
Emergency video relay

Further consultation

[Emergency video relay](#) – welsh overview

Non-confidential version – redactions are indicated by [X]

CONSULTATION:

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1. Overview

We want to make sure disabled people can access the communications services they need in an emergency.

Video relay services are a way of enabling people who use British Sign Language (BSL) to communicate effectively with people who don't use BSL.

The deaf user makes a video call by using a connected device to call an interpreter in a call centre. The interpreter translates what the deaf user is signing into spoken English for the emergency services to hear, and signs what the emergency services are saying to the deaf end-user.

In December 2019, we published proposals to require communications providers to make available a free, 24/7 video relay service for deaf BSL users to enable them to communicate with the emergency services.

Our proposal was part of a package of measures to improve protection for consumers as part of the implementation of the European Electronic Communications Code (EECC) directive. It reflects the principle that disabled people should have equivalent access to emergency communications.

The proposals in our initial consultation received broad support, but responses raised some specific points which are the subject of this further consultation.

What we are proposing

We are proposing additions to the rules providers must follow (our General Conditions) on which we consulted in our initial consultation. These relate to:

- an obligation on relevant communications providers to provide an emergency video relay service themselves or contract with a relay supplier or wholesaler to provide it on their behalf; and
- an obligation for data used for emergency video relay to be zero-rated to the greatest extent that is technically feasible.

These additions are designed to do two things:

- make sure emergency video relay is properly funded; and
- clarify that use of the service must be completely free for deaf users.

We have also made some minor revisions to the proposed General Condition text for the purposes of clarity. The revised wording of the proposed General Condition is set out at [Annex A5](#).

We are also proposing additions to the draft approval criteria for emergency video relay. These are designed to ensure that the service is provided at the wholesale level to communications providers on fair, reasonable and non-discriminatory terms. We also propose that deaf users should not be required to register to use the service.

Finally, we are also using this document to provide further information on points raised in responses to our Initial Consultation.

We invite responses to this consultation by 30 March 2021 and aim to publish a final statement by the end of June 2021.

2. Background and legal framework

Background

- 2.1 Ofcom has a duty under the Communications Act 2003 (the “Act”) to further the interests of citizens and consumers in relation to communications matters. This includes having regard to the needs of disabled citizens. Ofcom also needs to adhere to the principle contained in the regulatory framework that people with disabilities should have access to emergency communications that is equivalent to that experienced by other end-users.
- 2.2 In December 2019, Ofcom consulted on a package of measures aimed at protecting UK consumers, (the “Initial Consultation”).¹ These measures were put forward to implement the new consumer protections in the European Electronic Communications Code (“EECC”).² In July 2020, the UK Government confirmed the changes it was making to UK law to implement the EECC and also stated that Ofcom should proceed to implement the consumer protections in the EECC in full, as planned.
- 2.3 As part of this work, we considered whether the consumer protection measures currently in place for disabled people were sufficient, and considered that it was appropriate to use our discretionary powers to propose a new requirement for the provision of an emergency video relay service with implementation through the General Conditions (“GCs”).
- 2.4 With the principle of equivalence as a key policy objective, we proposed that certain communications providers, namely providers of number-based interpersonal communications services (“ICS”)³ and internet access services (“IAS”)⁴ (collectively referred to as the “regulated providers”), should be required to make available a free 24/7 video relay service for deaf British Sign Language (“BSL”) users, to enable effective communication with the emergency services.⁵ The proposed service would allow deaf BSL users to communicate in a way that is clear and effective for them and would allow instructions from the emergency services to be more easily understood by BSL users.
- 2.5 Video relay involves a deaf BSL user signing via a video link to an interpreter in a location such as a call centre using a connected device such as a smartphone, tablet or PC. The interpreter translates what is signed to the emergency services via a voice call and signs the responses from the emergency services back to the deaf BSL user.

¹ [EECC Consultation](#)

² [Directive \(EU\) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code \(Recast\)](#)

³ Essentially, number-based ICS services are interpersonal communications services which enable communication with a telephone number. Number-based ICS are services that: connect with publicly assigned numbering resources or enables communication with numbers in national or international numbering plans; are normally provided for remuneration; enable direct interpersonal and interactive exchange of information via electronic communications networks between a finite number of persons; and do not include services which enable interpersonal and interactive communication merely as a minor ancillary feature intrinsically linked to another service. See the definition provided in [Annex A5](#).

⁴ An IAS is essentially a publicly available service that provides access to the internet. See the definition provided in [Annex A5](#).

⁵ [EECC Consultation](#): see Chapter 10 and Annex 10

- 2.6 We proposed that Emergency Video Relay services would have to meet certain Approval Criteria (“The Approval Criteria”) that we set out in the Initial Consultation.⁶ We also indicated in the Initial Consultation that the service would be available via a dedicated app and a dedicated website, and this is a requirement in the draft Approval Criteria for the service.
- 2.7 We received a range of responses to our Initial Consultation, from communications providers, consumer bodies, advocacy groups, industry bodies, other organisations and individuals. Eighteen consultation responses related solely to emergency video relay, and a further sixteen commented on this proposal.⁷
- 2.8 Nearly all respondents agreed that emergency video relay would further equivalence of access to the emergency services. Deaf respondents in particular said that this service would improve deaf people’s welfare and health. However, some implementation points were raised, and consequently we have decided to consult further on four points:
- Recovering the costs of the emergency video relay supplier and any wholesaler
 - Providing emergency video relay on fair, reasonable and non-discriminatory terms
 - Zero-rating of data
 - Registration-free use of emergency video relay
- 2.9 Since our initial consultation we have discussed some of these issues with industry and other stakeholders and convened an industry round table in September 2020.
- 2.10 The round table focused mainly on cost recovery, with broad support from participants that a wholesale model would be the most effective way of meeting the emergency video relay obligation, and no dissent from this view. BT indicated that it was willing to consider becoming a wholesaler but wanted to hear the views of the rest of the sector.
- 2.11 We set out below our response to the issues raised and our proposed actions.
- 2.12 The rest of this document is set out as follows:
- The legal framework is set out in the rest of this section
 - Section 3 discusses cost recovery
 - Section 4 covers the provision of emergency video relay on fair, reasonable and non-discriminatory terms
 - Section 5 discusses zero-rating of data used for emergency video relay
 - Section 6 covers registration-free use of emergency video relay
 - Other points made in responses to the Initial Consultation are discussed in section 7
 - Finally, section 8 discusses the proportionality of the proposals.
- 2.13 The annexes are then as follows:
- Annex 1 Responding to this consultation
 - Annex 2 Ofcom’s consultation principles
 - Annex 3 Consultation coversheet

⁶ Compliance with the Approval Criteria would be a matter for emergency video relay suppliers.

⁷ All responses are published on the EECC consultation page [here](#) (click ‘load more’ for the full list)

- Annex 4 Consultation questions
- Annex 5 Table of the proposed new General Conditions and definition
- Annex 6 contains the revised draft Ofcom Approval Criteria
- Annex 7 contains the Notification proposing to set new General Conditions

Legal framework

- 2.14 The UK regulatory framework for electronic communications has for many years contained the principle that people with disabilities should have access to emergency communications that is equivalent to that experienced by other end-users.⁸ Taking into account advances in communications technology, the EECC built on this principle of ensuring equivalent access in the context of emergency services by requiring it to be *“available through emergency communications”*.⁹
- 2.15 Video communications are now commonplace and more reliable than ever before and acknowledging this, the scope of ‘emergency communications’ was broadened in the EECC to specify the inclusion of video relay. An emergency communication is defined as a *“communication by means of interpersonal communications services between an end-user and the PSAP with the goal to request and receive emergency relief from emergency services.”*¹⁰¹¹ Emergency communications include *“not only voice communications services, but also SMS, messaging, video or other types of communications, for example real time text, total conversation and relay services.”*¹²
- 2.16 Ofcom’s discretionary powers to require emergency video relay derive from the UK Communications Act 2003 (the “Act”), as amended by the regulations implementing the EECC Directive.¹³
- 2.17 It is Ofcom’s principal duty, in carrying out its functions, to further the interests of citizens in relation to communications matters.¹⁴ In performing this duty, Ofcom must have regard to, amongst other things, the needs of persons with disabilities.¹⁵ Requirements in respect of disabled end-users are addressed by Ofcom through General Conditions (“GCs”), set under section 45(1) of the Act.

⁸ The principle was previously set out in the Universal Service Directive (Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users’ rights relating to electronic communications networks and services, OJ L 108, 24.4.2002, p. 51) and was further developed in the EECC. Article 111 of the EECC confirms that access to electronic communications services for end-users with disabilities must be equivalent to access provided for other end-users.

⁹ Article 109(5) of the EECC sets out that: “Member States shall ensure that access for end-users with disabilities to emergency services is available through emergency communications and is equivalent to that enjoyed by other end-users, ...Such measures shall not prevent Member States from adopting additional requirements in order to pursue the objectives set out in this Article.”

¹⁰ Article 2(38) of the EECC.

¹¹ A Public Safety Answering Point (PSAP) effectively acts as a “call centre”, providing a point of interconnection for calls that are being made over the communications provider’s network to the emergency organisations.

¹² Recital 285 of the EECC.

¹³ [The Electronic Communications and Wireless Telegraphy \(Amendment\) \(European Electronic Communications Code and EU Exit\) Regulations 2020](#)

¹⁴ Section 3(1)(a) the Act.

¹⁵ Section 3(4)(i) the Act.

2.18 Under section 51(1)(a) of the Act, Ofcom may set conditions making provision as it considers appropriate for protecting the interests of the end-users of public electronic communications services. This includes a broad power under section 51(2)(c) to set conditions which specify requirements in relation to the provision of services to disabled end-users. Section 51(2)(c) provides:

“(2) The power under subsection (1)(a) to set conditions for protecting the interests of the end-users of public electronic communications services includes power to set conditions for that purpose which –

...(c) specify requirements in relation to the provision of services to disabled end-users.”

3. Cost recovery

- 3.1 The costs of providing emergency video relay services will need to be recovered in a way that is fair and reasonable. There are different ways in which this could be achieved, and these are considered in this section.
- 3.2 We consider that the obligation on number-based ICS and IAS providers (“the regulated providers”) to provide emergency video relay must be no more onerous than necessary to be consistent with the principle of equivalence and deliver our policy objective.
- 3.3 A number of respondents to the Initial Consultation raised comments concerning funding and cost recovery, which are considered in this section.

Ability to recover costs for emergency video relay

- 3.4 BT asked how the emergency video relay supplier or any wholesaler could be confident of recovering the costs of providing the service.¹⁶
- 3.5 This question mainly arises because video communications differ from phone calls. The way in which voice 999 calls are handled means that the relevant communications provider can be identified and billed for their customers’ access to the service, under BT’s interconnection agreements with other communications providers. For each voice call to 999, the relevant communications provider pays a fee for the call to be answered and transferred to the relevant emergency authority. For emergency text relay calls and emergency SMS, the communications provider also pays for their customers’ use of the text relay service.¹⁷
- 3.6 Video communications do not work in the same way. As they do not use a telephone number, it is not as easy to identify the communications provider to issue a bill for their customers’ use of an emergency video relay service. A different way has to be found of recovering the costs of an emergency video relay service and we discuss possible approaches in this section.

Cost recovery via a wholesaler

- 3.7 We discussed the possibility of a wholesaler in the Initial Consultation.
- 3.8 Voice 999 call handling, text relay and emergency SMS are all currently supplied by BT on a wholesale basis in the UK, with communications providers paying for their customers’ use of these services.
- 3.9 If there were a wholesaler for emergency video relay, there are various ways in which it could design a cost-recovery mechanism. We note that charges for wholesale telecoms services are often set on a usage-related basis or a mix of fixed and usage-based charges.

¹⁶ [BT consultation response](#)

¹⁷ There is more information about emergency text relay and emergency SMS here: [Contact 999 using Relay UK](#)

However, where usage is not readily identifiable, an alternative basis for charging would be required and there is a variety of ways in which this could be implemented.

- 3.10 If a wholesaler contracts with the supplier of an approved emergency video relay service and offers regulated providers a simple and cost-effective way to meet the emergency video relay obligation, then the obligation on the regulated provider would not be as onerous as it might otherwise be without a wholesaler in place. This is because all regulated providers would know who to contact to contract for emergency video relay services.
- 3.11 While there is not a comprehensive register of communications providers in the UK, Ofcom publishes a list of around 120 larger networks and services providers that are liable for Ofcom's administrative charges.¹⁸ Moreover, any wholesaler with established industry relationships (e.g. as a result of interconnection for calls, or other wholesale communication services) would be a natural go-to partner for regulated providers.

Cost recovery without a wholesaler

- 3.12 If there were no wholesaler, there is a risk that there will be no single point of contact for obtaining a video relay service. This could make it more difficult for regulated providers to comply with the obligation. However, if an emergency video relay supplier itself offers all regulated providers a simple and cost-effective way to contract to meet the obligation, then this would be no more onerous for regulated providers than if there were a wholesaler.
- 3.13 If there was a single emergency video relay supplier serving all regulated providers, then without a wholesaler, the supplier would likely need help from industry to design a cost recovery mechanism. The relay supplier would also need to gain access to regulated providers' contact details. This issue was discussed at the industry round table in September 2020.
- 3.14 For reasons of practicality, it would be open to the approved emergency video relay supplier (or a wholesaler if there were one) to agree contracts with very small regulated providers for a nominal value.
- 3.15 If there were more than one approved service and no wholesaler, this does raise the potential for some regulated providers contracting with one supplier and other regulated providers with a different supplier.

Encouraging a wholesaler to step forward

- 3.16 Industry representatives who attended the round table said that if they were to become a wholesaler, they would want to know that they were not taking on a significant financial risk.

¹⁸ [Networks & Services Providers Billed for Ofcom's 2019/20 Administrative Charges](#)

- 3.17 For emergency video relay to be delivered, it is essential that enough money is collected to pay for the service. Some communications providers including BT made the point that, because metering and billing cannot be done in the same way as for voice 999 calls, an obligation to give access to the service may not be enough to guarantee that regulated providers pay their share of the costs.
- 3.18 **We are therefore reconsulting on our proposed obligation to specify that it will require the regulated providers to either provide emergency video relay themselves or contract with a third party for its provision.** This ensures that regulated providers will, as well as giving access to the service, be obliged to pay towards the costs either directly or under contract. Ofcom would not be a party to the contracts (whether between wholesaler and supplier, wholesaler and regulated provider, or supplier and regulated provider in the event of no wholesaler), but would be responsible for ensuring that regulated providers comply with the General Conditions, including the requirement to provide the service themselves or contract to provide it. There is a consultation question about this at the end of this section.
- 3.19 It would be open to a wholesaler to agree contractual terms with a regulated provider which allow the wholesaler to rescind (i.e. cancel) the contract for non-payment by the provider. If the contract were rescinded by the wholesaler, the particular provider would then either have to: find another third party to provide the service; or, provide it themselves. If they were unable to do either of these, they may be in breach of Ofcom's General Conditions. We hope that this addition to the proposed General Condition will give potential wholesalers more confidence to step forward. Also, as noted above, the obligation to pay for the service would not need to be based on customer use of the service and could be structured in some other way to allow cost recovery. A wholesale arrangement may be easier to implement and may be more likely to secure a better outcome for deaf end-users.
- 3.20 We recognise that any wholesaler would need to recover not only the charges levied by the emergency video relay supplier, but also its own set-up and administration costs of its video relay wholesaler operation (for example, relating to contracting and billing regulated providers). We consider that it would be reasonable for a wholesaler for emergency video relay to charge for its administrative work, so long as this was on fair, reasonable and non-discriminatory terms.

Consultation question 1: Do you agree with our proposal that regulated providers should be required to either provide emergency video relay or contract for it to be provided?

Please provide evidence to support your response.

4. Provision of emergency video relay on fair, reasonable and non-discriminatory terms

- 4.1 We said in the Initial Consultation that it would be possible for a telecoms provider to commission emergency video relay and make it available on a wholesale basis to other providers.
- 4.2 A number of questions were raised in consultation responses about wholesale rates, i.e. the charges a wholesaler would levy on regulated providers for the provision of emergency video relay, and these are discussed in this section.
- 4.3 Mobile UK¹⁹ and O2²⁰ asked that any wholesale rates for emergency video relay should be fair and non-discriminatory. Three²¹ asked Ofcom to regulate the wholesale rate for the provision of emergency video relay services.
- 4.4 BT asked what would happen if a regulated provider and the wholesaler could not agree commercial terms. O2 wanted to see clarity and certainty about funding to reduce the likelihood of disputes or the exploitation of market power by a wholesaler. It asked Ofcom to play a role in commercial negotiations if this proved necessary to deliver the timely availability of emergency video relay.
- 4.5 BT was also concerned that if there was no competition in the video relay market, regulated providers would be reliant on just one supplier and this could lead to pricing not being on fair and reasonable terms. BT recommended that Ofcom's Approval Criteria should include a requirement that the approved service should be provided on fair and reasonable terms.

Our response

- 4.6 Voice 999 call handling, text relay and emergency SMS are all commercial wholesale products and Ofcom has no role in setting the price for these services.
- 4.7 In [section 3](#) on cost recovery, we consider it would be reasonable for any wholesaler for emergency video relay to charge for its set-up and administrative work, so long as this was on fair, reasonable and non-discriminatory terms. However, we consider that most of the cost of emergency video relay is likely to lie in the provision of a resilient 24/7 relay service rather than the administrative costs.
- 4.8 As part of the preparatory work for our Initial Consultation, we examined the costs of Contact SCOTLAND - BSL. This is a 24-hour video relay service that deals with a much wider range of calls and has costs of around £400,000 per year. We would expect an emergency video relay service to be of higher cost due to the need for it to have high resilience, with the capability to answer calls very quickly and handle occasional peaks in the number of

¹⁹ [Mobile UK consultation response](#)

²⁰ [O2 consultation response](#)

²¹ [Three consultation response](#)

calls. Nevertheless, if the costs are spread over the whole industry, the costs that any individual provider would need to bear would be very low.²²

- 4.9 Video relay suppliers are commercial enterprises and are not prevented from making a profit. However, Ofcom proposes to include a requirement in the Approval Criteria for suppliers of approved emergency video relay services to commit to include a fair, reasonable and non-discriminatory terms clause in contracts with any customer or wholesaler for the service.²³
- 4.10 This requirement is set out in the draft Approval Criteria at [Annex A6](#). There are some other very minor amendments to the draft Approval Criteria which have been made for clarity and accuracy and are indicated in bold.

Consultation question 2: Do you agree that the Approval Criteria should contain a requirement obliging suppliers of approved emergency video relay services to include a clause about fair, reasonable and non-discriminatory terms in any contract with any Regulated Provider or wholesaler?

Please provide evidence to support your response.

²² See paragraphs 10.37 and 10.38 of the Initial Consultation for more details.

²³ In order for an Emergency Video Relay Service to be approved by Ofcom, the service must satisfy all the Approval Criteria. See [Annex A6](#).

5. Zero-rating of data used for emergency video relay

- 5.1 Zero-rating is a commercial practice whereby an internet service provider applies a price of zero to the data traffic associated with a particular application, service or category of applications or services. This means that the customer is able to access certain applications or websites without that data counting toward the customer's general data allowance.
- 5.2 The question of whether data used for emergency video relay would need to be zero-rated was raised by Three and O2 in their responses to the Initial Consultation.
- 5.3 We want to clarify that, as well as the emergency video relay service itself being free to use by the end-user, the data used to access and use the service should also, to the greatest extent technically feasible, be free to the caller. This could be achieved for example through zero-rating the data used when accessing the service via a mobile app or through the use of uncapped data packages, which are now standard in fixed broadband services.
- 5.4 We consider that requiring the data to be zero-rated is appropriate because it is consistent with the existing requirements for voice 999 calls, which are always free to make. It is also consistent with Article 109 of the EECC, which states that emergency communications must be free of charge.²⁴ We are therefore reconsulting on a revised form of words for the proposed new condition to clarify that zero-rating of data for the emergency video relay service where technically feasible is required.
- 5.5 We have added a further sub-paragraph to the proposed GC C5.12 stating that in providing access to Emergency Video Relay Services under Condition C5.11, Regulated Providers must:
- “(b) where technically feasible, apply an incremental price of zero to any data traffic associated with the use of the Emergency Video Relay Service”.²⁵
- 5.6 We have also reflected this in the Approval Criteria by requiring the emergency video relay supplier to liaise with regulated providers with a view to facilitating zero-rating of data used in connection with the service and/or app.
- 5.7 For zero-rating to happen effectively, it will be necessary for the emergency video relay app to be designed in a way that allows all relevant data to be identified. Industry will need to work with the relay supplier to ensure this happens.
- 5.8 The zero-rating of data traffic can raise questions in relation to the net neutrality principles set out in the Regulation laying down measures concerning open internet access (“the

²⁴ [Article 109 of the EECC](#)

²⁵ This does not prevent Regulated Providers charging a standard monthly charge or other similar charges for data, but customers should not be charged for the data used when accessing the service, and this should not be deducted from monthly allowances or pay as you go credit.

Open Internet Access Regulation”).²⁶ In broad terms, zero-rating offers can give rise to compliance issues where they lead to a material reduction in end-user choice. Ofcom has set out a framework for assessing zero-rated offers in a document entitled “*Ofcom’s approach to assessing compliance with net neutrality rules*”.²⁷ Applying that framework to the emergency video relay service that we are proposing should be introduced, we are satisfied that zero-rating the data used to access the service will not materially affect end-users’ rights under the Open Internet Access Regulation.

- 5.9 Hyperoptic²⁸ asked whether it would be possible for end-users to use emergency video relay via a data connection that had been suspended for non-payment. O2 and Mobile UK also noted that voice call traffic to the emergency services is prioritised by mobile networks over other calls.
- 5.10 In response to Hyperoptic’s comment, we are not proposing that regulated providers should be required to give access to emergency video relay where a data connection has been suspended for non-payment. Nor are we suggesting that data traffic for the emergency video relay service should be prioritized over other forms of internet data traffic. This is because the net neutrality principles set out in the Open Internet Access Regulation prevent internet access service providers from discriminating between different categories of data traffic by blocking access to some data traffic while allowing access to other content, or by prioritizing one category of data traffic over another, unless certain limited exceptions apply, including where required to do so by law.
- 5.11 Unlike in relation to zero-rating, where Ofcom has a degree of discretion in terms of considering what types of pricing and other commercial practices might give rise to a material impact on end-users’ rights, there is less discretion when applying the legal rules on traffic management in the Open Internet Access Regulation.

Consultation question 3: Do you agree with our proposal that data used for emergency video relay should be zero-rated?

Please provide evidence to support your response.

²⁶ The Open Internet Access Regulation is an EU Regulation (Regulation (EU) 2015/2120) which has been retained in domestic UK law post-Brexit as “retained EU law” under sections 3 and 6 of the European Union (Withdrawal) Act 2018. It has been amended by The Open Internet Access (Amendment etc.) (EU Exit) Regulations 2018, made pursuant to section 8 of the European Union (Withdrawal) Act 2018. See <https://www.legislation.gov.uk/eur/2015/2120/contents>

²⁷ [Ofcom’s approach to assessing compliance with net neutrality rules](#)

²⁸ [Hyperoptic consultation response](#)

6. Registration-free emergency video relay

- 6.1 Registration is required for users to use and access some websites and apps. Users register by providing their details such as an email address, and from that point on, the user may be required to use a password to gain access to the website or app
- 6.2 Three asked if customers would have to register for emergency video relay, and an individual respondent said it was very important that emergency video relay did not require registration or downloading.
- 6.3 Registration would be contrary to the principle of equivalence, and we believe that if the service required registration to be used, it could lead to harm in time-critical emergency situations e.g. an end-user struggling to remember their password while their house was on fire.²⁹ We have therefore added a criterion to the draft Approval Criteria to say that end-users should not be required to register in order to use emergency video relay.
- 6.4 The relevant new text is as follows (the full Approval Criteria are set out in [Annex A6](#)):
- “Access**
- The service provider must do the following...f) Ensure that the service shall be available to end-users without any requirement to register to use or access the service.”
- 6.5 It will be necessary to download the emergency video relay app in order to use it, but the service will also be available via a website.

Consultation question 4: Do you agree with our proposal that end-users should not be required to register to access or use emergency video relay?

Please provide evidence to support your response.

²⁹ There is minimal registration for emergency SMS (users text ‘register’ to 999). The reason for this is to protect the service from messages sent in error which waste resources. There are up to 500 messages a day from unregistered mobile numbers to 999, most of which are clearly not intended for the emergency services (e.g. “I’m running late”). We consider that the problem of messages sent in error would be very unlikely to arise with emergency video relay because of the way in which the service would be accessed and used.

7. Other points made in responses to the Initial Consultation

- 7.1 We are taking this opportunity to provide further information and/or clarification on some other issues raised in responses to the Initial Consultation. Other points that were raised in these consultation responses will be addressed in our final statement.
- 7.2 We have grouped these points under the following headings:
- Alternatives to emergency video relay
 - The scope of the obligations on regulated providers
 - Responsibilities of the emergency video relay supplier
 - Alternatives to a wholesale model
 - The need for a data connection
 - Uninterrupted access to data networks
 - Interpreter qualifications, interpreter registration and interpreter welfare
 - Operational matters
- 7.3 We have also made some very minor changes to the draft Approval Criteria to improve the clarity and accuracy. These are indicated in underlined, highlighted text in [Annex A6](#).

Alternatives to emergency video relay

- 7.4 Three respondents, the Association of Sign Language Interpreters (ASLI)³⁰, an individual respondent, one other [X], argued for a direct emergency video calling system, with deaf BSL users handling video calls. ASLI said that the emergency services should consult with deaf people on how best to serve them and to implement direct forms of communication.
- 7.5 Andrews & Arnold said that Ofcom had not considered properly the full range of options, including whether some lesser intervention would achieve the objective of greater equivalence of access, including proposals which might require action by other bodies, or indeed the government.³¹
- 7.6 BT suggested that Ofcom consider whether TapSOS could be a viable alternative to emergency video relay.³² TapSOS is a smartphone app that gives access to emergency SMS and allows users to tap on symbols rather than type. Users register their number with the emergency SMS service from within the app, and additionally set up a profile with information including name, gender (optional) and email address.³³ The app has been accredited by British APCO.³⁴

³⁰ [Association of Sign Language Interpreters consultation response](#)

³¹ [Andrews & Arnold consultation response](#)

³² <https://www.tapsos.com>

³³ Emergency SMS used without this app does not require a profile to be set up

³⁴ British APCO [website](#)

- 7.7 Virgin Media³⁵ noted that many regulated providers have existing contracts with video relay suppliers and asked if Ofcom would therefore be taking these into consideration or encouraging video relay providers to make provisions for end-users to communicate via BSL. Virgin Media suggested that this could result in a better outcome for end-users, as requiring them to use another service could be disruptive, as it would be for regulated providers in having to change suppliers.
- 7.8 An individual respondent said that emergency SMS and text relay must be retained alongside emergency video relay.

Our response

- 7.9 Ofcom is the regulator for the communications sector and does not have the power to require the UK emergency services to implement direct emergency video calling. There are practical considerations of how such calls would be answered at the PSAP and transferred to the relevant emergency authority. There are also considerations relating to the use of deaf call takers, including the fact that it is not generally possible to sign and write or type at the same time, meaning that for optimal speed, a second call taker (or an interpreter) would be needed.
- 7.10 Ofcom considers that while TapSOS offers benefits to some users, it has limitations in that it does not offer two-way communications in BSL users' first language. In our consultation we evaluated the benefits of BSL users receiving potentially life-saving instructions in their first language. We consider that access in BSL is consistent with the principle of equivalent access for disabled end-users.
- 7.11 We have considered these potential alternatives suggested to us in consultation responses. Andrews & Arnold did not give any additional examples of alternative options it suggests we should have considered.
- 7.12 In response to Virgin Media, Ofcom's proposal would not require regulated providers to change video relay suppliers for calls to or from their contact centres. Emergency video relay would be a standalone service. Virgin Media's existing video relay supplier would be able to apply for approval of an emergency video relay service if it wished.
- 7.13 Emergency text relay and emergency SMS are valuable for deaf and speech-impaired citizens who do not use BSL and would be retained alongside emergency video relay.

The scope of the obligations on regulated providers

Inclusion of number-based ICS and IAS providers

- 7.14 Andrews & Arnold and an individual respondent were in favour of BSL access to the emergency services, but against the proposal that regulated providers should pay for it.

³⁵ [Virgin Media consultation response](#)

- 7.15 Andrews & Arnold argued that ensuring that disabled citizens have access to emergency services is a role of the state, and that Ofcom should have considered the possibility of obligations on the emergency services rather than regulated providers. An individual respondent also argued that it was not appropriate to expect telecommunications providers to fund and provide emergency video relay, or to subscribe to an existing service. This respondent considered that emergency video relay should be provided by the state, with regulated providers required to give access.
- 7.16 Tesco Mobile³⁶ said that it did not agree that the cost of emergency video relay should be covered by mobile providers.
- 7.17 Andrews & Arnold argued that Ofcom's proposal to impose obligations on regulated providers that provide internet access services or number-based ICS over-extended Article 109 in attempting to impose obligations on internet access providers who do not offer a telephony service.

Our response

- 7.18 While the emergency services themselves are state-funded, emergency communications are funded by the communications sector, as described in section 3. Emergency video relay would be an additional form of emergency communication.
- 7.19 Ofcom is the regulator for the communications sector, and does not have the power to impose regulatory obligations on the emergency services.
- 7.20 The rationale for the proposal to apply this obligation to providers of IAS as well as providers of number-based ICS is that a deaf BSL user using a fixed data connection when away from home and who was in an emergency situation would not necessarily know if the connection was provided by an IAS provider rather than a number-based ICS provider, but would reasonably expect to be able to use the data connection to make an emergency communication.

Exclusion of number-independent ICS

- 7.21 Vodafone³⁷ questioned why Ofcom had not extended the scope of its regulation to number-independent over-the-top (OTT) services such as WhatsApp, Snapchat and Facebook Messenger. BT asked if Ofcom had considered building on OTT services such as Skype, WhatsApp, or FaceTime, given that customers may be familiar with these apps. Microsoft³⁸ considered that the proposed General Condition appeared to impose obligations to provide access to emergency video relay on apps with calling features.

Our response

- 7.22 In July 2019, the Government carried out a public consultation on the changes that were needed to the legal framework to implement the EEE Directive. In its July 2020 report in

³⁶ [Tesco Mobile consultation response](#)

³⁷ [Vodafone consultation response](#)

³⁸ [Microsoft consultation response](#)

response to that consultation,³⁹ the Government decided not to extend Ofcom’s powers to impose GCs to number-independent ICS. Therefore, Ofcom does not have a power to impose such obligations on providers of number-independent ICS. The proposed condition will apply to providers of Internet Access Services and/or Number-based Interpersonal Communications Services.

The obligation to ensure emergency video relay can be accessed and used

7.23 Andrews & Arnold commented on our proposed requirement for regulated providers to ensure end-users with disabilities “can access and use” emergency video relay and said it does not provide training to customers, so cannot ensure that any given customer can use a third party’s service, if it is poorly designed, or if the user requires particular equipment or facilities. Andrews & Arnold also said: “... we could not ensure that any end user could ‘access’ any particular service, beyond ensuring that that traffic was routable on our network. If a user has an incompatible browser (or no browser), then that is outside our control”.

Our response

7.24 The reference to “access and use” in this context is consistent with the existing regulatory obligations for text relay. We do not propose to require regulated providers to provide training for customers. Nor do we propose that regulated providers should have to do anything in relation to matters beyond their control, such as a customer not having a compatible browser.

The obligation to publicise emergency video relay

7.25 Deaf charities said that stronger language was needed to ensure service providers communicate the availability of emergency video relay.⁴⁰

Our response

7.26 Providers are already required under the GCs to publicise text relay, emergency text relay and emergency SMS (see GC C5.6) and we propose to extend the scope of this provision to cover emergency video relay services. GC C5.6 requires providers to take all reasonable steps to ensure that such measures are widely publicised, taking into consideration the need to disseminate information in appropriate formats through appropriate channels for end-users with disabilities.

³⁹ [Government response to the public consultation on implementing the European Electronic Communications Code](#)

⁴⁰ [Deaf charities consultation response](#)

Responsibilities of the emergency video relay supplier

Compliance with the Approval Criteria

7.27 BT asked what the liabilities of any wholesaler would be if the supplier of the approved emergency video relay service subsequently failed to meet the Approval Criteria.

Our response

7.28 Any wholesaler would need to contract with a supplier of an emergency video relay service that had been approved by Ofcom for this purpose.⁴¹ However, compliance with the Approval Criteria would be the sole responsibility of the supplier of the approved emergency video relay service and not the responsibility of any wholesaler. Contractual terms could be agreed between any wholesaler and communications providers to explicitly exclude wholesaler liability for the continued provision of emergency video relay in circumstances where the supplier had its approval withdrawn by Ofcom and there was no other approved alternative.

7.29 BT is the supplier as well as the wholesaler of text relay. However, Ofcom's approval of BT's text relay service is separate from BT's standing as a regulated communications provider. For emergency video relay, it is likely that the supplier would be a specialist third party organisation.

Speed of communication via emergency video relay

7.30 Three asked for clarification on this requirement in the proposed Approval Criteria.

Our response

7.31 The requirement relates to the translation speed between BSL and English and is not a mobile network level requirement. This is a criterion to be met by the emergency video relay supplier.

Alternatives to a wholesale model

7.32 BT was concerned that if there was more than one approved emergency video relay service, this could lead to confusion, as end-users would have to know which service their regulated provider was contracted with. BT suggested that as an alternative to having a wholesaler, Ofcom could designate one approved video relay provider and make it a regulatory obligation for regulated providers to contract directly with it.

⁴¹ See the draft Approval Criteria in [Annex 10 of the Initial Consultation](#).

Our response

- 7.33 With respect to approving a supplier, Ofcom is required to follow the statutory process and steps set out in the Act.⁴² Ofcom must not give an approval unless it is satisfied that to do so does not discriminate unduly against particular persons or against a particular description of persons.⁴³ It follows that Ofcom cannot deny an approval, simply on the basis that another supplier has already been approved.
- 7.34 Under the current proposal, if a video relay service meets the Approval Criteria, it shall be approved by Ofcom, regardless of whether more than one provider meets the criteria at a given time.
- 7.35 An advantage of there being a wholesaler who provides the services to all regulated providers is that the wholesaler may choose to engage only one approved video relay supplier, and if there is only one, this would reduce the risk of end-user confusion as it is likely that the wholesaler would contract with a single emergency video relay service, although this would ultimately be a matter for the wholesaler.

The need for a data connection

- 7.36 Virgin Media noted that users of emergency video relay would need a data connection and a suitable device. It also noted that a customer who was provided with only fixed line telephony would not be able to access video relay. Post Office⁴⁴ asked for clarification on the scope of the obligation and how it related to the Public Switched Telephone Network (PSTN). BT noted that end-users would need access to a data connection of adequate speed and quality and would need to be familiar with how to use the device and the app. It said that Ofcom would need to use this in its “market sizing assessment”.

Our response

- 7.37 We are proposing that the obligation will fall on (a) number-based ICS and (b) internet access service providers - these are separate categories of regulated providers.
- 7.38 We agree that customers who wish to use emergency video relay will need a fixed or mobile data connection and a suitable device. Customers who just buy a fixed voice product will not be able to use emergency video relay. Ofcom is not aware of any landline-only providers (i.e. supplying voice services but not broadband), but if one or more existed, they would not be expected to start providing broadband services in addition to voice services in order to comply with this obligation.
- 7.39 In considering the costs of the service, Ofcom has not undertaken a detailed assessment of access to suitable devices and data connections for deaf people who might use the service. Rather, we considered the costs of NHS111 and Contact SCOTLAND - BSL, which also

⁴² See sections 49, 49A and 49C of the Act.

⁴³ See section 49(2)(b) of the Act.

⁴⁴ [Post Office consultation response](#)

require a data connection, a connected device and the ability to use the service via an app or a website.

- 7.40 In terms of the benefits, we quantified the benefit from deaths that would be avoided through emergency video relay in paragraphs A10.15 to A10.33 of the Initial Consultation. We assumed the possible use made of an emergency video relay service based on information on the frequency of emergency calls by the general population. Based on this, we estimated there would be around 90 incidents where people were transported to hospital by ambulance in life-threatening situations, and we judged it reasonable to assume that at least two fatalities could be avoided per year if a video relay service existed, and the number of fatalities avoided might be much higher than this. We did not explicitly include an adjustment for the proportion of deaf people who might use the service being less than the proportion of the general population who would use an emergency voice service because the lack of connection or a suitable device might be higher for video calls than voice call. However, we consider our judgement of at least two fatalities prevented is sufficiently conservative to take account of this. We discuss other benefits and proportionality overall in [section 8](#) below.

Uninterrupted access to data networks

- 7.41 Three asked whether regulated providers would be required to provide uninterrupted access to the data network in order for end-users to be able to use emergency video relay and Post Office commented that uninterrupted access to emergency services is required for Publicly Available Telephone Services. Three asked Ofcom to amend the proposed GCs C5.11 and C5.12 to clarify expectations on availability of data services to be offered to underpin the provision of emergency video relay. It also suggested that Ofcom could confirm this in their guidance on security requirements in sections 105A to D of the Communications Act 2003.
- 7.42 Three also raised concerns about a reference in our Initial Consultation to the obligation for IP networks to have resilience solutions. It said: “Three also has concerns with Ofcom’s requirements for emergency video relay in light of paragraph 10.11 of the Consultation, which refers to an existing 999 calls requirement to ‘require resilience solutions such as battery backup to ensure that emergency calls can be made on IP networks in power cuts.’ In Three’s view, the cost of the battery could be a significant portion of the ‘data’ device price. Three therefore asks that the requirement to provide resiliency in the form of battery back-up for ‘data’ devices which might be used to access emergency video relay services be removed as a disproportionate measure when compared to the likely consumer benefit this offers.”
- 7.43 Mobile UK commented that for mobile, battery life is determined by the customer.

Our response

- 7.44 General Condition A3.2 aims to ensure the fullest possible availability of public communications services at all times (‘fullest possible availability obligation’) and

uninterrupted access for voice communications calls to emergency organisations ('uninterrupted access obligation'). Modifications to reflect the wording in Article 108 of the EEC were set out in our recent consultations and statements.⁴⁵ These changes take effect at the end of 2021.

- 7.45 Although the EEC extended an obligation in relation to ensuring the 'fullest possible availability' to apply to all voice communications and internet access services provided over public electronic communications networks, the obligation to ensure 'uninterrupted access' to emergency organisations remained limited to voice communications services only.
- 7.46 The 'uninterrupted access obligation' requires that regulated providers⁴⁶ take all necessary measures to ensure uninterrupted access to emergency organisations as part of any voice communications services (formerly called 'Publicly Available Telephone Services') offered. We were asked, in the responses to our Initial Consultation, if this meant that emergency video relay users needed to benefit from uninterrupted access to data networks as the proposed emergency video relay service will work by accessing data networks.
- 7.47 There is currently no obligation on IAS providers to ensure uninterrupted access to data networks and we do not consider it necessary to extend the scope of the uninterrupted access obligation in GC 3.2(b) to apply to IAS providers or data networks generally. However, given the principle of equivalence of access for disabled end-users, we have considered how uninterrupted access to emergency organisations for deaf BSL users might be achieved.
- 7.48 Take-up of mobile phones, including smartphones, in the UK is very high, and two-thirds of voice 999 calls are made from mobile devices. We might expect broadly similar proportions for emergency video relay communications.
- 7.49 If a deaf BSL user is using a smartphone (or a tablet with a SIM) on their fixed Wi-Fi connection to access emergency video relay and there is a power cut, the device will automatically switch to mobile data. However, deaf BSL users who do not have a smartphone or a tablet with a SIM, or who do not have a mobile signal in their home, may need to rely on their fixed broadband to make emergency video relay communications during power cuts on a suitable connected device with a battery such as a laptop. These end-users may benefit from a resilience solution. Suitable solutions might include battery backup for the broadband router or the provision of a device with a data-enabled SIM.

⁴⁵ See publications: the Initial Consultation, published on 17 December 2019 (https://www.ofcom.org.uk/data/assets/pdf_file/0032/184757/consultation-proposals-to-implement-new-eecc.pdf); Statement and Consultation: Implementing the new European Electronic Communications Code', published on 27 October 2020 (https://www.ofcom.org.uk/data/assets/pdf_file/0023/204980/statement-eecc-revised-proposals.pdf); and Statement: Implementing the new European Electronic Communications Code, published on 17 December 2020. (https://www.ofcom.org.uk/data/assets/pdf_file/0020/209504/eecc-statement-dec-20.pdf).

⁴⁶ For the purposes of Condition A3.2, a 'Regulated Provider' is any person who provides a Voice Communications Service and/or Internet Access Service and/or a Public Electronic Communications Network over which a Voice Communications Service and/or Internet Access Service is provided.

Resilience solutions are discussed in Ofcom's Guidance on protecting access to emergency organisations when there is a power cut at the customer's premises.⁴⁷ This guidance on General Condition A3.2(b) sets out Ofcom's expectations on the measures providers should have in place to ensure customers making calls over broadband are able to make emergency calls in the event of a power cut at their premises. We said that providers must ensure equivalent access for customers using textphones or text relay.

- 7.50 The guidance requires communications providers to take steps to assess the needs of the individual customer. We would also encourage providers of IAS to consider the particular needs of deaf BSL end-users and provide them with a resilience solution on request where needed. We note in this regard that providers of IAS are subject to the 'fullest possible availability obligation' in GC A3.2(a) in any event. However, at this time we are not proposing to extend the 'uninterrupted access obligation' in GC A3.2(b) to providers of IAS.
- 7.51 On the suggestion that Ofcom could confirm this in its guidance on security requirements in sections 105A to D of the Communications Act 2003, we intend to revise our published security guidance in due course to reflect the change in scope of the 'fullest possible availability obligation' and the changes brought about by Articles 40 (security and networks) and 41 (implementation and enforcement) of the EECC. These revisions will also reflect the Telecommunications (Security) Bill,⁴⁸ which has been laid in Parliament.

Interpreter qualifications, interpreter registration and interpreter welfare

- 7.52 We consulted on a proposal that all persons acting as interpreters for the Emergency Video Relay Service must:
- a) Be on the National Registers of Communication Professionals working with Deaf and Deafblind People (NRCPD) register for qualified interpreters;
 - b) Have at least two years' post-qualification experience acting as a BSL interpreter in a range of settings;
 - c) Have had a clear Disclosure and Barring Service (DBS) check within the last two years.
- 7.53 ASLI and deaf charities said that current ASLI guidance recommends interpreters in video relay settings should have at least three (rather than the proposed Approval Criteria's two) years' post-qualification experience.
- 7.54 ASLI made a number of points about the role of the emergency video relay interpreter, noting that flexibility will be required in order for interpreters to use their knowledge and expertise to help the emergency call handler assess the situation, for example by generating their own questions.

⁴⁷ [Protecting access to emergency organisations when there is a power cut at the customer's premises](#). Guidance on General Condition A3.2(b)

⁴⁸ [Telecommunications \(Security\) Bill](#)

- 7.55 ASLI and a confidential respondent also had concerns about the wellbeing of interpreters when dealing with potentially very distressing situations such as domestic violence or child abuse. ASLI recommended that interpreters be given a choice of whether to handle 999 calls.

Our response

- 7.56 As this is a further consultation rather than a statement, we note the recommendation for three years' experience by ASLI, the professional body representing interpreters and will consider this when preparing the final Approval Criteria.
- 7.57 The role of the interpreter and interpreter welfare would be operational matters for suppliers of approved services. We are aware that for NHS 111, the video relay supplier has been able to collaborate with the NHS to adjust scripts and procedures to make the service more accessible for deaf end-users.

Operational matters

Call-backs

- 7.58 ASLI asked what the mechanisms would be for call-backs.

Our response

- 7.59 Although call-backs are not emergency communications, we recognise that the emergency services sometimes need to call users back, and we have included a requirement for information to be collected for this purpose. We consider that this is consistent with the principle of equivalence of access. Voice calls made from fixed or mobile phones will normally have their number presented automatically to the emergency services.⁴⁹ A connection over a data network may not allow for this, as the application being used may not register with a telephone network, so a different approach is needed to achieve the same result via a different means.
- 7.60 Call-backs through the emergency video relay app would be technically possible, but would require the end-user to be aware of them (by hearing a ringing tone, seeing a visual signal or feeling a vibration).⁵⁰ If a deaf end-user can provide a mobile number, they could be sent a text message (SMS) asking them to make further contact with the emergency services. SMS is extremely resilient as it uses 'store and forward' protocol, so a message is more likely to reach the end-user even if they have lost data connection (for example, having moved out of range of a wireless signal).

⁴⁹ Fixed lines and the equivalent mobile SIMs have telephone numbers assigned to them to allow incoming and outbound calls, so any phone connected to or registered with its network will have a telephone number associated with an emergency call. This is not possible when mobile phones 'roam' onto a different network to make an emergency call.

⁵⁰ We understand that NHS111 amended its scripts and working practices to reduce the need for call-backs through the NHS111 video relay app, for these reasons.

Staying on the call

- 7.61 ASLI said that in an emergency situation, the service may need to move from video relay (where the caller and the emergency services are in different locations) to on-location video remote interpreting (where the emergency services and the caller are in the same place). ASLI considered that it was not appropriate to place the interpreter in a situation where they cannot remain on the call to ensure the ongoing safety of a citizen.

Our response

- 7.62 As the proposed GC sets out, emergency video relay is a service which provides BSL translation and relay facilities for the purposes of requesting and receiving emergency relief. The emergency video relay supplier will need to develop operational procedures that take account of the needs of deaf end-users and allow interpreters to use their professional judgement about the appropriate point at which to exit an emergency communication once the emergency services have arrived.⁵¹

Location information

- 7.63 O2 and BT said that it was essential for the PSAP to be informed of the caller's location rather than the interpreter's location. This would need to be built into the technical specifications of the service and the protocols for its operation.
- 7.64 BT asked if the location information would be obtained by the emergency video relay provider. O2 asked Ofcom not to include emergency video relay services in the scope of the existing regulatory requirement to provide caller location.

Our response

- 7.65 We agree that it is essential for the emergency services to be given the incident location information of the caller where technically feasible. The proposed Approval Criteria for the emergency video relay service (see [Annex A6](#)) includes a criterion in relation to obtaining incident location information.
- 7.66 The draft Approval Criteria require, where technically feasible, that the incident location information be automatically obtained from the device being used by the End-User. Ofcom has not specified the mechanism by which this is derived, but handset-derived location is well-established for a range of applications from satellite navigation to emergency calling from smartphones ('Advanced Mobile Location' or 'AML').⁵²
- 7.67 There are existing examples of processes and procedures where location and situation details are passed on to emergency services. Calls for assistance can be made from vehicles and security systems via third party 'Telematics' systems to call centres managed by third

⁵¹ Article 2(38) of the EEC says that equivalent access is required to be "available through emergency communications". An emergency communication is defined as a "communication by means of interpersonal communications services between an end-user and the PSAP with the goal to request and receive emergency relief from emergency services."

⁵² A technical report on AML can be found [here](#)

parties. These centres triage and make emergency calls on behalf of the end-user, passing on location and situation details to the emergency services. We expect that similar processes would be followed for emergency video relay, building on the existing processes and procedures in place for Telematics services.

- 7.68 We have also included an obligation in the draft Approval Criteria for deaf BSL users to be asked to confirm their location in BSL. Irrespective of the automatic provision of location information, it is standard practice on all 999 calls (including voice, text relay and emergency SMS) for the user to be asked to confirm where they are. NHS 111 call handlers routinely ask for this information at the beginning of video relay calls, as they are able to dispatch an ambulance if necessary, and location information is essential for this purpose.
- 7.69 We believe that O2's reference to the existing regulatory requirement to provide caller location information is a reference to a requirement contained within another GC about access to emergency services, GC A3. GC A3.5 is a primary obligation relating to the provision of caller location information and it applies to the extent provision of such information is technically feasible. It applies to any communications provider who provides end-users with a number-based interpersonal communications service or provides access to such a service by a pay phone, for originating calls to a number in the national and/or international numbering plan (excluding Click to Call services). GC A3.6 then provides further detail on what is required in relation to certain specific services. To be clear, GC A3.5 applies to the extent provision of such information is technically feasible.

8. Proportionality

- 8.1 In the Initial Consultation we assessed the benefits of emergency video relay, including fatalities prevented, quicker emergency responses and increased dignity and peace of mind for deaf end-users. We also set out why we considered the obligation to be proportionate in light of the potential costs.
- 8.2 In its response, Andrews & Arnold said that it was not realistic to impose this obligation on communications providers and that Ofcom had not carried out a sufficiently robust proportionality assessment. It said that Ofcom recognised it did not know the cost of what it was proposing, and that Ofcom could not claim that it has robustly assessed the proportionality of its proposal when it cannot reliably quantify the cost. It also said that if Ofcom nevertheless imposed the obligation, it must ensure that the cost/funding model took into account the limited resources of smaller providers.

Our response

- 8.3 We set out the reasons why we consider the measure to be proportionate in the Initial Consultation. Having reviewed responses to that consultation and carefully considered our revised proposals set out in this document, we remain of the view that the measure is proportionate for the reasons set out below.
- 8.4 As set out in paragraphs 10.10 to 10.22 of the Initial Consultation, we consider there are limitations of the existing methods of emergency communication for deaf BSL users. We therefore see important benefits from the provision of a video relay services for emergency communications:
- a) **Benefits from deaths avoided.** We quantified the benefit from deaths that would be avoided through emergency video relay in paragraphs A10.15 to A10.33 of the Initial Consultation. We judged it reasonable to assume that at least two fatalities could be avoided per year if an emergency video relay service existed, and the number of fatalities avoided might be much higher than this. It is of course very difficult to estimate the value of preventing a fatality, but Government considers that it can be appropriate to use the value of a statistically prevented fatality when assessing policy options.⁵³ For the purpose of considering the impact of our proposal, we adopted this methodology. Using a value of a single prevented fatality of around £2m, our provisional conclusion was that the minimum level of benefits from saved lives would be around £4m per year and, in all likelihood, would be considerably larger.⁵⁴
 - b) **Benefits from quicker emergency responses:** for example, treatment of injuries or illnesses (for example, the sooner a person receives treatment for a stroke, the less

⁵³ See paragraphs 6.36 to 6.38 of [The Green Book: Central Government Guidance on Appraisal and Evaluation](#), HM Treasury, 2020.

⁵⁴ We used the average monetary value of a prevented fatality produced by the Department for Transport. In our Initial Consultation, we referred to the 2018 figure of £1,958,303. Since our consultation, the Department for Transport has published a 2019 figure of £2,029,237. The value will be higher in later years. See the 2019 tab in [this spreadsheet](#).

damage is likely to happen),⁵⁵ reduced damage to property (e.g. in relation to fire) and quicker responses from the police.

- c) **Benefits to the emergency services** in the form of faster and more accurate calls.
- d) **Increased dignity and peace of mind** for deaf BSL users from knowing that video relay for emergency calls is available, even if they do not need to make an emergency call.

8.5 While we only quantified the first of these benefits, all of them remain integral to our assessment of the proportionality of the proposal.

8.6 In terms of the costs of the proposed obligation, we said in the Initial Consultation that the cost of the 24-hour service that Contact SCOTLAND - BSL provides is around £400,000 per year. While the emergency video relay service would cover the whole of the UK rather than just Scotland, we do not anticipate the number of calls being higher. This is because Contact SCOTLAND - BSL handles a much wider range of calls than would a UK-emergency service.⁵⁶ However, we said we would expect the costs of an emergency video relay service to be higher due to the need for it to have high resilience, with the capability to answer calls very quickly and handle occasional peaks in the number of calls.

8.7 Even if the costs of emergency video relay provision were greater than for the provision of the services offered by Contact SCOTLAND - BSL, we considered it unlikely that the costs would be ten times higher than the cost of Contact SCOTLAND - BSL, which is what it would need to be to outweigh the quantified benefit alone (namely the estimated benefits of two prevented fatalities per year). Further, considering the unquantified benefits noted earlier, we consider it very unlikely that the costs of provision would exceed the benefits.

8.8 We recognise that the above assessment considers the cost of funding the emergency video relay supplier and does not include the administrative costs of any wholesaler and the costs on regulated providers of having to provide the data connectivity for video calls they might otherwise not have, and for which they cannot charge. However, we consider that these costs are likely to be small compared to the costs incurred by the emergency video relay supplier.⁵⁷ We therefore do not consider that the requirement to provide connectivity free to end users adds materially to the cost to industry.

8.9 The assessment of costs above assumes there is a *single* emergency video relay supplier. This might be achieved via a wholesaler or could also happen with a single supplier

⁵⁵ <https://www.nhs.uk/conditions/stroke/>

⁵⁶ The number of calls connected to the emergency services per person per year for the general population is about 0.31 (that is, 20.5 million 999 calls connected divided by a UK population of 66.4 million people). Applying this ratio to the 11,200 individuals who will have difficulty using the existing text relay system for 999 calls, would imply 3,500 calls per year, or 290 per month. This is much lower than the number of video relay calls now handled by Contact SCOTLAND - BSL. See paragraph A10.21 of the Initial Consultation for how we estimated there would be 11,200 individuals who will have difficulty using the existing text relay system for 999 calls.

⁵⁷ For example, the costs of providing data connectivity would be very small. We estimated there may be around 3,500 emergency video relay calls per year. For the purposes of illustration, if we were to assume a high average call duration of 20 minutes and an average data rate of 4 Mbps, this would imply around 2 Terabytes of data per year. To put this 2 Terabytes in context, based on figures in Ofcom's [2020 Connected Nations report](#), fixed networks in the UK have total traffic of over 110 million Terabytes per year and mobile networks about 5 million Terabytes. Set against overall traffic, the increase in traffic from emergency video relay would be negligible.

contracting directly with all regulated providers. We consider a single emergency video relay supplier to be the most likely outcome of imposing the obligation on regulated providers.

- 8.10 Whilst we do not provide a specific cost estimate for the industry as a whole, we nevertheless consider that we have sufficient information on the likely costs to consider that the measure is proportionate, given the benefits we have identified. Provided it is relatively simple for regulated providers, including small regulated providers, to contract for the provision of the emergency video relay service (whether through a wholesaler or directly with an emergency video relay supplier), then we believe it is realistic and proportionate to impose the obligation on regulated providers to contract for this service.

Legal tests

- 8.11 We consider that our proposal meets the criteria set out in section 47(2) of the Communications Act 2003. It is:
- a) **objectively justifiable** in relation to the services to which it relates - existing voice, SMS and text relay services are not sufficient for deaf BSL users who need to contact the emergency services. Providing an emergency video relay service for deaf BSL users to contact police, fire, ambulance and coastguard services in the event of an emergency helps to ensure all end-users have access to emergency communications and delivers greater equivalence of access to people with disabilities;
 - b) **not unduly discriminatory** in that all providers who provide internet access services or number-based interpersonal communications services (i.e. fixed and mobile providers) will be subject to this obligation and it seeks to ensure that costs are spread fairly across these providers;
 - c) **proportionate** to what it is intended to achieve, in that the measures we propose are necessary to provide access to emergency communications by BSL users and the estimated benefits of an Emergency Video Relay Service are likely to be higher than the expected costs; and
 - d) **transparent** as the reasons for the proposal are explained above and in the Initial Consultation, and the effects of the proposed General Condition would be clear to communications providers in the condition itself.

A1. Responding to this consultation

How to respond

- A1.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 30 March 2021.
- A1.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-2/further-consultation-emergency-video-relay>. You can return this by email to the address provided in the response form.
- A1.3 If your response is a large file, or has supporting charts, tables or other data, please email it to emergencyBSL@ofcom.org.uk, as an attachment in Microsoft Word format, together with the [cover sheet](#). This email address is for this consultation only.
- A1.4 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- Send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files. Or
 - Upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A1.5 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A1.6 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt if your response is submitted via the online web form, but not otherwise.
- A1.7 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A1.8 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at [Annex 4](#). It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A1.9 If you want to discuss the issues and questions raised in this consultation, please contact Katie Hanson by email to katie.hanson@ofcom.org.uk.

Confidentiality

- A1.10 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish all responses on [the Ofcom website](#) as soon as we receive them.

- A1.11 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A1.12 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A1.13 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our [Terms of Use](#).

Next steps

- A1.14 Following this consultation period, Ofcom plans to publish a statement by the end of June 2021.
- A1.15 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

Ofcom's consultation processes

- A1.16 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 2.
- A1.17 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A1.18 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:
Email: corporationsecretary@ofcom.org.uk

A2. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

- A2.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

- A2.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A2.3 We will make the consultation document as short and simple as possible, with a summary of no more than two pages. We will try to make it as easy as possible for people to give us a written response. If the consultation is complicated, we may provide a short Plain English/Cymraeg Clir guide, to help smaller organisations or individuals who would not otherwise be able to spare the time to share their views.
- A2.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A2.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A2.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A2.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish all the responses on our website as soon as we receive them. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A3. Consultation coversheet

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

Name/contact details/job title

Whole response

Organisation

Part of the response

If there is no separate annex, which parts? _____

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

A4. Consultation questions

A4.1 This annex lists our four consultation questions that are referred to in sections 3, 4, 5 and 6 of this document.

Question 1: Do you agree with our proposal that regulated providers should be required to either provide emergency video relay or contract for it to be provided?

Question 2: Do you agree that the Approval Criteria should contain a requirement obliging suppliers of approved emergency video relay services to include a clause about fair, reasonable and non-discriminatory terms in any contract with any Regulated Provider or wholesaler?

Question 3: Do you agree with our proposal that data used for emergency video relay should be zero-rated?

Question 4: Do you agree with our proposal that end-users should not be required to register to access or use emergency video relay?

Please provide evidence to support your response.

A5. Table of proposed new General Conditions and definition

GC as proposed in the Initial Consultation in December 2019 (incorporating amendments made in October and December 2020)	Proposed GC with markup of changes proposed in February 2021 consultation (additions in bold highlighted and underlined text and with deletions in strikethrough text).	Clean version with proposed February 2021 consultation changes.
Scope		
<p>“C5.1 The provisions of this Condition apply as follows:</p> <p>(a) Conditions C5.2 to C5.10 and C5.13 to C5.18 apply to providers of Public Electronic Communications Services^[58]; and</p> <p>(b) Conditions C5.11 and C5.12 apply to any person who provides Internet Access Services or Number-based Interpersonal Communications Services;</p> <p>and each person to whom a provision applies is a ‘Regulated Provider’ for the purposes of that provision.”</p> <p>See Initial Consultation , in conjunction with the October 2020 statement and consultation and the December 2020 statement.</p>	<p>“C5.1 The provisions of this Condition apply as follows:</p> <p>(a) Conditions C5.2 to C5.10 and C5.13 to C5.18 apply to providers of Public Electronic Communications Services; and</p> <p>(b) Conditions C5.11 and C5.12 apply to any person who provides Internet Access Services or Number-based Interpersonal Communications Services;</p> <p>and each person to whom a provision applies is a ‘Regulated Provider’ for the purposes of that provision.”</p>	<p>“C5.1 The provisions of this Condition apply as follows:</p> <p>(a) Conditions C5.2 to C5.10 and C5.13 to C5.18 apply to providers of Public Electronic Communications Services; and</p> <p>(b) Conditions C5.11 and C5.12 apply to any person who provides Internet Access Services or Number-based Interpersonal Communications Services;</p> <p>and each person to whom a provision applies is a ‘Regulated Provider’ for the purposes of that provision.”</p>

⁵⁸ Note: As explained in [the October 2020 statement and consultation](#) and [the December 2020 statement](#), some wording in brackets excluding number-independent interpersonal communications services was removed from GC C5.1(a) it was no longer considered necessary.

Emergency Video relay GC		
<p>“C5.11 Regulated Providers must ensure that any End-User of Internet Access Services or Number-based Interpersonal Communications Services it provides, who, because of their disabilities, communicates in BSL, can access and use, free of charge, an Emergency Video Relay Service which has been approved by Ofcom.”</p> <p>See Initial Consultation, Annex 14</p>	<p>“C5.11 Regulated Providers must:</p> <p>(a) provide or contract to provide an Emergency Video Relay Service which has been approved by Ofcom; and</p> <p>(b) ensure that any End-User of Internet Access Services or Number-based Interpersonal Communications Services it they provides, who, because of their disabilities, communicates in BSL, British Sign Language because of their disabilities, can access and use, free of charge, an the Emergency Video Relay Service which has been approved by Ofcom.”</p>	<p>“C5.11 Regulated Providers must:</p> <p>(a) provide or contract to provide an Emergency Video Relay Service which has been approved by Ofcom; and</p> <p>(b) ensure that any End-User of Internet Access Services or Number-based Interpersonal Communications Services they provide, who communicates in British Sign Language because of their disabilities, can access and use the Emergency Video Relay Service.”</p>
<p>“C5.12 In providing access to Emergency Video Relay Services under Condition C5.11, Regulated Providers must:</p> <p>(a) provide the Emergency Video Relay Service free of charge to the End-User;</p> <p>(b) ensure measures are taken to protect the confidentiality of communications between End-Users of the Emergency Video Relay Service;</p> <p>(c) subject to Condition C3.11, ensure that the Emergency Video Relay Service is available for lawful use by End-Users at all times; and</p>	<p>“C5.12 In providing access to and facilitating use of Emergency Video Relay Services under Condition C5.11, Regulated Providers must:</p> <p>(a) provide the Emergency Video Relay Service free of charge to the End-User;</p> <p>(b) where technically feasible, apply an incremental price of zero to any data traffic associated with the use of the Emergency Video Relay Service;</p> <p>(bc) ensure measures are taken to protect the confidentiality of communications between End-</p>	<p>“C5.12 In providing access to and facilitating use of Emergency Video Relay Services under Condition C5.11, Regulated Providers must:</p> <p>(a) provide the Emergency Video Relay Service free of charge to the End-User;</p> <p>(b) where technically feasible, apply an incremental price of zero to any data traffic associated with the use of the Emergency Video Relay Service;</p> <p>(c) ensure measures are taken to protect the confidentiality of communications between</p>

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<p>(d) must comply with any directions in respect of the Emergency Video Relay Services which Ofcom may make from time to time.”</p> <p>See Initial Consultation, Annex 14</p>	<p>Users of the Emergency Video Relay Service and the Emergency Organisations;</p> <p>(e) subject to Condition C3.11, ensure that the Emergency Video Relay Service is available for lawful use by End-Users at all times; and</p> <p>(e) must comply with any directions in respect of the Emergency Video Relay Services which Ofcom may make from time to time.”</p>	<p>End-Users of the Emergency Video Relay Service and the Emergency Organisations;</p> <p>(d) subject to Condition C3.11, ensure that the Emergency Video Relay Service is available for lawful use by End-Users at all times; and</p> <p>(e) comply with any directions in respect of the Emergency Video Relay Services which Ofcom may make from time to time.”</p>
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<p>DEFINITIONS RELEVANT TO EMERGENCY VIDEO RELAY</p> <p>These fall into the two categories below.</p> <ul style="list-style-type: none"> • Category A – Definitions already used in the GCs and not subject to further consultation: these are as set out in the Consolidated General Conditions (effective from 17 December 2021). • Category B – Definition for consultation in the February 2021 consultation: this is an additional term relevant to the proposed new Emergency Video Relay GC and was set out in the Initial Consultation. Note this text remains unchanged since the Initial Consultation. 	<p>CHANGES PROPOSED IN THE FEBRUARY 2021 CONSULTATION</p> <ul style="list-style-type: none"> • Changes to drafting are in bold text and in strikethrough text.
<p>CATEGORY A – DEFINITIONS ALREADY USED IN THE GCs AND NOT SUBJECT TO FURTHER CONSULTATION</p> <p>See definitions in ‘Consolidated General Conditions’ (effective from 17 December 2021).</p>	
<p>‘Emergency Organisation’</p>	
<p>“‘Emergency Organisation’ means in respect of any locality:</p> <p>(a) the relevant public police, fire, ambulance and coastguard services for that locality; and</p> <p>(b) any other organisation, as directed from time to time by Ofcom as providing a vital service relating to the safety of life in emergencies;”</p>	<p>Note: No changes. Not subject to further consultation.</p>

'End-user'	
<p>“‘End-User’, in relation to a Public Electronic Communications Service or Bundle, means:</p> <p>(a) a person who, otherwise than as a Communications Provider, is a Customer of the provider of that service or Bundle;</p> <p>(b) a person who makes use of the service or Bundle otherwise than as a Communications Provider; or</p> <p>(c) a person who may be authorised, by a person falling within paragraph (a), so to make use of the service or Bundle;”</p>	Note: No changes. Not subject to further consultation.
'Internet Access Services'	
<p>“‘Internet Access Service’ means a service made available to the public that provides access to the internet, and thereby connectivity to virtually all end points of the internet, irrespective of the network technology and terminal equipment used;”</p>	Note: No changes. Not subject to further consultation.
'Interpersonal Communications Service'	
<p>“‘Interpersonal Communications Service’ means a service which enables direct interpersonal and interactive exchange of information by means of Electronic Communications Networks between a finite number of persons, where the persons initiating or participating in the communication determine its recipient;”</p>	Note: No changes. Not subject to further consultation.

'Number-based Interpersonal Communications Services'	
<p>“‘Number-based Interpersonal Communications Service’ means an Interpersonal Communications Service made available to the public which:</p> <p>(a) connects with publicly assigned numbering resources, namely, a number or numbers in a national or international numbering plan; or</p> <p>(b) enables communication with a number or numbers in a national or international numbering plan;”</p>	Note: No changes. Not subject to further consultation.
CATEGORY B –DEFINITION FOR CONSULTATION (IN THE FEBRUARY 2021 CONSULTATION)	
Proposed definition in Initial Consultation	Proposed definition with mark-up of changes proposed in February 2021 consultation
'Emergency Video Relay Service'	
<p>“‘Emergency Video Relay Service’ means any service which:</p> <p>(a) for the purposes of requesting and receiving emergency relief from Emergency Organisations, provides British Sign Language translation and relay facilities for emergency communications to be conveyed via video between any End-User and Emergency Organisations;</p> <p>(b) is capable of being accessed by End-Users of the service from readily available compatible terminal equipment with video capabilities, including smartphones and computers or tablets;</p>	<p>“‘Emergency Video Relay Service’ means any service which:</p> <p>(a) for the purposes of requesting and receiving emergency relief from Emergency Organisations, provides British Sign Language translation and relay facilities for emergency communications to be conveyed via video between any End-User and Emergency Organisations;</p> <p>(b) is capable of being accessed by End-Users of the service from readily available compatible terminal equipment with video capabilities, including smartphones and computers or tablets;</p>

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<p>(c) provides facilities for access to Emergency Organisations and is available twenty-four hours a day, seven days a week;</p> <p>(d) insofar as reasonably practicable, allows for communication between End-Users of the service at speeds equivalent to voice communications;</p> <p>(e) provides a means of communicating by text in conjunction with video relay.”</p> <p>See Initial Consultation, Annex 14</p>	<p>(c) provides facilities for access to Emergency Organisations and is available twenty-four hours a day, seven days a week;</p> <p>(d) insofar as reasonably practicable, allows for communication between End-Users of the service at speeds equivalent to voice communications;</p> <p>(e) provides a means of communicating by text in conjunction with video relay.”</p> <p>Note: no changes proposed since Initial Consultation.</p>
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A6. Draft Ofcom Approval Criteria

Changes proposed since the draft in the Initial Consultation are indicated in underlined, highlighted text.

Approval of an Emergency Video Relay Service

A1. In order for an Emergency Video Relay Service to be approved by Ofcom, the service must satisfy all the approval criteria (“Approval Criteria”) set out below.

A2. A service provider seeking approval must submit evidence to Ofcom that it can satisfy the Approval Criteria on an ongoing basis.

A3. Where Ofcom has approved a service, Ofcom may, at any time, by notification in writing to the service provider, withdraw its approval where Ofcom considers that the service provider no longer meets the Approval Criteria.

A4. Unless the context otherwise requires, the definitions in the General Conditions of Entitlement (“General Conditions”) shall apply to the Approval Criteria.

Approval Criteria

General compliance

The service must be an Emergency Video Relay Service as referred to in the General Conditions and must be capable of satisfying all the requirements set out in the Emergency Video Relay General Condition at C5.

Accountability and reporting

The service provider must monitor and report to Ofcom, every quarter, on its operation. The report must be in a form specified by Ofcom and must include the following information:

- a) number of app downloads;
- b) number of emergency communications;
- c) average speed of answering, measured in 15-minute intervals; and
- d) number of complaints and information about the nature of the complaint (without sharing or publication of details that could identify any complainant).

The provider must also publish an annual report covering compliance with the Approval Criteria and any related issues as directed by Ofcom.

Access

The service provider must do the following:

- a) Make provision for End-Users to access the Emergency Video Relay Service via a dedicated app and a dedicated website, free of charge.

- b) **Ensure** clear and user-friendly instructions on how to use the Emergency Video Relay Service are made available in both British Sign Language (BSL) and English on the app and the website.
- c) Ensure, **where technically feasible**, that the **incident location information** is automatically obtained from the device being used by the End-User in an efficient and timely way e.g. automatically via the app or website. The validity of the incident location information must always be verified with the End-User in BSL.
- d) Maintain a system whereby telephone numbers and/or other contact information from the End-User are obtained to enable call-backs **and/or other contact** to be made. The retention period for this information must be in line with the retention period used for other emergency relay services.
- e) **Liaise with regulated providers, including during the design and development phase of the service and/or app, with a view to facilitating zero-rating of data used in connection with the service and/or app.**
- f) **Ensure that the service shall be available to end-users without any requirement to register to use or access the service.**

Operational matters

All persons acting as interpreters for the Emergency Video Relay Service must:

- a) be on the National Registers of Communication Professionals working with Deaf and Deafblind People (NRCPD) register for qualified interpreters;
- b) have at least two⁵⁹ years' post-qualification experience acting as a BSL interpreter in a range of settings; and
- c) have had a clear Disclosure and Barring Service (DBS) check within the last two years.

The Emergency Video Relay Service must have a dedicated, well-lit and soundproofed video interpreting room. There should be restricted access to the room.

The interpreter should be equipped with a suitable microphone and headset.

Quality of Service

Emergency communications must be answered within 5 seconds 95% of the time, measured in 15-minute intervals.

Emergency communications should not be subject to a handover from one interpreter to another unless they continue for more than 30 minutes.

Regular bi-monthly quality of service checks of emergency communications must be carried out by senior interpreters retained by the Emergency Video Relay Service.

Video conversations must be recorded. Retention of any recording should be in line with the retention periods for emergency voice calls and recordings must be stored safely, securely and accurately, in line with standards for voice calls.

⁵⁹ ASLI recommends that this be amended to three years (see [section 7](#) above)

Adequate resources

The service provider must be able to demonstrate that:

- a) it has sufficient funds, facilities and staff to provide the Emergency Video Relay Service and enable it to perform properly the administrative, technical and professional work associated with the tasks for which it has been appointed.
- b) the systems deployed and managed by the service provider have sufficient technical resilience and resources to provide an uninterrupted service ~~to the same extent as the voice telephony networks to which it is interconnected~~, so far as is technically feasible;
- c) it and the Emergency Video Relay Service it provides can satisfy on an ongoing basis the required key performance indicators, including that it is adequately staffed at all times; and
- d) it has appropriate provision for complaints handling.

Provision on fair, reasonable and non-discriminatory terms

The Emergency Video Relay Service provider must undertake to agree to contract for the provision of the service on fair, reasonable and non-discriminatory terms as part of any contract with any Regulated Provider or wholesaler.

A7. Notification proposing to set new General Conditions

Notification of Ofcom's proposals to set new General Conditions under Sections 48(1) and 48A(3) of the Communications Act 2003

Background

1. On 17 December 2019, Ofcom published a notification pursuant to section 48(1) and section 48A(3) of the Act (the "First Notification"), which included proposals in respect of emergency video relay, to set new General Conditions of Entitlement; and to add a new defined term to those set out in the Definitions section of the General Conditions.
2. In the First Notification and the accompanying consultation, Ofcom invited representations about the proposal by 3 March 2020. Copies of the First Notification were sent to the Secretary of State in accordance with section 48C(1) of the Act.
3. Following consideration of representations about the proposals in the First Notification, Ofcom decided to make revised proposals, and those proposals are the subject of this Notification.

Notification of Ofcom's proposals to set new General Conditions under sections 48(1) and 48(3) of the Communications Act 2003

4. Ofcom, in accordance with sections 48(1) and 48A(3) of the Act, hereby makes the following proposals for setting new General Conditions; and adding a new defined term to those set out in the Definitions section of the General Conditions.
5. The proposed new General Conditions and new definition referred to in paragraph 4 are set out in the Schedule to this Notification, and a table showing the proposals in the First Notification and the revised proposals in this Notification is published as a separate Annex ([Annex A5](#)).
6. Ofcom is making the proposals referred to in paragraph 4 above in light of its statutory duties. The effect of, and Ofcom's specific reasons for making, each proposal are set out in the accompanying consultation document.
7. Ofcom considers that these proposals comply with the requirements of sections 45 to 49C of the Act, insofar as they are applicable.
8. In making these proposals, Ofcom has considered and acted in accordance with its general duties under section 3 of the Act and the six requirements set out in section 4 of the Act.
9. Representations may be made to Ofcom about the proposals set out in this Notification by 30 March 2021 (5pm).

10. If implemented, the proposed new General Conditions and new definition shall enter into force on the date of publication of the final Notification or such later date as specified therein.
11. Copies of this Notification and the accompanying consultation document have been sent to the Secretary of State in accordance with section 48C(1) of the Act.
12. In this Notification:
 - (a) “**the Act**” means the Communications Act 2003;
 - (b) “**General Conditions of Entitlement**” or “**General Conditions**” means the general conditions set under section 45 of the Act on 19 September 2017, as amended or replaced from time to time;
 - (c) “**Ofcom**” means the Office of Communications.
13. Words or expressions shall have the meaning assigned to them in this Notification, and otherwise any word or expression shall have the same meaning as it has in the Act.
14. For the purposes of interpreting this Notification: (i) headings and titles shall be disregarded; and (ii) the Interpretation Act 1978 shall apply as if this Notification were an Act of Parliament.
15. The Schedule to this Notification shall form part of this Notification.

Signed by

A handwritten signature in black ink, appearing to read 'Fergal Farragher', written in a cursive style.

Fergal Farragher

Director of Consumer Protection

A person authorised by Ofcom under paragraph 18 of the Schedule to the Office of Communications Act 2002

16 February 2021

Schedule of proposed new General Conditions and new definition

The new General Conditions and definition Ofcom is proposing to add to the General Conditions and in the definitions section of the General Conditions are set out below.

C5.11 Regulated Providers must:

- (a) provide or contract to provide an **Emergency Video Relay Service** which has been approved by **Ofcom**; and
- (b) ensure that any **End-User** of **Internet Access Services** or **Number-based Interpersonal Communications Services** they provide, who communicates in British Sign Language because of their disabilities, can access and use the **Emergency Video Relay Service**.

C5.12 In providing access to and facilitating use of **Emergency Video Relay Services** under **Condition C5.11, Regulated Providers** must:

- (a) provide the **Emergency Video Relay Service** free of charge to the **End-User**;
- (b) where technically feasible, apply an incremental price of zero to any data traffic associated with the use of the **Emergency Video Relay Service**;
- (c) ensure measures are taken to protect the confidentiality of communications between **End-Users** of the **Emergency Video Relay Service** and the **Emergency Organisations**;
- (d) subject to **Condition C3.11**, ensure that the **Emergency Video Relay Service** is available for lawful use by **End-Users** at all times; and
- (e) comply with any directions in respect of the **Emergency Video Relay Services** which **Ofcom** may make from time to time.

'Emergency Video Relay Service' means any service which:

- (a) for the purposes of requesting and receiving emergency relief from **Emergency Organisations**, provides British Sign Language translation and relay facilities for emergency communications to be conveyed via video between any **End-User** and **Emergency Organisations**;
- (b) is capable of being accessed by **End-Users** of the service from readily available compatible terminal equipment with video capabilities, including smartphones and computers or tablets;
- (c) provides facilities for access to **Emergency Organisations** and is available twenty-four hours a day, seven days a week;
- (d) insofar as reasonably practicable, allows for communication between **End-Users** of the service at speeds equivalent to voice communications;
- (e) provides a means of communicating by text in conjunction with video relay.