ASR and indeed we understood, as part of the approval of BT’s Relay UK service, that Ofcom would monitor developments in this space. Since there are concerns in the community<sup>3</sup> we would welcome the opportunity for involvement in the User Experience and would welcome an update on this progress and its potential use in the Relay UK service offering.

*“Developing Ofcom's understanding of the technologies used to deliver online services. We are building Ofcom's capabilities in online technologies to support their increased relevance to our role in regulating VSPs and potentially online harms and in the cloudification of telecoms and broadcast networks. We have created a new knowledge management*

---

<sup>3</sup> [https://www.ifhoh.org/\\_files/ugd/4e728a\\_1498da40a3f64719ad419f49991927fa.pdf](https://www.ifhoh.org/_files/ugd/4e728a_1498da40a3f64719ad419f49991927fa.pdf)

*framework to keep abreast of fast-paced developments in this area, commissioned several external research projects to build our knowledge of the key technology areas and built links with the emerging SafetyTech industry. We plan to publish a series of discussion papers exploring the potential implications of key technologies.”*

19. The pandemic has provided a lifeline to many people with hearing loss through the availability of Video Conferencing platforms which have been developed to accommodate the needs of people with hearing loss through being able to see a persons face to lip read and the option to use ASR or remote captioning. However, further development is needed to these packages by utilising existing research and experience of providing subtitles, and reaching out to users with hearing loss to make these fully accessible. We would hope that Ofcom would invite us to participate in conversations with developers of these platforms and future developments to ensure the needs of deafened people are met at the design stage and not as an afterthought.
20. Related to this demand we are aware that the demand for Speech To Text Reporters (“STTR”), which are a lifeline to our membership, has increased dramatically during the pandemic and despite previous concerns expressed by Ofcom about the limited supply of STTR, this demand has been met partly through the industry developing and utilising new technology to provide the service remotely, and partly through this remote capability attracting ex STTR back to the industry. We understand that there are plans to train more STTR as the demand is expected to remind for the foreseeable future. The way in which the STTR industry has adapted through use of new technology could be further investigated to see if communication services offered to people with hearing loss such as Telephone Relay services and live subtitles could be improved cost effectively. We would welcome the opportunity to discuss this further with interested parties including representatives from the STTR industry.

*“Consumers’ behaviour and experience of using mobile services. We will use crowd-sourced data to examine how people are using mobile phone services and the quality of performance provided to them by mobile network operators. “*

21. We are enthusiastic in anticipation of the findings of this research provided it allows the data to differentiate between the consumers with normal hearing and those with hearing loss ideally broken down into the extent of their hearing loss. We believe there should be sufficient data to make this analysis significant given that it is estimated that 10m of the population have some form of hearing loss. It would also be interesting to identify the extent to which consumers use Relay UK compared to the potential population who would benefit from this service.
22. We welcome the opportunity to discuss our comments with Ofcom representatives over the forthcoming year for the benefit of all people with hearing loss who use English as their preferred language.