

Reference: 01522789

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## Freedom of Information request: Right to know request

Thank you for your request for information concerning disability, Ofcom and telecoms providers. Your request was received on 24 October 2022 and we have considered it under the Freedom of Information Act 2000.

### Your request & our response

*Please disclose*

*a] what Ofcom expects of itself and regulated Telecoms Providers b] how rules are enforced  
c] how Ofcom and its ADR providers make public their actions and case-decisions so that  
other providers learn and disabled people do not need to repeat complaints*

*in respect of:*

*1. 'Reasonable adjustments' under s 20 of the Equality Act 2010 and/or similar requirements  
eg Communications Act.*

Ofcom pays due regard to its requirements under the public sector equality duty under the Equality Act 2010 (the 'Equality Act') and has published a [Diversity and Inclusion Strategy](#) outlining our approach to embedding best practice on diversity and inclusion within the execution of our employment and regulatory responsibilities, including our approach to workplace adjustments. Further information is on our website [here](#).

Neither Ofcom nor the telecoms alternative dispute resolution ('ADR') providers, Communication & Internet Services Adjudication Scheme ('CISAS') and Ombudsman Services ('OS'), have any role in enforcing section 20 of the Equality Act, and the Communications Act 2003 does not refer to reasonable adjustments. The only enforcement route for section 20 of the Equality Act is via the Equalities & Human Rights Commission or the courts.

Ofcom does not adjudicate individual telecoms consumer complaints, so there are no individual case decisions to publish. However, we do publish data on complaints made to our Customer Contact Team about the main telecoms providers (further details available at [www.ofcom.org.uk/phones-telecoms-and-internet/advice-for-consumers/telecoms-and-pay-tv-complaints](http://www.ofcom.org.uk/phones-telecoms-and-internet/advice-for-consumers/telecoms-and-pay-tv-complaints)) and monitor complaints, including those made by disabled people and which relate to requirements around support providers must provide to disabled people, to inform our policy and compliance work. We

carry out enforcement activities in line with our [enforcement guidelines](#) and publish details of our enforcement action [here](#).

*2. The anticipatory requirement of 'reasonable adjustments.'*

Please see above.

*3. 'Non- digital' alternatives for disabled people who cannot use the internet or use it well.*

Ofcom welcomes contact by letter or telephone as well as via electronic means. We also offer video relay for deaf BSL users. Please see more detail on our [Contacting Ofcom](#) page.

The General Conditions of Entitlement (the 'General Conditions') set out requirements that telecoms providers must follow. In relation to alternative means of contact and access to information, regulated providers are required under the General Conditions to:

- Have and comply with a Customer Complaints Code, which allows customers to make complaints by (at least) phone and post, as well as via an email address or an internet web page form. They must also provide a copy of the code in accessible formats on request (C4 and the Annex to C4).
- Publish the channels by which they can be contacted. Our [guide to treating vulnerable customers fairly](#) refers to the need for regulated providers to have different communication channels to reflect the needs of their customers (C5.3(b)).
- Provide documents in accessible formats on request (C5.15-C5.16 – further details set out in response to question 4 below).

For more information, see the consolidated General Conditions [here](#).

The ADR schemes provide non-digital options for disabled people to engage with them and they can advise on the available options. Please see the contact pages on the [CISAS website](#) and [OS website](#) for more information.

*4. Accessible formats reflecting modern communication needs and diverse disabilities [ie beyond the old stereotypes of Braille, large print etc for the deaf and blind etc].*

Ofcom provides documents in accessible formats on request. We have also published information in British Sign Language: see for example [here](#). In addition, we welcome consultation responses in formats other than written English, including audio recordings and British Sign Language video recordings.

Ofcom requires regulated providers to offer communications in accessible formats. This rule is in [General Condition C5.15-C5.16](#):

*"C5.15 Regulated Providers, upon request, must make available free of charge to any Subscriber who requires it because of their disabilities, all communications with them in a reasonably acceptable format, including the following information:*

- (a) any contract (or any subsequent variation) with that Subscriber for the provision of Public Electronic Communications Services, including any publicly available terms or conditions referred to in that contract or variation;*
- (b) any End-of-Contract Notification;*

- (c) any Annual Best Tariff Notification;
- (d) any Bill rendered or made available in respect of those services; and (e) any other communications (other than marketing communications) which relate to their services. An acceptable format, for these purposes, includes for example: print large enough for such Subscriber to read, print on coloured paper, Braille or an electronic format appropriate to the reasonable needs of the Subscriber.

C5.16 Regulated Providers, upon request, must make available free of charge to any Customer who requires it because of their disabilities, any Contract Information or Contract Summary in accordance with Conditions C1.3 to C1.7, in a reasonably acceptable format.

*An acceptable format, for these purposes, includes for example: print large enough for such Customer to read, print on coloured paper, Braille or an electronic format appropriate to the reasonable needs of the Customer.”*

As noted above, CISAS and OS provide accessible formats for disabled people and they can advise on the available options.

#### *5. 'Assisted Digital' and one to one support.*

We have taken 'assisted digital' in your request to mean 'digital inclusion'. We have carried out research into digital inclusion, for example [here](#) and [here](#). In relation to the accessibility of Ofcom's services, please see our responses above. We are not clear what is meant by 'one to one support' in the context of your request.

Regulated firms and ADR schemes do not have regulatory obligations in relation to digital inclusion, however please see above about regulated providers' and the ADR schemes' different channels of communication.

#### *6. Using proxies/third parties.*

Ofcom requires regulated telecoms providers to offer third party bill management (see General Condition C5.14). We do not regulate the use of Powers of Attorney, but have published a [guide](#) to Power of Attorney and third party bill management.

CISAS and OS allow third parties to act on behalf of other customers with their consent. They can advise customers on this directly.

#### *7. Specific contacts for disabled people and staff training. Disabled people may require their specific needs to be met, beyond what organisations choose to offer.*

Ofcom does not have specific contacts for disabled people. However, Ofcom recognises that disabled users may require alternative methods to engage with us. The [accessibility page](#) on our website provides information and options should a consumer have accessibility needs. Colleagues in our Consumer Contact Team are also trained to adjust their approach based on the needs of the consumer.

We do not require regulated providers or ADR schemes to have specific contacts, but we do encourage providers to have in place specialist staff who have had training on helping vulnerable customers. This could be in a separate team, or a selection of employees who receive further training on particular customer issues. See paragraph 4.37 of our [guide to treating vulnerable customers fairly](#), and section 7 for our guidance relating to staff training.

Regulated providers are required to offer and publicise a suite of services for disabled customers: see [General Conditions](#) C5.6 and C5.7-C5.16. Regulated providers are required to publish their policy on vulnerable consumers and to train staff on this (see General Condition C5.5).

#### *8. The Public Sector Equality Duty.*

As a public body, Ofcom is subject to the public sector equality duty under the Equality Act. Ofcom is required to assess the potential impact of all our functions, policies, projects and practices on the following equality groups: age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation, and, in Northern Ireland, political opinion and dependents. We fulfil these obligations by carrying out Equality Impact Assessments ('EIAs'), which examine the impact our policy is likely to have on people, depending on their personal circumstances. EIAs also assist us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers, regardless of their background and identity. Further information on Ofcom's approach to EIAs can be found in our statement on [Better Policy Making](#).

Regulated telecoms providers and ADR schemes are private sector organisations and are not subject to the public sector equality duty.

If you have any further queries, then please send them to [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk) quoting the reference number above in any future communications.

Yours sincerely

Zach Westbrook

If you are unhappy with the response you have received in relation to your request for information and/or consider that your request was refused without a reason valid under the law, you may ask for an internal review. If you ask us for an internal review of our decision, it will be subject to an independent review within Ofcom.

The following outcomes are possible:

- the original decision is upheld; or
- the original decision is reversed or modified.

#### **Timing**

If you wish to exercise your right to an internal review **you should contact us within two months of the date of this letter**. There is no statutory deadline for responding to internal reviews and it will depend upon the complexity of the case. However, we aim to conclude all such reviews within 20 working days, and up to 40 working days in exceptional cases. We will keep you informed of the progress of any such review. If you wish to request an internal review, you should contact [information.requests@ofcom.org.uk](mailto:information.requests@ofcom.org.uk)

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Further information about this, and the internal review process can be found on the Information Commissioner's Office [here](#). Alternatively, the Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF