

3 September 2013

Sarah Jefferson
BT
Via email

Chris Taylor
Director of Consumer Policy
Direct line: 020 7981 3594
Mobile: 07595 087 756
e-mail: chris.taylor@ofcom.org.uk

Dear Sarah

Text relay – BT request for Ofcom approval

Thank you for your letter of 9 August enclosing BT's application to become an approved relay service provider, in relation to the new text relay requirements which take effect from 18 April 2014 under GC 15.5. We are pleased to hear of your investment to build and supply a relay service compliant with the new requirements under GC15.5.

We have considered BT's application and have identified a number of areas which require clarification or further information. These are set out as an attachment to this letter.

Please provide a written response in order to progress this application for approval. If it would also be useful to discuss these points, please do not hesitate to contact me or Kiera Bower (kiera.bower@ofcom.org.uk, 0207 783 4317).

Yours sincerely

A handwritten signature in black ink that reads "C Taylor".

Chris Taylor

Points arising from BT's application for approval as a relay service provider

Ofcom statement on Next Generation Text Relay

In our statement on Next Generation Text Relay¹, we set out the criteria by which we would assess applications for approval. The statement made clear that we would assess applications for approval by reference to the ability of the proposed relay service to comply with GC15.5 and that for a relay service to be approved, the applicant must demonstrate to Ofcom that the service is capable of satisfying the approval criteria set by Ofcom. Additionally, the statement made clear that the approval of a relay service was conditional on the acceptance of the specified KPIs in those, or in substantially similar, terms².

Section 49 of the Communications Act 2003 provides that Ofcom must not give an approval for the purposes of a General Condition unless it is satisfied that do so is:

- (a) not such as to discriminate unduly against particular persons or against a particular description of persons;
- (b) proportionate to what it is intended to achieve; and
- (c) transparent, in relation to what it is intended to achieve.

Ofcom is also required by Section 49A of the Communications Act 2003, when proposing to give such an approval, to publish a notification providing details on the proposal and providing interested parties with an opportunity to make representations.

Additional clarification required

We have reviewed BT's application for approval as a relay service provider and consider that the application lacks detail on how compliance would be achieved. We require further information in order to progress the approval process.

We do not consider it is sufficient to state that the relay service will meet the requirements without providing information on how it will do this. Therefore, the application must provide information on how compliance will be met.

More generally, BT should provide details on how the service will work, including technical specifications, to provide assurances that the requirements of the GC and approval criteria can be met. For example, the instructions or specifications given by BT to the contractor commissioned to build the service may be relevant in demonstrating compliance with

¹ <http://stakeholders.ofcom.org.uk/consultations/relay-services-review-12/statement/>

² Ofcom considered that the KPIs effectively support the approval criteria and the requirements of the new GC15.5 and can be an effective way of ensuring that the service meets certain minimum requirements to ensure a robust and resilient service to users.

GC15.5. It may also be useful for the application to make reference to your intention to test the service.

We have set out below, by reference to the approval criteria set out in the statement, the further information that we require.

Approval criteria:

Ability of the service to meet the requirements of GC 15.5

- “The provider must provide an NGTR service fulfilling the relevant requirements in GC 15.5”
 - We require further detail on how the service will work and how the commissioned service will meet the requirements of GC15.5.
 - GC15.5 (d) requires “Subject to Conditions 3 and 13.1, be available for lawful use by End-Users at all times.” The statement made clear that the wording of GC15.5(d) acknowledged that there may be instances where the relay service may not be provided by a Communication Provider, for example, if an end user has not paid their bills (in which case there are circumstances in which the Communication Provider can legitimately refuse to provide a service to that user) or if there is a catastrophic failure of the telecommunications system. The statement also explained that irrespective of this, existing provisions in the GCs ensure that emergency calls can be made even if bills have not been paid. The application states that the service will “be available for lawful use by End-Users at all times, subject to proper functioning of the network and End-User disconnection for non-payment of an account”. Please confirm that BT intends to comply with the intention of the GC, as explained above and in the statement, particularly as the application makes no reference to emergency calls remaining covered.
 - GC15.5(g) requires the relay service to “provide facilities to allow End-Users, who because of their disabilities need to make calls using a Relay Service, to receive incoming calls via the Relay Service, without the calling party needing to dial a prefix”. Please provide more clarity about how TextNumber will work. For example, it would be useful to specify the process for making outgoing calls. We currently assume that this will remain as it is today, e.g. in all cases the relay user will have to dial the 18001 prefix, but it would be useful to set this out in the application.
- “The provider must ensure that in its NGTR service calls to the emergency services are prioritised and provided by a resilient network and system”
 - BT’s application provides no reference to how you plan to have sufficient technical resilience. Please provide further detail. For example, will it be the same arrangements as for the current text relay service?
 - Here is an example where providing the technical specifications of the service you have commissioned may help to provide assurances.

Guarantees regarding the operational effectiveness of the relay service

- “The provider must ensure there are sufficient funds, facilities and staff to provide the relay service and enable it to perform properly the administrative and technical work associated with the tasks for which it has been appointed”
 - The application makes no reference to ensuring sufficient funds, facilities and staff to operate the relay service to ensure that the service is capable of providing access for disabled end users to voice communications. Please provide further detail.
- “The provider must ensure that staff are appropriately and adequately trained especially in the communications needs of deaf, hard of hearing, speech impaired and deafblind textphone users”.
 - The application provides insufficient detail on staff training to ensure that an NGTR service is capable of meeting the complex and varied requirements of hearing and/or speech impaired end users. Please provide further detail.
- “The provider must ensure that the systems have sufficient technical resilience and back up resources to provide an uninterrupted service to the same extent as the voice telephony networks to which it is interconnected”.
 - The application provides no reference to how you plan to have sufficient technical resilience. Please provide further detail.

KPIs

- Measurement of accuracy and speed and staff monitoring: The KPIs require “Relay assistants to be monitored at least quarterly for speed of transcription, accuracy and process conformance” and for “Average voice to text transcription accuracy” and “In conversation voice to text transcription speed for standard/emergency relay calls” to meet certain standards. We consider that the application provides insufficient detail on how the KPIs will be measured and how staff will be monitored. As you are aware from our discussions with you on this topic, we consider that how speed and accuracy is measured should be transparent and that monitoring and measurement should be conducted on real calls (either live or recorded) not test calls.
 - Please provide further detail of how these KPIs will be measured and how staff will be monitored.

Accountability and transparency regarding the performance of the service

- “The provider must publish an annual report covering compliance with these approval criteria and any related issues directed by Ofcom”.
 - The application provides limited information on reporting. Please provide further detail of when and where the annual report will be published and when customer satisfaction monitoring will be carried out and included in the report.
- “The provider must have a complaints handling procedure in place – to be agreed by Ofcom – and ensure complaints are handled in a fair and timely manner”.

- The application makes no reference to BTs complaint handling procedure for the relay service. Please provide details of the complaints handling procedure and how complaints will be handled.
- “The provider must carry out customer satisfaction surveys at least every two years”.
 - The application provides no mention of customer satisfaction monitoring. Please provide further detail including when and how customer satisfaction will be carried out.