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Communications Regulation

Electronic Communications:-Measures to Ensure Equivalence in Access and Choice for disabled End users.

Submissions Document

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1 Age Action



**Submission to the
Commission for Communications Regulation
on
Proposed Measures to Ensure Equivalence in Access
and Choice for Disabled End-Users**

August 2013

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1. Introduction

Age Action is a national non-government organisation that campaigns for better policies and services for older people. Since our foundation in 1992 we have worked to empower older people to live full lives as actively engaged citizens; helping to secure their right to comprehensive high quality services according to their changing needs. We encourage a move away from viewing older people as passive recipients of welfare to older people as rights holders, a group that are entitled and participating.

We welcome this opportunity to make a submission to the Commission for Communications Regulation on proposed measures to ensure equivalence in access and choice for disabled end-users. The following document responds to the questions posed in ComReg's consultation document. Our comments are based on consultation with members. We begin with a short overview of ageing and older people in Ireland which will set our remarks in context.

2. Ageing and Older People in Ireland

Currently 11.7%¹ (535,393 persons) of the population are aged 65 years and over. This percentage is expected to increase significantly in the future as like most countries we are experiencing rapid population ageing. This population ageing is largely a result of increased life expectancy. Over the last 100 years for example life expectancy has risen from 49 years to 80.1 years. Future projections show increases to 85.7 years by 2050 and up to 91.4 years by 2100 (UN, 2013²). The number of people living beyond 80 is expected to quadruple from 110,000 in 2006 to 440,000 by 2041 (CSO, 2007³). As a result, the population aged 65 years and over in Ireland is expected to reach 1.1 million by 2036 and between 1.3 and 1.4 million by 2041 or 22% of the total population (CSO, 2012⁴).

Societies should celebrate how improvements in standards of living, better health in early years and increased education levels (WHO, 2002⁵) have resulted in this demographic shift. It does however have significant implications for all-aspects of society. Disability is not a normal part of the ageing process nor an inevitable part of growing older however the prevalence of disability among older people is far higher than the population as a whole and the prevalence increases with age. For example among people aged 80 and over, more than one third of women and one quarter of men have difficulty with performing tasks that are essential to independent living in the community (Tilda,

¹ Central Statistics Office (2012) *Census 2011: Profile 2 - Older and Younger*. Downloaded from: <http://www.cso.ie/en/census/census2011reports/census2011profile2-olderandyounger/>

² United Nations (2013) *World Population Prospects. The 2012 revision*. Downloaded from: http://esa.un.org/unpd/wpp/Documentation/pdf/WPP2012_%20KEY%20FINDINGS.pdf

³ Central Statistics Office (2007) *Ageing in Ireland*. Dublin: Stationary Office.

⁴ Central Statistics Office. (2012a). *This is Ireland - Highlights from Census 2011*. Dublin: Central Statistics Office.

⁵ WHO (2002) *Active Ageing: A Policy Framework*. Downloaded from : http://whqlibdoc.who.int/hq/2002/who_nmh_nph_02.8.pdf

2012⁶). The CSO (2012⁷) record that 13% of the population has a disability, increasing steadily with age - from a rate of less than 10% for those in their twenties to reach over 20% by age 60. From age 70 upwards rates increase more sharply for both males and females, with 72.3% of all females aged 85 and over having a disability (CSO, 2012). Hearing impairment is low among the population in Ireland up to age 50 years when it then rises steadily. Visual impairment is less age related until age 75 when it then increases with age.

This data shows that sensory disability is a serious concern for tens of thousands of older people, many of whom are also living with multiple disabilities and/or chronic illnesses. For instance, Census 2011 showed that those with a disability had poorer general health than the overall population. Only 16.5% of people with a disability indicated they had very good health compared with 66.9% for those with no disability, while more than 1 in 10 (10.8%) disabled people indicated their health was bad or very bad in stark contrast to just 0.1 per cent of those with no disability (CSO, 2012). Another very relevant statistics is the high number of older people with a disability who live alone, 41.2% (CSO, 2012).

Another point relevant to this submission, in particular to how information is made accessible relates to on-line access. Consider the low number of older people who are not on-line. A conservative estimate is that there are 300,000 older people who do not use the internet in Ireland. This is a serious issue if you consider how businesses are increasingly using web-based solutions to provide information to consumers and in the sale of goods and access to services.

3. Comments on proposed measures

Question: The proposal to mandate the provision by every service provider of an accessible means for disabled end-users to Lodging a Complaint and/or make an enquiry and the implementation of Disability Awareness Training for Staff?

In principles Age Action agrees with this proposed measure. However, the proposal is not explicitly cognisance of the different supports individuals will require based-on their differing needs. The section above 'by every service provider of **an** accessible means" implies that there is only one approach proposed. People with visual impairment have very different needs to people who have a hearing impairment for example. We suggest changing the phrasing which will impact on the subsequent implementation of this measure.

⁶ Kamiyo et al (2012) Profile of Community Dwelling Older People with Disability and their Caregivers in Ireland. Dublin: Trinity. Download from: <http://www.tcd.ie/tilda/assets/pdf/Carer%20Report.pdf>

⁷ CSO (2012) Profile 8: Our bill of Health. Dublin: CSO. Download from: <http://www.cso.ie/en/media/csoie/census/documents/census2011profile8/Profile.8.Full.document.pdf>

Individuals should not only be supported and facilitated to lodge a complaint but also to track their complaint. Therefore, accessibility includes appropriate supports implemented throughout the complaints process from the point at which a complaint is made to the resolution of the complaint.

Our members felt that training should extend to age-awareness as well as disability awareness, as the prevalence of disability is so high among the older population, as shown above. Training should not be restricted to staff who deal with complaints but should extend to all staff who have contact with customers across the relevant organisations. In addition this training needs to be quality driven with consistency ensured across the sector.

One of our members suggested that nominated staff who have received appropriate training should be in place to assist a person through the purchasing, set-up and billing process. The following quote shows how the lack of staff training affected an older person with a hearing impairment to purchasing a phone:

“[I] Found that staff don’t know how to help with regard hearing aids and phone use”
(Age Action member)

Question: The proposal regarding the provision by every service provider providing pre-paid mobile services of a SMS Top-up Facility for Disabled End-users of pre-paid mobile services that includes accessible payment methods, top-up receipts outlining steps required to apply the credit and confirmation of the top-up?

One of our members outlined her approach to topping up her mobile which included asking service staff to do it for her:

“I ask the cashier at Tescos to top up my mobile” (Age Action member)

She has a visual impairment and the print is too small for her to independently top-up. This is not a practical or safe solution. Top-up facilities may need to be voice activated rather than paper based codes that have to be inputted manually for people with poor sight or poor manual dexterity. Another option would be large print receipts for people with poor sight; while those with hearing loss would rely on a paper or screen based solutions.

Another point was raised that taking a universal design approach to topping up would facilitate others as the issue is not:

“Confined to aged people with disability. Any facility that requires aged people to pay for a service needs to be made as easy as possible whilst at the same time protecting them from fraud,[it] must be simple, safe, secure and easy to manage”
(Age Action member)

Question: The proposal regarding the provision by every service provider of access to a Free Directory Enquiry Service for subscribers who have vision impairment and/or have difficulty in reading the phone book, subject to subscribers meeting the required certification of disability?

Age Action agrees with this proposal. It may be difficult for some people to make note of numbers accessed through this service, therefore text forwarding and/or connection to the requested number should also be free. This is particularly important for people who have a physical disability such as arthritis or problems with dexterity. The latter should be available to those who do not have or use a mobile phone and cannot receive text messages. In addition, there needs to be either a shared directory of enquiries that would be free to those registered as having a visual impairment or literacy difficulties or each service provider must provide a free service. There also needs to be robust support for the continuing publication of a printed phone book and or a free text based service for people with hearing difficulties or those who are profoundly deaf.

Members who engaged in our consultation felt that the provision of a free directory service was very important, however concern was expressed over the cost implications, as illustrated in the quote below:

“Will [companies] inevitably seek additional compensation for added costs (real or as a means of generating extra profits) from their other customers, and any attempts to obtain aids for certain groupings must take full account of these factors”
(Age Action member)

Assurances must be given that no additional charges will be passed to other consumers as a result of this service.

Question: The proposal in relation to a facility to **Test the Compatibility of Terminal Equipment** at the service providers retail shops and the availability of on-site staff support in advance of purchase.

This was viewed as very important as one member stated she:

“can’t find a mobile to suit my hearing aid” (Age Action member)

This also needs to be linked to the above point on appropriate training for staff across providers. . There is also a need for manufacturers of Terminal Equipment to state in their information literature if the unit is compatible with hearing aids and with which type of hearing aid(s) they are compatible.

Question: The proposal regarding the provision of Accessible Information in respect to, but not limited to, products and services and the accessibility of information channels.

Accessibility transcends beyond web-based accessibility – many older people are not on-line. Accessible information must meet the needs of the end user. If information cannot, for cost reasons,

be available with the Terminal Equipment then the staff of the retailer must be trained by the manufacturer to impart usage, warranty, and technical specifications to the consumer.

Question: The proposal that every service provider should set up and maintain facilities to enable disabled subscribers to Register their Requirement, allowing service providers to record details to facilitate the provision of relevant information regarding products and services to disabled subscribers and for this information to be provided to a nominated third party contact if necessary.

We feel it is important to gather information on the customers **preferred method of communication**, whether this is by post, text, phone etc. Bare in mind that many older people do not have access to the internet, are not on-line and cannot or do not access/use email.

In addition an important issue is the provision for the individual to nominate a third party and for the service provider to record contact details for this third party who would act as a communications conduit between the service provider and the client or consumer. The person would be empowered to act on behalf of the client or consumer.

If you have any questions or require clarification on any of the points raised in this submission please contact Gerard Scully on 01-4756989 or email gerard.scully@ageaction.ie.

2 Deaf Hear

DeafHear Submission

to

ComReg's Public Consultation

on

**Electronic Communications:-
Proposed Measures to Ensure
Equivalence in Access and Choice
for People with Disabilities**

DeafHear September 2013

1 Introduction.

1.1 DeafHear.

DeafHear is a national organisation that provides a range of specialist services to Deaf and Hard of Hearing people and advocates for better access to services in the wider community for Deaf and Hard of Hearing people. DeafHear's Vision is of an inclusive society where Deaf and Hard of Hearing people are fully integrated, with equality of opportunity and participation. DeafHear's role is to make this Vision a reality by promoting the equal rights of Deaf and Hard of Hearing people and enhancing their life opportunities.

1.2 Hearing loss.

One in six people have some level of hearing loss. Approximately one in a thousand people are profoundly Deaf and use Irish Sign Language to communicate. According to the HSE, 8% of adults have a 'disabling hearing loss' (270,000 adults in Ireland), and most of these people are older people with acquired hearing loss. By the age of 65, one third of people have a significant hearing loss. The fact that we are living longer and research has shown that many young people are damaging their hearing by using music playing devices at high sound levels, hearing loss is on the increase in the population. The World Health Organisation expects that in the coming decades hearing loss will be one of the top ten health burdens in developed countries.

1.3 Communication.

Communication is the key issue that affects people with hearing loss. It contributes to social isolation and negatively impacts on the health, social and economic status of people with hearing loss or deafness. For example, compared to hearing peers, older people with a mild hearing loss have twice the rate of dementia, people with moderate hearing loss 3 times the rate of dementia, and people with severe hearing loss 5 times the rate of dementia. People with hearing loss have double the rate of depression compared to hearing peers, while the negative impact of hearing loss on the quality of life of people has been found to be greater than that of cancer or heart disease.

The key to understanding these significant research findings is an appreciation of just how fundamental communication is to daily life: research consistently demonstrates that there is a strong correlation between access to communication with family, friends and society in general, and quality of life, health status and well-being. Based on an analysis of the economic costs associated with deafness/hearing loss conducted in Australia, the annual cost to society of hearing loss in Ireland is €2.2billion. More than half of this cost is borne by the individuals affected in terms of loss

of income, care costs and the costs of assistive technology. (For more information on these research findings see www.deafhear.ie).

1.4 Access to electronic communications.

Equivalent access to electronic communications is an extremely important issue for Deaf and Hard of Hearing people and their families. This is not only because electronic communications facilitate a range of communications that is vital to many aspects of the lives of all citizens in Ireland today, but also because access to these services has a critical role in ameliorating the impact of deafness on the quality of life of individual citizens with hearing loss. A recent large longitudinal study demonstrated that people with hearing loss who had access to assistive technology were much more independent and less likely to rely on formal community supports than those who had hearing loss but did not have access to assistive technology. In other words, there is a strong ethical and economic argument for ensuring insofar as possible that people who are Deaf or Hard of Hearing have equivalent access to electronic communications. As such, DeafHear believes that the aim of Regulation 17 to ensure such equivalence is well founded.

This submission will now address the questions posed in the ComReg consultation document, with particular focus on those issues most relevant to Deaf and Hard of Hearing people. It references some comments submitted to DeafHear's website during the consultation period, which are contained in full in Appendix 1.

2 ComReg's Proposed Measures and Questions.

2.1 Accessible Complaints Procedures: Question 1.

Do you agree with the ComReg proposed approach as set out in section 4.2.1 mandating the provision by every Undertaking of an accessible means for disabled end-users to lodge a complaint and/or make an enquiry and the implementation of disability awareness training for staff?

DeafHear agrees with the aim of establishing Accessible Complaints Procedures, and believe that this is an important aspect of ensuring equivalence in access and choice to electronic communications. We note ComReg's view in Section 4.2.1 of the Consultation Document that complaints procedures would at least include complaints made by way of telephone, SMS, letter and email. We also note in Paragraph 50, the BEREC statement in relation to customers with disabilities having access to the same support and maintenance offered to other customers, including equivalent response and resolution times, and a 'method of communication available, which is appropriate to their disability'.

DeafHear believes that the proposed measures, if implemented appropriately, would constitute an accessible complaints procedure for most people who are Deaf or Hard of Hearing.

However, in some circumstances, particularly concerning customers who are sign language users or complaints that may be difficult to resolve without a 'live' discussion, it is DeafHear's view that the proposed measure may not constitute an accessible complaints procedure. In instances where a 'live' discussion via text between the service provider and the complainant would be important to achieve a timely resolution, the use of a text relay service or live text chat (via programmes such as skype or oovoo) should be available. In instances where a complainant is a sign language user and text is not an appropriate medium for the individual, a complaints procedure through the medium of sign language is required. The Irish Remote Interpreting Service could provide a simple and inexpensive option to help resolve such complaints which would not be expected to be numerous.

DeafHear notes with some caution the option described in Paragraph 54 'to include the ability to nominate a third party to deal with complaints and/or enquiries on behalf of the disabled subscriber'. It is not expressly clear from the wording and context, (though DeafHear believes it was ComReg's intention), that this would only occur on the expressed wishes of the individual customer/subscriber. DeafHear recommends that the final wording of any determination would state this explicitly.

Finally, an Accessible Complaints Procedure can only be effective if customers are aware of the complaints process, understand the complaints process, and believe that they are encouraged to make complaints where circumstances warrant. In this regard DeafHear believes that ComReg should have a short video available on its website explaining the complaints procedures in Irish Sign Language. ComReg should also make such a video available to Deaf organisations to help inform their members.

2.2 Accessible Top-Up Facility for Pre-Paid Mobile Telephone End-Users: Question 2.

Do you agree with the ComReg proposed approach as set out in section 4.2.2 regarding the provision by every Undertaking providing pre-paid mobile services of a SMS top-up facility for disabled end-users of pre-paid mobile services that includes accessible payment methods, top-up receipts (vouchers) outlining steps required to apply the credit and confirmation of the top-up?

DeafHear welcomes this proposed measure by ComReg. The measure would eliminate the need for people who cannot follow voice prompts to ask another person, (often a stranger in a shop!) to

apply their credit voucher. This is something faced on a daily basis by many Deaf and Hard of Hearing people who use pre-paid mobile phones.

This proposed measure would enhance independence and dignity for some customers, while at the same time providing an option which all customers could avail of, should it be more convenient for them to do so.

2.3 Accessible Directory Enquiries: Question 3.

Do you agree with the ComReg proposed approach as set out in section 4.2.3, regarding the provision by every Undertaking of access to a free directory enquiry service for subscribers that have a vision impairment and/or have difficulty in reading the phone book, subject to subscribers meeting the required certification of disability by a registered medical practitioner or by an appropriate agent?

DeafHear welcomes the proposed measure that all Undertakings provide access to a free directory enquiry service for their customers who cannot use the Phonebook due to a sensory or physical or medical condition. We note that this service is aimed primarily at people who have a vision or reading difficulty.

DeafHear also notes that some people who are Deaf or Hard of Hearing may have difficulty accessing phone numbers and/or Directory Enquiries. People whose first language is ISL may have difficulty with reading English, while people with an acquired hearing loss may have difficulty hearing details (such as a phone number) given over the telephone. We understand that if a person is calling Directory Enquiries from a mobile phone, the option of receiving the details of a phone number by text is available, and this would be of assistance in some instances. We also believe that a modern text relay service which could facilitate Deaf and Hard of Hearing people to contact Directory Enquiries where required, would be the most appropriate means of assisting them to access the Directory Enquiries service on an equivalent basis.

2.4 Accessible Directory Enquiries: Question 4.

Respondents are also asked to provide views on whether a cap (specified monetary allowance or specified number of requests for Directory Enquiries free of charge per billing period) should be incorporated with the Accessible Directory Enquiries proposed measure (Q3) and, if so, what the appropriate allowance or number of requests should be.

DeafHear believes that it may be reasonable to apply a cap to limit the amount of times an individual may use this service in a given period, but we are not in a position to offer an informed opinion on this issue. However, we would be of the general view that any cap should be flexible to reflect the varying needs of individuals that can arise over time and changing personal circumstances.

2.5 Accessible Billing: Question 5.

Do you agree with the ComReg proposed approach as set out in section 4.2.4 regarding accessible billing?

DeafHear favours ComReg's proposed measures in relation to Accessible Billing, and while we note that these measures are primarily aimed at assisting people with vision difficulties, ensuring bills are clear and easy to read is of benefit to many people, including many Deaf and Hard of Hearing people. We also note the consumer protection measures contained in Annex 8 of the Consultation Document. Again, similar to our proposal in response to Question 1, we believe it would help ensure equivalence in access and choice for Deaf people who are ISL users to have this information available in ISL (through a short video with ISL presentation provided on ComReg's website and other relevant websites).

2.6 Accessible Facility to Test Compatibility of Terminal Equipment: Question 6.

Do you agree with ComReg's proposed approach as set out in section 4.2.5 that every Undertaking selling terminal equipment should be required to make available a testing facility for disabled end-users who use a hearing aid or have a cochlear implant, to test terminal equipment at the Undertaking's retail shops, in advance of purchasing the terminal equipment, and that the testing facility should be supported by on-site staff that are easily accessible and trained in the use of terminal equipment and are adequately equipped to address any queries raised by disabled end-users in advance of purchase?

DeafHear welcomes this proposed measure from ComReg. At present, purchasing terminal equipment such as a mobile phone or a smart phone, can be an extremely frustrating process for people who are Deaf or Hard of Hearing, particularly those who use hearing aids or cochlear implants. In order for many of these people to be able to use terminal equipment effectively, the terminal equipment needs to be compatible with their hearing aids/cochlear implants.

In practice this means that phone features such as induction coils in telephones need to interact with the users hearing aids/cochlear implant. However, invariably this can only be established

through an opportunity to test the equipment: with the constant updating of phones and hearing aids/cochlear implants, it is impossible to know if the equipment will be compatible without conducting a live test.

At present, most retailers who sell terminal equipment do not offer the opportunity for the customer to test terminal equipment, and will not offer to exchange equipment if the packaging has been removed, unless the equipment is faulty. This is frequently a cause of great frustration for many Deaf and Hard of Hearing people, who have purchased a phone which does not work for them. ComReg's proposed measures in relation to the provision of a testing facility in retail shops will help resolve this problem and will also help ensure that Deaf and Hard of Hearing people have more choice in terms of the purchase of terminal equipment that is suitable for their individual needs. We also agree with ComReg that it will be important in ensuring this proposed measure is successful that there is availability of support staff with appropriate training in the terminal equipment and in supporting customers who are Deaf or Hard of Hearing.

2.7 Accessible Text Relay Service

ComReg states in the Consultation Document that it is not minded to propose measures with regard to extending access to text relay services (TRS) for Deaf and Hard of Hearing people and other users with disabilities; that it is of the view that this should be considered at a later date in line with future consultation(s) in relation to universal service obligations; but that it welcomes views that respondents have in this regard.

DeafHear is disappointed with the present position of ComReg in relation to TRS. We believe that there is an urgent need for the modernisation of the present TRS service. The present arrangement is due to expire in June 2014, and much work, both of a consultative and technical nature will be required if a new service is to be put in place in 2014. This section briefly describes the present service and the low level of usage; compares it to the UK situation where TRS services have been and continue to be modernised; and outlines some of the social and health consequences experienced by Deaf and Hard of Hearing people which are linked to increased social isolation and the lack of effective supports to facilitate greater social participation and engagement.

2.7.1 Present TRS in Ireland

TRS provides facilities for the receipt and translation of text messages into voice messages, and vice versa, via the involvement of a relay operator. As ComReg note, TRS can play an important part in ensuring equivalence to live communications for people who are Deaf, Hard of Hearing or speech-impaired. This can be important in accessing services, conducting personal business and in

employment situations. The present TRS service was established nearly twenty years ago. It requires the use of a minicom (or text phone) by the Deaf or Hard of Hearing person, and this equipment can only be used with a landline.

In the early years, the number of calls made to the TRS was in the hundreds per week, but this has dwindled to an average of less than twenty per week. This is due to a combination of factors, including the introduction of other devices (such as mobile phones and smart phones); the introduction of SMS/texting; the prohibitive cost of buying and maintaining a minicom phone; the dissatisfaction with the TRS itself in terms of quality and reliability; and most important of all, the failure to adapt the TRS to allow people to access the service with newer technologies. In effect, the TRS has been neglected and left to fall into disuse. By contrasting the Irish situation with that of the UK, we can see that the outcome is increased social exclusion and isolation of Deaf and Hard of Hearing people in Ireland.

2.7.2 TRS in the UK

In the UK Ofcom have been instrumental in reviewing and consulting on TRS in recent years and in modernising the TRS available to Deaf and Hard of Hearing people. TRS may be contacted and accessed using mobile phones, and in 2014, will be accessible to users via other devices such as tablets and ipads. At present TRS in the UK handle 33,000 calls per week, and this is expected to rise further in 2014. There are 11,000 regular users and they use the service to conduct personal business and access services.

A survey of users conducted on behalf of Ofcom identified six themes that are associated with a quality TRS: 1. Choice; 2. Respect; 3. Independence; 4. Equal access to communications services; 5. Awareness; and 6. Inclusivity. These sample comments of TRS users in the UK illustrate the importance of TRS to them:

I want people to be able to communicate with me directly; not through someone else.

I think it is important for your call to be personal. Otherwise it is like getting your mum to make a call on your behalf.

Anything that means I do not have to rely on friends and family to contact different services is a good thing. I want to be independent.

GPs will not permit us to send texts or email -and yet hearing people can phone anytime.

A real time conversation - the ultimate for me. That makes you feel like a real person.

The equivalent level of usage in Ireland per head of population would involve approximately 2,400 calls per week from over 800 regular users. When we compare this to the level of activity of the present TRS in Ireland we see that the level of usage in Ireland is well below 1% of that in the UK. If we were to assume that Deaf and Hard of people in the UK have equivalent access to live electronic communications, (although the evidence suggests that they don't: 25% of respondents in the UK said that they did not use the TRS there as they were not aware of it!), then we can assume that Deaf and Hard of Hearing people in Ireland have a level of access that is below 1% of that of the wider population. This has clear implications for the independence, social participation, health and welfare of Deaf and Hard of Hearing people, and DeafHear believes that it is incumbent on ComReg to act with urgency and decisiveness in addressing this serious inequality in access to electronic communications.

DeafHear sought responses on our website in relation to TRS in Ireland in the context of the consultation on Equivalence in Access and Choice to Electronic Communications. The responses are contained in full in Appendix I, but the following responses again illustrate the importance of an effective and modern TRS to people who are Deaf or Hard of Hearing:

I am the mother of a profoundly deaf daughter who cannot speak or hear over the phone. She relies very much on text. She is now in her early 20's and is becoming more and more independent of me. I have concerns for her safety and would be relieved if she could access telecommunications more easily.

We hard of hearing people are pretty much isolated especially living alone, I find it very difficult with the phone one so seldom hears a human voice, and by the time I have been told press one for ... two for etc I'm not sure what I've got to press and usually hang up.

2.7.3 Hearing loss, social isolation and outcomes.

As already discussed, a large number of older people in Ireland (270,000) have a significant hearing loss (see 1.2) and hearing loss is associated with significantly higher levels of dementia and other health problems (see 1.3). However, recent research into the patterns of hearing loss and conditions such as dementia in older people has found that people who have similar levels of brain degeneration (i.e. dementia), have widely varying levels of cognitive functioning in daily living.

Researchers have developed the concept of 'cognitive reserve', which 'protects' some individuals from the brain degeneration they are experiencing. The individuals who display higher levels of cognitive reserve have lifestyles characterised by high levels of social engagement and interaction. This recent research underlines again the strong relationship between deafness and hearing loss; and the negative outcomes in terms of social isolation, low levels of social participation and negative impact on health and quality of life. It emphasises the importance of services that support social participation and reduce social isolation. A modern TRS service in Ireland could expect to process at least 125,000 calls per year: that's 125,000 social inclusion opportunities that are not happening at present. This would be of great benefit to the expected 800+ regular users of such a service.

In summary, the level of access to live telecommunications for Deaf and Hard of Hearing people in Ireland is less than 1% of that in the UK, and research demonstrates that the increased social isolation that results from this contributes to poorer health and social outcomes for Deaf and Hard of Hearing people. As already stated, DeafHear believes that ComReg should act with urgency and decisiveness to modernise the TRS before June 2014.

2.8 Accessible Information: Question 7.

Do you agree with the proposed approach outlined in section 4.3 regarding the provision of accessible information in respect to, but not limited to, products and services and accessibility of information channels?

DeafHear agrees with ComReg's proposed measures in this regard, and with the view that accessible information is an important factor in assessing equivalent access. However, DeafHear is also of the view that to date information has not been fully accessible, particularly for people who are sign language users. DeafHear is not aware of any information being provided through ISL by either ComReg or the Undertakings. As previously stated, we believe that some basic information should be provided in ISL on relevant websites, to include basic information on services, terms and conditions, and where further information may be sourced. (We accept that it is not reasonable to expect that all information would be available in this way). We also note that under WEAG, any video material should be provided with subtitles.

2.9 Facility for Disabled Subscribers to Register Requirements: Question 8.

Do you agree that every Undertaking should set up and maintain a facility (to record as a minimum details set out in section 4.4 above) to enable disabled subscribers to register their requirements allowing Undertakings to record details to facilitate the regular provision of relevant

and appropriate information and/or products and services to disabled subscribers and for this information to be provided to a nominated third party contact if appropriate and necessary?

DeafHear supports this proposed measure, although based on some of our members' feedback, it must be made clear that this is a voluntary registration process.

We are also of the view that where an Undertaking asks for a person's contact details as part of their generic database, that care is taken to use this information appropriately. This particularly arises in the context of mobile phones, which individuals may use to make or receive voice calls and to send or receive text messages; to make or receive voice calls only; or to send or receive text messages only. Obviously it is very frustrating for a Deaf or Hard of Hearing person who cannot make voice calls to have a service provider ringing them up. We also suspect that it may be somewhat distressing for people who cannot send or receive text messages, perhaps due to dexterity problems for example, to be sent a text message by a service provider. DeafHear therefore believes that wherever an Undertaking requests a customer's mobile phone number as part of the customer's contact details, they should also record the customer's communication preference (i.e. voice & text; voice only; text only) as a matter of course. Undertakings should then only contact customers in accordance with their wishes. In DeafHear's view this process should form part of the generic customer database procedures of Undertakings, and may even reduce the numbers of people who might feel it was necessary for them to register as a disabled subscriber..

2.10 Other issues.

Are there other requirements not identified by this consultation document which, in your opinion, fall within the scope of Regulation 17 that ComReg should consider?

DeafHear understands that it is not ComReg's intention that all retailers selling terminal equipment, for example supermarkets, will be subject to the proposed measure in relation to providing testing facilities for terminal equipment. DeafHear believes that the sale of terminal equipment by such entities should be subject to this measure to ensure equivalence in access and choice for consumers, and to ensure that providers are operating on a level playing field.

2.11 Timeframes

Do you have any views with regard to timeframes for each of the specific measures?

The issue that concerns DeafHear most with regard to timeframes is the modernisation of the TRS. While the present TRS contract is due for review and renewal in June 2014 as part of the Universal Service Obligations, much preparatory work is required to put a modern TRS service in place. Elsewhere this submission provides evidence that a modernised TRS is required, and that the absence of such a service is resulting in significantly increased levels of social isolation and disadvantage for the Deaf and Hard of Hearing population in Ireland. DeafHear again calls on ComReg to act with urgency on this matter.

For further information on this submission contact:

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DeafHear September 2013

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3 Disability Federation of Ireland



Disability Federation of Ireland

Submission to ComReg

**Electronic Communications:- Proposed
Measures to Ensure Equivalence in Access
and choice for Disabled End Users”.**

September 2013

The Disability Federation of Ireland welcomes the opportunity to respond to the ComReg consultation on *“Electronic Communications:- Proposed Measures to Ensure Equivalence in Access and choice for Disabled End Users”*.

The BEREC report indicates that isolation of disabled people is a driver for ensuring proper provision of access to, and choice of electronic communication services for disabled end users to lessen risks of social exclusion. This ambition is underpinned on many levels, in addition to the Universal Services Directorate transposed into Irish law by Regulation 17, that provides for ComReg to specify requirements to ensure equivalence of access and choice for disabled end users.

Ireland has signed the UN Convention of Human Rights for People with Disabilities, (UNCRPD) and it is the government’s intention to ratify once compliance legislation is put in place. The UNCRPD reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. Article 9 which covers accessibility states that States must “ *take appropriate measures to ensure persons with disabilities access, on an equal basis with others...to information and communications, including information and communications technologies and systems*”, including the internet.

The National Disability Strategy Implementation Plan published in July 2013 further commits Ireland to ensure that all information is accessible to people with disabilities.

Q.1. Do you agree with the ComReg proposed approach as set out in section 4.2.1 mandating the provision by every Undertaking of an accessible means for disabled end-users to lodge a complaint and/or make an enquiry and the implementation of disability awareness training for staff? Please provide reasons to support your view.

DFI response:

- No single accessibility feature can “*provide an accessible means for disabled end-users*”. Different disabled uses may require completely different means of access and this needs to be made explicit. What is important is that people

with disabilities have equivalence of access and any measures taken must be benchmarked against this as an outcome, not just the provision of the particular feature.

- Being able to lodge a complaint and make an enquiry is only one part of the complaints process. The end-user needs to be able to track progress of the service provider's response, all the way to the resolution of the issue.
- The proposal as it is written requires Undertakings to provide 'accessible means', but doesn't require those means to be "*functionally equivalent, such that disabled end-users benefit from the same usability*"¹. However, the essence of Regulation 17 provides for "equivalent" access, not just available access, and that equivalence requires equal usability.
- We recommend that this proposal is extended to require Undertakings to provide accessible means for disabled end-users to access the Undertaking's customer services in order to lodge a complaint follow the resolution process for that complaint and/or make an enquiry.
- Any means that is provided to end-users for logging or tracking complaints or enquiries should be accessible to disabled end-users if possible (thus ensuring equivalence), and that if this is not possible, *functionally equivalent and equally usable* alternative means should be provided.
- We welcome the proposal to implement disability awareness training for staff handling complaints. However training needs to be extended to all staff who communicate with customers, either directly or indirectly to include for example:
 - Customer facing staff
 - those that produce and distribute customer information
 - It is vital that those that purchase or design services and products, as well as those in marketing also have a good grounding in the principles of universal design.
 - The purpose of training needs to be made more explicit along with the expectations of staff post training.

¹ Directive 2009/36/EC, Recital 12

- Evaluation of the effectiveness of training, appropriate review periods and monitoring of levels of customer satisfaction/dissatisfaction must also be stitched into the design of a complete training agenda. Effectiveness of training needs to be consistent across different service providers, in order to ensure customers have real choice in choosing between operators.
- Appropriate outcomes relevant to the sector and its staff could be developed and agreed by the Forum on Services for People with Disabilities.

Q.2. Do you agree with the ComReg proposed approach as set out in section 4.2.2 regarding the provision by every Undertaking providing pre-paid mobile services of a SMS top-up facility for disabled end-users of pre-paid mobile services that includes accessible payment methods, top-up receipts (vouchers) outlining steps required to apply the credit and confirmation of the top-up? Please provide reasons to support your view.

ComReg's proposed approach:

58 ComReg considers that detriment is experienced by disabled end-users when compared with the majority of end-users using pre-paid top-up facilities.

59 ComReg further considers that a facility whereby disabled end-users could top-up by SMS using the top-up receipt (voucher) would be beneficial and would negate the need for end-users who are Deaf and/or have speech impairments and/ or have hearing impairments to seek assistance from another person when topping up credit on their mobile telephones.

60 ComReg is of the preliminary view that, in order to ensure equivalence for disabled end-users in topping-up credit on their mobile telephones, there should be no need for another person to intervene or assist the disabled end-user. An online top-up facility is not sufficient as ComReg understands that a substantial number of disabled end-users may not have access to the internet and/or credit or debit cards and other end- users are not required to access the internet to top-up their pre-paid phone. Thus, in order to ensure equivalence, ComReg is of the preliminary view that every Undertaking

providing pre-paid mobile services should be required to provide a SMS top-up facility for disabled end-users of pre-paid mobile services to:

- *Pay with credit card and/or debit card and/or cash without the need to follow voice prompts;*
- *Get a receipt (voucher) that lists in clear, easy to understand language the steps required to ensure the top-up credit can be applied successfully;*
- *Apply the top-up receipt (voucher) by SMS sent from the disabled end-user's mobile telephone and without assistance from a third party; and*
- *Receive confirmation of the value of the top-up credit by SMS sent to the disabled end-user's mobile telephone.*

DFI agrees with this recommendation.

Q.3. Do you agree with the ComReg proposed approach as set out in section 4.2.3, regarding the provision by every Undertaking of access to a free directory enquiry service for subscribers that have a vision impairment and/or have difficulty in reading the phone book, subject to subscribers meeting the required certification of disability by a registered medical practitioner or by an appropriate agent? Please provide reasons to support your view.

ComReg's proposed approach:

68 ComReg is of the preliminary view that every Undertaking should be required to provide for subscribers who are unable to use the phone book because of a vision impairment and/or have difficulty reading the phone book, special Directory Enquiry arrangements to allow the use of a directory enquiry service free of charge, once certification of disability is provided by a registered medical practitioner or by an appropriate agent.

69 Furthermore, ComReg considers that a free and accessible directory enquiry service to be provided by Undertakings need not be provided using Eircom's '196 special directory enquiry service' and, therefore, Undertakings are free to find alternative solutions if they wish.

DFI agrees with ComRegs proposals provided that provision is made to achieve the intended purpose of the free directory service. For many people with a vision impairment, it is difficult to write down a number once given and for this reason, the option of receiving the number by SMS or being connected to the number without charge is important. Similarly for those who are deaf, hard of hearing or who have a speech impairment, SMS services must be made available free of charge. A registration process, hosted by ComReg and supported by an App could be developed to create a streamlined registration process.

Q.4. Respondents are also asked to provide views on whether a cap (specified monetary allowance or specified number of requests for Directory Enquiries free of charge per billing period) should be incorporated with the Accessible Directory Enquiries proposed measure (Q3) and, if so, what the appropriate allowance or number of requests should be. Please provide reasons to support your view.

ComReg's proposed approach:

70 ComReg is of the preliminary view that it is not appropriate to implement a cap or restriction on the use of such a directory enquiry service by disabled subscribers. However, ComReg is interested in the views of stakeholders on this issue.

DFI would not deem this to be necessary or desirable. If the phone is being used excessively and fraudulently, this can be tackled via more appropriate channels.

Q.5. Do you agree with the ComReg proposed approach as set out in section 4.2.4 regarding accessible billing? Please provide reasons to support your view.

DFI agrees that the general consumer protection conditions for consumer bills and billing mediums should apply to all customers, including those with disabilities and that these protections should be afforded to subscribers with disabilities who are

using a service for trade, business or profession because not to do so would hinder people with disabilities in entering employment or self-employment, an area where significant barriers already exist and where participation levels are significantly lower than those of the general population.

Bills should be provided in an appropriate accessible format for a subscriber and that, whatever the format, the bill should be provided free of charge.

Regulations must stipulate more clearly what is meant by “functional” accessibility, “sufficient” accessibility, “reasonable” accessibility. A bill is only accessible when the customer can access it.

Q.6. Do you agree with ComReg’s proposed approach as set out in section 4.2.5 that every Undertaking selling terminal equipment should be required to make available a testing facility for disabled end-users who use a hearing aid or have a cochlear implant, to test terminal equipment at the Undertaking’s retail shops, in advance of purchasing the terminal equipment, and that the testing facility should be supported by on-site staff that are easily accessible and trained in the use of terminal equipment and are adequately equipped to address any queries raised by disabled end-users in advance of purchase? Please provide reasons to support your view.

ComReg’s proposed approach:

91 ComReg believes, based on discussions at the Forum, that a testing facility would encourage disabled end-users to purchase terminal equipment in the knowledge and confidence that the equipment could be used by them before they make the purchase. Furthermore, ComReg considers that staff trained in the use of the terminal equipment being purchased should be available to assist disabled end-users in the use of and choice of terminal equipment being sought to best meet the disabled end-users’ requirements.

92 ComReg is of the preliminary view that every Undertaking selling terminal equipment should be required:

- *to make available a testing facility for disabled end-users who use a hearing aid or have a cochlear implant, to test terminal equipment at the Undertaking's retail shops, in advance of purchasing the terminal equipment.*
- *to ensure that the testing facility is supported by on-site staff that are easily accessible and trained in the use of terminal equipment and are adequately equipped to address any queries raised by disabled end-users in advance of purchase.*

DFI agrees with this recommendation.

Q.7. Do you agree with the proposed approach outlined in section 4.3 regarding the provision of accessible information in respect to, but not limited to, products and services and accessibility of information channels? Please provide reasons to support your view.

ComReg's proposed approach:

116 ComReg considers, based on discussions at the Forum, that detriment is experienced by disabled end-users with regard to accessibility of information.

117 ComReg is of the preliminary view that every Undertaking should be required to ensure that information regarding its products and services, including all information provided to the majority of end-users, is accessible for disabled end-users. For the purposes of ensuring that such information regarding its products and services is made accessible to disabled end-users every Undertaking should be required to ensure:

- *the Web Accessibility Initiative, as developed by the World Wide Web Consortium (W3C), is met to facilitate disabled end-users, and the Undertaking's website includes the following:*
 - I. one-click access from the home page of the Undertaking's website to the Disability Section of that website;*
 - II. the Disability Section of the Undertaking's website contains comprehensive information in relation to the products and*

services it provides which are of particular interest and relevance to people with disabilities; and

III. the Disability Section of the Undertaking's website contains details of and access to websites that contain information of relevance to disabled end-users, that ComReg may specify from time to time.

- contractual information in accordance with Regulation 14 of the Universal Service Regulations, including notification in respect to any modification to contractual conditions, as required by Regulation 14(4) of the Universal Service Regulations, is accessible for disabled end-users.*
- information in respect of the Undertaking's complaints handling procedures, including the Undertaking's Code of Practice, as required by Regulation 27 of the Universal Service Regulations, is accessible, easy to read and understandable and, in particular, accessible in a number of formats, to include but not limited to Braille, Audio, Regular print, Large print, Easy to read, and Online versions of each format (on the disability section of the Undertaking's website) and all of these formats must be printable.*

DFI supports the requirement that access to such information should be ensured by all service providers. However, the requirements specified by the 'one-click initiative' in the ComReg Forum on Services for People with Disabilities are not sufficient to ensure equality of access and choice to information and services available to other end-users. The 'one click initiative' within the Forum was very limited in its aim. It aimed to ensure that people with disabilities have online access to information about products and services *aimed specifically at people with disabilities*. It therefore proposed that service providers provide *that* information in an accessible form by putting it on a disability services page of their websites and making that page and the home page accessible. Regulation 17 requires ComReg to go much further than this to ensure equal access and choice of *all* products and services available to *all* customers, not just those aimed at people with disabilities. This requires equal access to *all* information about products and services and all service functionality available through the website, such as phone registration, account management,

online top-ups, offers and promotions, store locators, signing up to new services, web texting, help and online support. The same should also be true for information and services available through other channels such as mobile apps. Only when people with disabilities have access to the full service provisions of each company, using the various online and mobile mechanisms that are available to other customers, will they have equality of access and choice.

ComReg must issue mandatory requirements on the accessibility of information and services through providers' websites. Experience has shown that some service providers will not voluntarily make the information on their websites accessible, even to the minimum level required by the Forum's 'one click initiative'. This 'one click initiative' was first proposed by ComReg in April 2007 (Forum meeting number 4) and adopted by service providers (BT Ireland, Eircom, Vodafone, Meteor, O2) in June 2007 (meeting 5). In January 2009, disability representatives reported that of the six providers (now including Three, which had since joined the Forum), one did not have any information at all for people with disabilities, four had little or no information on accessible equipment and services available, two did not link to the Guide, the four which did link provided the Guide only in an inaccessible PDF format and none of the service providers' websites (home page and disability services page only) met the WCAG accessibility criteria

The current situation with the five providers (excluding BT Ireland) is as follows:

- One still provides no disability information at all and has no link to the consumer guide.
- Two of the other four have no information about services for people with disabilities and one has no information about products.
- Only one uses the correct link to the guide and one links only to inaccessible PDF versions.
- All have accessibility failures on the relevant pages, such that none are fully compliant with WCAG 2.0 at either level A or level AA.

It is clear from this that the requirements need to become mandatory, otherwise the providers will not do what is required to make information available and accessible on their websites and consumers will not have the information necessary to make informed choices.

ComReg's proposals cover *"information regarding its products and services including all information provided to the majority of end-users"*, which does not bring us to a situation where disabled end user will have equivalence of access to products and services.

When stating a requirement for compliance with the Web Content Accessibility Guidelines (WCAG 2.0), it is necessary to state the level of compliance that should be reached. This should be A, AA or AAA. In almost all cases where WCAG is referenced within national laws and regulations, including in Ireland within the Code of Practice relating to Sections 26 to 28 of the Disability Act, 2005, the required level is AA.

For many subscribers, online and mobile are now the primary channels used for accessing information and services. However, significant numbers, particularly older users, still rely on offline channels such as telephone and printed materials. Due to the age-related nature of many disabilities, a lot of people with disabilities are older. It is therefore important that information and services are available also through these channels. This includes, but should not be limited to, contractual information and information about complaints handling procedures. Information should be made available in printed formats including Braille, audio, large print, Easy to Read and accessible online versions. Services such as top-ups, offers and promotions, signing up to new services, help and online support should be available through the telephone.

Q.8. Do you agree that every Undertaking should set up and maintain a facility (to record as a minimum details set out in section 4.4 above) to enable disabled subscribers to register their requirements allowing Undertakings to record details to facilitate the regular provision of relevant and appropriate information and/or products and services to disabled subscribers and for this information to be provided to a nominated third party contact if appropriate and necessary? Please provide reasons to support your view.

ComReg's proposed approach:

127 ComReg is therefore of the preliminary view that a facility for disabled subscribers' to register requirements should be established and maintained by Undertakings. Therefore, every Undertaking should be required to establish and maintain a facility to enable disabled subscribers to register their requirements and allow the Undertaking to record details to facilitate the regular provision of relevant and appropriate information and/or products and services to disabled subscribers. The facility to register must, at a minimum, have the ability to record, subject to the disabled subscriber's consent, the following:

- *Name, address, contact details (to include phone or email and/or third party nominated contact);*
- *Preferred means of communication;*
- *Preferences in respect to bundles (for example broadband or text only);*
- *Details of any special terminal equipment required; and*
- *Details of any alternative billing medium requirement.*

Any information gathered about people with disabilities and their preferences for different types of services, should be gathered in the same way other customer information is gathered, with opt ins, opt outs and preferences offered to all customers as a mainstream measure. There is no reason for service providers to treat these customer preferences different from any others, these options should be offered to all. What they need to ensure is that the customer understands the range of options available, that any subsequent marketing is targeted appropriately and what the preferred mode of communication is. It needs to be questioned if this requires a "specialist" register, where it may be embedded into the marketing strategy of how best to service different customers and meet need. Where a person may be eligible for additional services such as free directory enquires, further information can be sought.

Q.9. Are there other requirements not identified by this consultation document which, in your opinion, fall within the scope of Regulation 17 that ComReg should consider? Please provide reasons to support your view.

The text relay Service needs to be modernised, and ensure that older people and those who use the existing service can continue to do so, if they so choose. While the text relay service operated by Eircom now handles less than 20 calls per week, service in the UK handles 33,000 calls every week, showing that it a desired and viable option for communication.

If services advertised as accessible turn out not to be, then the end user must have the right to withdraw from any contractual obligations.

Q.10. Do you have any views with regard to timeframes for each of the specific measures? Please provide evidence and reasons to support your view.

- Accessibility of complaint lodging and tracking (question 1 / section 4.2.1):
 - Immediate
- Staff disability awareness training (question 1 / section 4.2.1):
 - Immediate and On-going
- Free directory enquiry services (question 3 / section 4.2.3):
 - Immediate
- Accessible billing (question 5 / section 4.2.4):
 - Medium term
- Accessibility of information and services (question 7):
 - Medium term



**Representing the interests and expectations of people with disabilities to be fully included
Comprising organisations that represent and support people with disabilities**

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The Disability Federation of Ireland (DFI) represents the interests and the expectations of people with disabilities to be fully included in Irish society. It comprises organisations that represent and support people with disabilities and disabling conditions.

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The vision of DFI is that Irish society is fully inclusive of people with disabilities and disabling conditions so that they can exercise their full civil, economic, social and human rights and that they are enabled to reach their full potential in life. DFI's mission is to act as an advocate for the full and equal inclusion of people with disabilities and disabling conditions in all aspects of their lives.

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There are over 130 organisations within membership, or as associates, of DFI. DFI also works with a growing number of organisations and groups around the country that have a significant disability interest, mainly from the statutory and voluntary sectors. DFI provides:

- Information
- Training and Support
- Networking
- Advocacy and Representation
- Research and Policy Development / Implementation
- Organisation and Management Development

DFI works on the basis that disability is a societal issue and so works with Government, and across the social and economic strands and interests of society.

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For further information go to www.disability-federation.ie

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4 Eircom Group

eircom Group

Response to ComReg Consultation:

Electronic Communications: - Proposed Measures to Ensure Equivalence in Access and Choice for Disabled End-Users

ComReg Document 13/58

Introduction

This response presents the combined views of eircom Ltd and Meteor Mobile Communications Ltd.

eircom recognises the importance of the principle of equivalence for disabled users, indeed as Universal Service Provider eircom has gained valuable experience through the launch of numbers offerings for disabled users over a number of years. eircom therefore welcomes this consultation on proposed measures to ensure equivalence for all users supported by all service providers in the sector.

eircom is a committed participant in the Disability Forum which is chaired by ComReg. We believe that the forum has enabled very useful dialogue and acting as a medium through which disabled user requirements can be explored, has enabled the delivery of a number of benefits including the one click initiative for easy access to service information on the web and more recently SMS cash voucher top-up facilities. This demonstrates the ability of industry members to meet disabled user needs in the delivery of electronic communications services.

eircom acknowledges that in some instances it has not been possible to ensure that such initiatives are adopted by all undertakings and in these instances we appreciate that ComReg may have little choice but to introduce new obligations to ensure universal compliance. However we note that in some instances, ComReg has proposed new obligations such as staff training requirements in the absence of any analysis of the degree to which these requirements may already be met by undertakings.

It is important for regulatory decisions to take account of the circumstances that impact on equivalence. Factors impacting on equivalence are evolving. With the reduction in the cost of smart phones and the accompanying growth in their use by all members of society, internet access is becoming widely available to all. ComReg needs to be cognisant of the rapid evolution of the telecoms market and take care to avoid the imposition of obligations that may impose significant costs on service providers, just as technological changes make these obligations obsolete. This could result in inefficiencies whereby facilities are provided merely because they are mandated, in the absence of justifiable levels of demand among disabled users.

eircom notes that proposals in this consultation touch on the retail market for devices, a market that is beyond the scope of the European regulatory framework for electronic communications services. eircom does not believe that ComReg has the power to intervene in this market.

With regard to the assessment of the likely impact of the proposals, ComReg assumes that minimal costs will result from a number of the proposals addressed in the draft RIA. ComReg does not qualify its reference to minimal costs. Where costs are not so low as to be considered insignificant, the key focus of a RIA should be the cost benefit analysis. ComReg seeks support evidence substantiating concerns relating to costs and eircom appreciates that ComReg will require a reasonable degree of cost information in order to carry out a robust RIA. However ComReg must appreciate that significant time and resource must be invested in the assessment of requirements and solutions. This highlights the importance of an assessment of the benefits taking precedence. In a number of cases, the RIA assumes benefits without providing any evidence that existing offerings fail to sufficiently meet the equivalence test for the majority of disabled users.

Responses to Consultation Questions

Q. 1 Do you agree with the ComReg proposed approach as set out in section 4.2.1 mandating the provision by every Undertaking of an accessible means for disabled end-users to lodge a complaint and/or make an enquiry and the implementation of disability awareness training for staff? Please provide reasons to support your view.

ComReg is proposing that every Undertaking should be required to:

1. provide an accessible means for disabled end-users to access the Undertaking's customer services in order to lodge a complaint and/or make an enquiry, to include at least by way of telephone, SMS, letter, and email, and to include the ability to nominate a third party to deal with complaints and/or enquiries on behalf of the disabled subscriber.
2. implement disability awareness training to ensure that staff handling complaints are aware of the requirements of disabled end-users and have the requisite skills to appropriately deal with those requirements.

Medium for Lodging Queries or Complaints

Regarding the means by which customers can lodge a query or complaint, eircom supports the proposal that verbal and written communications should be supported. With regard to written correspondence, we agree that traditional post should be complemented by an electronic medium such as email or web chat. These media offer the benefit of a record of interactions which can be retained by the customer while also granting instant access to customer care. We consider that the requirement should be technology neutral and should refer to an electronic medium that offers an equivalent means of access to customer care.

Furthermore, eircom does not agree that SMS in particular should be mandated as a means of accessing customer care. SMS suffers from a number of shortcomings relative to other electronic media in that SMS operates on a store and forward basis therefore delivery of SMS in the correct order is not guaranteed. Also, it is more difficult to track and store SMS conversations relative to other electronic should customers need to review previous correspondence on a particular issue.

Instant messaging, in particular web chat has been widely adopted as the optimal means of contacting care centres as it avoids the shortcomings associated with SMS. Also among end users SMS is declining in popularity as users migrate to instant messaging and social media.

This calls into question the merit in a proposal to mandate SMS as a medium. Systems development costs would arise for eircom's fixed and mobile care systems. We expect that similar costs would be faced by other providers. Therefore if ComReg seeks to mandate SMS as a medium despite the strong reservations that we have highlighted here, the imposition of such costs on industry would have to be objectively justified with particular focus on likely demand from disabled users. For instance data on the level of use and success of ComReg's SMS contact facility would help to inform a review.

Staff Training

eircom provides disability training tailored to its fixed and mobile customer requirements on induction and agrees that providers should implement disability awareness training to ensure that staff handling complaints are aware of the requirements of disabled end-users and have the requisite skills to appropriately deal with those requirements. Eircom understands that operators participating in the Disability Forum also provide such training which suggests that disability training may be typically provided by undertakings. ComReg first firstly demonstrate that there is such training is not universally provided before imposing specific obligations in this respect.

Q. 2 Do you agree with the ComReg proposed approach as set out in section 4.2.2 regarding the provision by every Undertaking providing pre-paid mobile services of a SMS top-up facility for disabled end-users of pre-paid mobile services that includes accessible payment methods, top-up receipts (vouchers) outlining steps required to apply the credit and confirmation of the top-up? Please provide reasons to support your view.

ComReg is proposing that every Undertaking should be required to:

1. Pay with credit card and/or debit card and/or cash without the need to follow voice prompts;
2. Get a receipt (voucher) that lists in clear, easy to understand language the steps required to ensure the top-up credit can be applied successfully;
3. Apply the top-up receipt (voucher) by SMS sent from the disabled end-user's mobile telephone and without assistance from a third party; and
4. Receive confirmation of the value of the top-up credit by SMS sent to the disabled end-user's mobile telephone.

Credit/Debit Card Topup without a voice prompt/via SMS

For a number of years eircom has been providing a facility to top-up prepay accounts using SMS as the medium through which a top-up is triggered and debited from a credit or debit card. We consider this offering to follow the principle of universal design whereby service innovation meets the need of end users universally, whether or not they have a disability. We are aware that this service is also available from other operators. In light of this, ComReg must justify any move to mandate this payment facility taking into account the fact that market forces may already be meeting the need.

Cash Topup via SMS

eircom provides an SMS top-up facility to its mobile customers. We implemented this voluntarily in September 2012 across both the Meteor and eMobile offerings, following discussions at the disability forum and representations highlighting the barriers faced by certain disabled users. Issues that were flagged in particular were internet access and the presence of a bank account.

Operators can facilitate top-ups over the internet and as eircom has pointed out its top-up direct facility already enabled customers to top up via SMS, however this required a debit or credit card to be registered for the customer in question. On balance having assessed the implementation costs involved eircom considered the provision of a facility by which voucher top-ups via SMS to be an appropriate, proportionate response to a customer need.

However the circumstances that impact on equivalence are evolving and not least with respect to internet access. With the reduction in the cost of smart phones and the accompanying growth in smartphone use by all members of society, internet access is becoming more widely available to all. ComReg needs to be cognisant of the rapid evolution of the telecoms market and take care to avoid the imposition of obligations that may impose significant costs on service providers while becoming obsolete as they are imposed or shortly thereafter. This could result in inefficiencies whereby facilities are required to be provided merely because they are mandated, in the absence of justifiable levels of demand among disabled user. This would remain the case until such time as ComReg consults once again on the issue.

Provision of Receipt with Instruction on Topping Up

eircom agrees that top-up instructions for SMS top-ups should be provided on top-up vouchers however the content and format of top-up vouchers is not directly within the control of mobile operators. For example eircom deals with a number of intermediaries who in turn deal with retail outlets including grocery stores, vending machines and other independent retail outlets. Any new requirement in respect of the content of vouchers would have to be built into the agreements between operators and intermediaries and then be cascaded through the myriad of agreements between the intermediaries and the retailers. Any changes also have to be

implemented on the Electronic Point of Sale (EPOS) systems of the retailers. If ComReg ultimately issues a Decision mandating the provision of instructions on top-up receipts, it will need to allow sufficient time for these changes to be made by all impacted parties.

Confirmation of the Value of Top-up

Once again eircom is not convinced that an equivalence issues existing with respect to customers confirming the applications of a top-up. Prepaid mobile service providers typically provide SMS confirmation of a top-up event therefore in this case also CoMReg must justify any move to mandate this payment facility taking into account the fact that market forces may already be meeting the need.

Q. 3 Do you agree with the ComReg proposed approach as set out in section 4.2.3, regarding the provision by every Undertaking of access to a free directory enquiry service for subscribers that have a vision impairment and/or have difficulty in reading the phone book, subject to subscribers meeting the required certification of disability by a registered medical practitioner or by an appropriate agent? Please provide reasons to support your view.

While eircom is obliged to offers free directory enquiries to its fixed customers that are unable to use the phone book eircom extends this to its mobile services on a voluntary basis. As stated in the consultation a number of other providers also offer this on a voluntary basis but not all providers. If ComReg ultimately deems free directory enquiries to be a proportionate measure to address those disabled users that have no alternative means of access, eircom would agree that this should be mandated for all providers in order that the cost burden can be borne more equitably across all providers.

Once again a lack of internet access features highly in ComReg's assessment of barrier to disabled users access directory enquires. Should ComReg ultimately mandate the provision of free directory enquiries to eligible disabled users, eircom would urge that this obligation be kept under review in light of the growth in internet access over fixed and mobile networks.

Q. 4 Respondents are also asked to provide views on whether a cap (specified monetary allowance or specified number of requests for Directory Enquiries free of charge per billing period) should be incorporated with the Accessible Directory Enquiries proposed measure (Q3) and, if so, what the appropriate allowance or number of requests should be. Please provide reasons to support your view

eircom agrees with ComReg's view that it would not be appropriate at this point to implement a cap or restriction on the use of free directory enquiry services that are offered in compliance with any mandate. We note that there is very limited discussion on the matter and the potential impact on disabled users in the consultation document. No evidence has been provided of past abuses or any risk of abuse in the future that would warrant the development of systems to cater for such controls. The provision of and consultation on any such evidence would be an essential input to any objectively justified decision to impose controls.

Q. 5 Do you agree with the ComReg proposed approach as set out in section 4.2.4 regarding accessible billing? Please provide reasons to support your view.

eircom considers that the a greater focus should be place on customer need. As outlined in the consultation a range of options are available with respect to bill accessibility and customers will benefit from being presented with the range of options open to them.

eircom is keen to assist customers with special needs and also appreciates that there are practical challenges to establishing customer need. The needs of disabled users vary from person to person therefore eircom would support an approach that allows operators to offer a range of alternative means of ensuring that bills are accessible to customers.

Therefore when a customer requests an alternative to their current bill (for example their current on-line bill), this presents the opportunity to offer the various alternatives to the customer. For example a customer might be provided with advice and assistance on using large print display and screen readers. If this does not meet their needs, standard paper billing might be offered, failing which large print bills might be offered and ultimately if braille is the only format that meets the customer's needs this would be provided. Nonetheless eircom appreciates that if a customer makes an unprompted request for a Braille bill, it is likely that this is the only medium through which they can access their bill.

We note that on-line billing is presented in an unduly negative light in the consultation document with reference being made to shortcomings that should not arise if operators are following the W3C standards for web design as proposed in this consultation. It is also suggested that a PC or laptop is essential for viewing a bill on-line. This ignores the capability of smaller screen devices that can provide access to bills and more ready access at that, due the fact that they are portable. eircom appreciates that new technologies cannot address all needs, nonetheless technological developments such as these are enabling ever greater access equivalence for disabled users.

Q. 6 Do you agree with ComReg's proposed approach as set out in section 4.2.5 that every Undertaking selling terminal equipment should be required to make available a testing facility for disabled end-users who use a hearing aid or have a cochlear implant, to test terminal equipment at the Undertaking's retail shops, in advance of purchasing the terminal equipment, and that the testing facility should be supported by on-site staff that are easily accessible and trained in the use of terminal equipment and are adequately equipped to address any queries raised by disabled end-users in advance of purchase? Please provide reasons to support your view.

From discussions that took place at the disability forum we understand that this concern centres on mobile devices. eircom already provides a facility for testing handsets in its eMobile and Meteor stores before purchase and understands that other providers offer this also. Therefore as outlined in response to previous questions, if this facility is now universally available, ComReg should not be mandating it as this would give rise to unnecessary regulatory overhead.

On reviewing the technical specification of devices currently offered in the market, eircom has found that the majority of devices currently on offer meet the higher standards of the European Telecommunications Standards Institute (ETSI) standards for hearing aid compatibility¹. The standards applicable to mobile devices are relatively new however manufacturers appear to have been following the longer established US standards for some time, therefore it would be expected that the instance of hearing aid incompatibility would be diminishing. In light of this, eircom believes that any issues with respect to hearing aid compatibility that might arise despite the presence of these standards and the availability of demonstration handsets could easily be addressed through a reasonably flexible returns policy. eircom would be able to cater for such a handset issue if it were to arise and believes that operators generally have the scope for flexibility in such rare cases. This raises further doubt about the justification for regulatory measures in this area.

¹ETSI Standards reference the relevant sections of the American National Standards Institute ANSI C63.19-2011. Wireless handsets are tested to ETS C63.19 and rated M1 to M4 with respect to RF interference between the hearing aid and handset. A wireless handset with a rating of M3 or M4 usually provides reduced RF interference for hearing aids designed for compatibility. C63.19 also provides a rating to measure a wireless handset's compatibility to telecoil (T-coil) hearing aids. Handsets tested for telecoil compatibility are rated T1 through T4. Handsets that receive T3, T4 usually provide better performance for use with telecoil hearing aids designed for compatibility.

http://www.etsi.org/deliver/etsi_es/200300_200399/20038102/01.01.01_60/es_20038102v010101p.pdf

eircom is aware that this was raised to the Disability Forum however the forum was never provided with anything more than anecdotal evidence of hearing aid compatibility issues. Similarly the consultation document refers to cases of disabled end-users being recommended handsets that subsequently prove incompatible with cochlear implants, however the consultation document also fails to provide any quantitative evidence that would indicate the extent of the issue.

This proposal touches on the retail market for devices, a market in which mobile operators compete with independent retail outlets in the sale of fixed and mobile devices and a market that is outside of the scope of the European regulatory framework for electronic communications services. eircom does not believe that ComReg has the power to intervene in this market.

In summary eircom doesn't not believe that there is a requirement to mandate the provision of test devices and special training and does not believe that ComReg has demonstrated that the necessary justification or powers to do so.

Q. 7 Do you agree with the proposed approach outlined in section 4.3 regarding the provision of accessible information in respect to, but not limited to, products and services and accessibility of information channels? Please provide reasons to support your view.

eircom agrees with the proposed approach.

Q. 8 Do you agree that every Undertaking should set up and maintain a facility (to record as a minimum details set out in section 4.4 above) to enable disabled subscribers to register their requirements allowing Undertakings to record details to facilitate the regular provision of relevant and appropriate information and/or products and services to disabled subscribers and for this information to be provided to a nominated third party contact if appropriate and necessary? Please provide reasons to support your view.

eircom does not believe that there would be sufficient demand among disabled users for such a facility commensurate with the associated costs, given that alternative channels that already exist for capturing these requirements as and when they become relevant to customers. Telecoms providers typically offer consumers secure on-line access that allows them to manage elements of their service. This typically incorporates the recording of customer details such as name, address, billing preference and so on.

The first of the fourth requirements proposed in the Decision Instrument is likely to be addressed in any case as name and address and alternative contact phone number are standard fields in such forms. Billing mediums may also already be partially addressed as many service providers have implemented on-line billing with the on-line option to opt into or out of paper billing, as eircom has.

The second proposed requirement relates to customer preferences in respect of bundles. Given the competitive nature of the telecoms market and the on-going evolution of technologies, it would not be practical to offer a structured means of capturing customer preference with respect to bundles. Each provider offers a wider range of price plans and new innovative price plans are constantly being introduced. It would be impossible to sufficiently capture and maintain an up to date list of customer needs through a web form. The task of identifying the most appropriate price plan for a customer is far better addressed through the high street, on-line and telephone channels that ensure that customers are offered the current ranges of price plans that meet their current needs.

The same can be said for the third proposed requirement which relates to terminal equipment requirements of customers and as outlined in response to question 6, retail stores are best places to establish customer needs and identify and demonstrate the equipment considered best able to serve those needs.

Regarding the fourth requirement relating to billing mediums, braille bills are rarely required. It is questionable whether the on-line medium would even be an appropriate medium for offering Braille, given that customers with sight loss are much more likely to request Braille by calling customer care, thereby avoiding a reliance on screen readers.

More generally, it is not clear from the consultation document the degree to which benefits would result for disabled users while on the other hand eircom would expect such a requirement to be costly to meet due to the fact that the design of on-line account web pages would have to be carefully constructed to avoid confusion for customers generally.

The costs and benefits of these proposals are not sufficiently addressed in the regulatory impact assessment, therefore eircom does not believe that ComReg has sufficiently established an objective justification for the imposition of these measures.

Q. 9 Are there other requirements not identified by this consultation document which, in your opinion, fall within the scope of Regulation 17 that ComReg should consider? Please provide reasons to support your view.

eircom is not aware of requirements that have not been addressed in this consultation which in eircom's view fall within the scope of Regulations 17. We trust that if other requirements are identified ComReg would seek the views of interested parties before making any Decision to establish new obligations in respect of any newly identified requirement.

Q. 10 Do you have any views with regard to timeframes for each of the specific measures? Please provide evidence and reasons to support your view.

eircom is of the view that a lead time of six months should be granted for the implementation of any changes arising from a Decision flowing from this consultation.

Q. 11 Respondents are asked to provide views on whether the proposed measures are proportionate and justified and offer views on other factors (if any, such as costs to be borne) that ComReg should consider in completing its RIA.

ComReg assumes that minimal costs will result from a number of the proposals addressed in the draft RIA. The proposed requirements are likely to give rise to elements of capital investment in new hardware, investment in new support systems, associated staff training and on-going support and maintenance costs. ComReg does not qualify its reference to minimal costs. The proposal put forward will give rise to more than merely nominal costs which will be multiplied across all undertakings that would have to implement changes to meet the proposed requirements. Where costs are not so low as to be considered insignificant, the key focus of a RIA should be the cost benefit analysis. ComReg seeks support evidence substantiating concerns relating to costs and eircom appreciates that ComReg will require a reasonable degree of cost information in order to carry out a robust RIA. However ComReg must appreciate that significant time and resource must be invested in the assessment of requirements and solutions. This highlights the importance of an assessment of the benefits taking precedence. In a number of cases, the RIA assumes benefits without providing any evidence that existing offerings fail to deliver similar benefits that sufficiently meet the equivalence test for the majority of disabled users.

Q. 12 Do you have any comments on the substance or the drafting of the draft Decision Instrument? If necessary, please provide a marked up version of the draft Decision Instrument, indicating what changes you believe are appropriate and why.

Based on the reasoning outlined in response to the previous question eircom proposes the following amendments in respect of the draft Decision Instrument:

Accessible Services

Accessible Complaints Procedures

In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking shall:

- provide an accessible means for disabled end-users to access the Undertaking's customer services in order to lodge a complaint and/or make an enquiry, to include at least by way of telephone, ~~SMS~~, letter, and email, and to include the ability to nominate a third party to deal with complaints and/or enquiries on behalf of the disabled subscriber.
- ~~implement disability awareness training to ensure that staff handling complaints are aware of the requirements of disabled end-users and have the requisite skills to appropriately deal with those requirements.~~

Accessible Top-Up Facility for Pre-Paid Mobile Telephone End-Users

In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking providing pre-paid mobile services shall provide a SMS top-up facility for disabled end-users of pre-paid mobile services to:

- I. Pay with credit card and/or debit card and/or cash without the need to follow voice prompts;
- II. Get a receipt (voucher) that lists in clear, easy to understand language the steps required to ensure the top-up credit can be applied successfully;
- III. Apply the top-up receipt (voucher) by SMS sent from the disabled end-user's mobile telephone and without assistance from a third party; and
- IV. ~~Receive confirmation of the value of the top-up credit by SMS sent to the disabled end-user's mobile telephone.~~

Accessible Facility to Test Compatibility of Terminal Equipment

~~In accordance with Regulation 17 of the Universal Service Regulations:~~

- I. ~~Every Undertaking selling terminal equipment shall make available a testing facility for disabled end-users who use a hearing aid or have a cochlear implant, to test terminal equipment at the Undertaking's retail shops, in advance of purchasing the terminal equipment.~~
- II. ~~Every Undertaking selling terminal equipment shall ensure that the testing facility as referred to in paragraph I. of this measure is supported by on-site staff that are easily accessible and trained in the use of terminal equipment and are adequately equipped to address any queries raised by disabled end-users in advance of purchase.~~

~~Facility for Disabled Subscribers to Register Requirements~~

~~In accordance with Regulation 17 of the Universal Service Regulations, every Undertaking shall establish and maintain a facility to enable disabled subscribers to register their requirements. The facility to enable disabled subscribers to register their requirements must, at a minimum, have the ability to record, subject to the disabled subscriber's consent, the following:~~

- ~~Name, address, contact details (to include phone or email and/or third party nominated contact); Preferred means of communication;~~
- ~~Preferences in respect to bundles (for example broadband or text only);~~
- ~~Details of any special terminal equipment required; and~~
- ~~Details of any alternative billing medium requirement.~~

5 Hutchison 3G Ireland Limited



Hutchison 3G Ireland Limited (“Three”) response to Electronic Communications: Proposed
Measures to Ensure Equivalence in Access and Choice for Disabled End-Users
Consultation Reference: ComReg 13/58



Three welcomes the opportunity to provide input into ComReg's consultation regarding the Proposed Measures to Ensure Equivalence in Access and Choice for Disabled End-Users.

The telecommunications market is a dynamic one, constantly evolving providing innovative products and services for all users to enjoy. It's a digital age, where services are available at the touch of a button or through the recognition of a voice. The information society and the innovative mediums which have evolved provide all users with opportunities to engage globally online via social media. Three agrees with ComReg in that the technological environment for electronic communications services is changing at an increased pace, and the usage of those services is changing accordingly.

As per the Communications Regulation Act, ComReg is required to '*ensure that measures taken by it are proportionate*' i.e. balance the costs versus the benefits arising from providing the service. Three believes that overall the measures proposed by ComReg are disproportionate and request that ComReg complete a cost benefit analysis examining the cost, applicability and benefit of the measures proposed and confirming the proportionality of these measures.

Three considers that ComReg should allow competition in the market to drive the availability of accessible products and services including accessible information and communication mediums. Three believes ComReg needs to be proportionate when defining the proposed measures and should intervene only where necessary and to the extent necessary. ComReg has proposed measures which are excessively disproportionate and unreasonable. Where there is not sufficient demand to warrant investment, ComReg should not be forcing obligations on operators which may never be utilised and therefore a waste of resources and significant investment.

With regard to the '*Inputs that have contributed to the proposed measures*' (see page 15) ComReg has stated that '*all of the measures proposed in this consultation document were discussed with the Forum*' Three would disagree with this exaggerated statement in that a number of the proposals were raised by the disability representatives present at the forum or by ComReg but they were not fully discussed to the extent that has been proposed in the consultation. Had the proposals been fully discussed then ComReg would have refrained from proposing measures which are unreasonable and ultimately disproportionate to the demand seeking such measures or the benefits arising from the proposed measures.

Ultimately Three agrees that products, services and information should be accessible to all, however Three does not agree that ComReg should prescribe the accessible means that must be available. Operators should be left to provide accessible mediums which are appropriate to their customer base. ComReg should not impose disproportionate requirements on operators that have not been comprehensively reviewed. Furthermore ComReg should not be mandating that service provider's websites should be subject to the same accessibility levels as that required of public bodies including government.



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Q. 1 Do you agree with the ComReg proposed approach as set out in section 4.2.1 mandating the provision by every Undertaking of an accessible means for disabled end-users to lodge a complaint and/or make an enquiry and the implementation of disability awareness training for staff? Please provide reasons to support your view.

Three agrees with ComReg's intentions regarding ensuring an accessible means for disabled end-users is available to lodge a complaint and/or make an enquiry and for the implementation of disability awareness training for staff. However, Three does not agree that ComReg should mandate the mediums available for disabled end-users to lodge a complaint and/or make an enquiry.

With regards to the mediums available for Three's customers to lodge a complaint and /or make an enquiry, all customers benefit from the wide range of contact mediums available which are equally accessible to end-users with special needs. Customers can call via 1913, email via customer.services.ie@3mail.com, using our Contact Form available on our website where customers can detail their issue and/or query (see Annex 1), instant message or web chat via our social media web pages which are accessible from the web and directly on the customers 3G handset, send us a fax or send us a written letter via post. Three believes that the mediums currently available cater for all customers including those with special requirements.

As per the Communications Regulation Act, ComReg is required to '*ensure that measures taken by it are proportionate*' i.e. balance the costs versus the benefits arising from providing the service and with that Three believes that any requirement to provide customer care services via SMS would be unjustifiable and disproportionate. Currently Three does not have any registered disabled users on its network and has not received any request to provide alternative services or access points in order to lodge a complaint or access customer care services. As outlined above Three offers an extensive range of accessible options available for all customers to contact customer care and believes that if operators were required to implement an SMS service that ComReg has failed to ensure the measures as proposed are proportionate. The costs and resources required in order to implement this ability are significant, it would require IT development and substantial investment. Three considers that it would be unreasonable of ComReg to force this measure on operators where demand does not justify requiring it when the current accessible options available cater for all users.

With regard to ComReg providing an SMS service for consumers, Three believes this is a positive move for the National Regulatory Authority and would expect that all public bodies should cater for all consumers accessibility requirements.

Potential Three customers with reduced mobility or are blind and/or have sight difficulties can lodge a complaint using the same methods as non-disabled customers i.e. by calling 1913, while potential customers with hearing difficulties or are deaf and/or dumb can lodge a complaint by email or they can go to a Three store if the complaint, issue and /or query requires the assistance of a technical engineer.

With regard to customers' ability to nominate a third party to deal with complaints and /or enquiries on behalf of the disabled subscriber, Three's customers currently have the ability to designate a third party to deal with complaints and / or the account. If a third party calls the

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contact centre with customer details, the customer care agent checks if the third party is registered as an authorised contact on the account. If this is confirmed, they validate the caller and proceed with the call. However they cannot make any changes to the account i.e. change the tariff plan without confirmation from the account holder. If the third party is not registered as an authorised contact on the account, then the customer care agent requests the caller to send an e-mail to customer.services.ie@3mail.com so that the appropriate authorisation and validation checks can be carried out.

In relation to response times, all Three's customers are treated equally and dependent on the issues raised Three's customer care team try to resolve the issue raised upon the first communication. As required, the response times are detailed within our code of practice.

With regard to the implementation of disability awareness training for staff, Three undertook a review of its awareness training and engaged the services of the National Learning Network to design and deliver training on Equality & Diversity incorporating Disability Awareness. The training programmes were incorporated into all Own Retail induction training. The training includes educating staff on the effective ways to find out the needs of the customer e.g. what is important to them re handset features, how do they want to be able to use it, also what do they currently use and what do they like about that, this training is designed to get the staff to probe around the real needs and requirements for all customers including anyone with a disability and this is highlighted clearly within induction for all new staff. Therefore there is no need to mandate the proposed measure.

Q. 2 Do you agree with ComReg proposed approach as set out in section 4.2.2 regarding the provision by every Undertaking providing pre-paid mobile services of a SMS top-up facility for disabled end-users of pre-paid mobile services that includes accessible payment methods, top-up receipts (vouchers) outlining steps required to apply the credit and confirmation of the top-up? Please provide reasons to support your view.

Three agrees that every undertaking should provide accessible payment methods for all end-users, however Three does not agree that ComReg should prescribe or mandate the accessible means made available by operators for topping-up.

Three currently provides top-up facilities via (i) voice by calling 1744 whereby the customer connects to an IVR system and must follow the voice prompts or (ii) online whereby customers can top-up using their My3 account via the handset directly or using a pc. In order to use My3, customers must register a debit or credit card. Using My3 does not require voice interaction as it's an online tool. Alternatively customers can purchase a top-up voucher in store or at certain retail points using cash and they can enter the voucher code to activate the voucher using My3 via the web on a pc or directly on their mobile handset via Planet3 which again does not require voice interaction. Using My3 via Planet3 directly on the handset, the customer is not required to preregister i.e. provide a debit and/or credit card. Therefore customers can top up using a cash voucher without the need to follow voice prompts or require assistance from a third party.

Alternatively we also provide top-up services via some financial institutions whereby the customer can top-up at an ATM machine, online using online banking and via a voice call by

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calling the dedicated tele-banking numbers provided. Prepay customers can also top-up using Facebook where the customer must enter a debit or credit card.

Using Three's My3 service, the customer can top up using a preregistered card or using an unregistered card once, or set up a reoccurring top-up to occur every month or to automatically top-up when the customers balance hits a certain value for example a customer can set up a low balance top up value of €5, and when the balance of the customer's account is €5 the account is topped-up by a predefined amount set by the customer.

With regard to a top-up facility via SMS, we are currently in the process of implementing an SMS top-up facility whereby customers will be required to register a debit / credit card in My3 once, once they have registered their details they can text the word 'TOP UP 20' or another denomination to the short code 50100 for free so that the deduction can be made using the pre-registered payment card. Confirmation is sent to the user to confirm the top up value has been applied to the account.

Three believes that the methods currently available for top-up are accessible. In relation to *'some disabled end-users not having access to a debit and/or credit card'* they can top up using their handset via My3 on Planet 3. In relation to providing an SMS ability to top up using the voucher details, this will require IT development in order to build the infrastructure required. As outlined Three does not have any registered disabled end-users and believe that the means that are currently available on Three are accessible to all. Three considers that if operators provide alternative means for topping up which allows the user to top up without the need of third party assistance, then ComReg should not mandate an additional SMS ability. Three believes it would be disproportionate to impose the proposed measure.

Q. 3 Do you agree with the ComReg proposed approach as set out in section 4.2.3, regarding the provision by every Undertaking of access to a free directory enquiry service for subscribers that have a vision impairment and/or have difficulty in reading the phone book, subject to subscribers meeting the required certification of disability by a registered medical practitioner or by an appropriate agent? Please provide reasons to support your view.

Three agrees that every undertaking should be able to access directory enquiry services, especially those who cannot use the means available to the majority of end-users. Three believes that DQ services which are now available via voice call, sms and online provides accessible means for all customer requirements. However, Three appreciates that special DQ services for users with special needs, in particular with sight restrictions have been in use for a number of years and that certain user types, particularly the elderly are reliant on this service in its current format as they have not embraced the innovative accessible mediums listed above. Subsequently in order to ensure that this particular service is available across the industry, In relation to the 196 service, Three would request ComReg to detail why eircom as the USP is permitted to charge operators wholesale rates for this service, recouping their costs when operators who provide access to the 196 service have no means to recoup their costs.

With regards to the acceptable forms of certification of disability, Three believes that the only certification that should be accepted is that from a doctor i.e. General Practitioner.

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Furthermore Three proposes that eircom's 196 application form which must be completed in order to be eligible for access to 196 should be amended in light of this. The application form currently provides too many options regarding gaining certification and these can be provided liberally. Three believes there should be rigorous checks to ensure the certifications are real i.e. verified and to ensure abuse is not catered for.

With regard to users of DQ services (which can be expensive) apart from certified disabled end-users, Three's customers who can avail of All You Can Eat Data (AUCE) can surf and use data without worrying about incurring additional costs or suffering from bill shock. As DQ services are now accessible over the web all AUCE customers can equally use DQ online services for free.

In relation to eircom's obligations as Universal Service Providers ('USP') and the representations that ComReg has received regarding the phone book as being illegible, Three is surprised that ComReg has not acted on this, and compelled eircom as the designated USP to ensure the phone book is legible and accessible in all formats for all users.

Q. 4 Respondents are also asked to provide views on whether a cap (specified monetary allowance or specified number of requests for Directory Enquiries free of charge per billing period) should be incorporated with the Accessible Directory Enquiries proposed measure (Q3) and, if so, what the appropriate allowance or number of requests should be. Please provide reasons to support your view

In respect of whether the special DQ service should be subject to a cap, Three believes that as with any service there should be a cap to deter abuse of the service. Three believes the cap should be based on usage i.e. number of requests. Furthermore, within the terms of the service a prepay customer must have topped up in order to avail of the service. The same applies for bill pay customers, where their accounts must be up to date.

Q. 5 Do you agree with the ComReg proposed approach as set out in section 4.2.4 regarding accessible billing? Please provide reasons to support your view.

Three agrees with ComReg's proposed approach as set out in section 4.2.4 regarding accessible billing. Three agrees that the amended billing conditions attached to the General Authorisation ('GA') should equally apply to disabled end-users so that all customers receive billing in their preferred medium, specifically customers where Braille is their only language.

On the 5th July 2013, Three wrote to ComReg seeking clarification regarding Condition 18.7.8, see following:

'In relation to Condition 18.7.8, Three requests clarification regarding the criteria defined specifically in relation to II - the definition as it currently stands seems to only provide that verification of an online bill can only be achieved for broadband customers and we do not believe this was ComReg's intention. Online billing as defined by ComReg can be accessed via a handset (using data via the handset) or the PC (where the internet service is possibly provided by another ISP). Online bills should be permitted and verifiable regardless of subscription type i.e. the text should read 'in the case of an online bill, where the Authorised Person has provided adequate information

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to allow the Consumer to access the online bill and the Customer has registered for Online billing.'

Three request ComReg to provide clarification on this matter.

In relation to the billing mediums available for Three's customers, they can avail of on-line billing via My3 which can be accessed via the handset or via a pc and in paper formats i.e. standard print, large print, audio and Braille. Large print, audio and braille formats are only available in hard-copy format and are not available on-line. Customers can change their billing medium using a self-care option via My3 or by calling customer care on 1913. These requests are manually managed by our Billing Operations team and are sent to our print fulfilment supplier each month to have a copy in the requested format dispatched to the customer. All of these alternative bill formats are provided free of charge.

With regard to electronic billing and the issues raised by ComReg, Three's online billing is provided via My3. My3 is a tool which is available to all Three customers who register for My3, which enables them to access their balance and usage details via the handset or via the internet. Under the Data Protection Acts and the ePrivacy Regulations 2011 we are obligated to keep information secure. Accordingly any web page must be sufficiently secure such that only the customer can access billing or other personal information pertaining to their account. Access is protected (whether the customer accesses My3 using their handset or via a pc/laptop via the website) to ensure there is no unauthorised access but access is not restricted using CAPTCHA28 security software.

Ultimately Three believes that customers should receive their bill in a means that is accessible by them and as such agrees with ComReg's proposed approach regarding accessible billing.

Q. 6 Do you agree with ComReg's proposed approach as set out in section 4.2.5 that every Undertaking selling terminal equipment should be required to make available a testing facility for disabled end-users who use a hearing aid or have a cochlear implant, to test terminal equipment at the Undertaking's retail shops, in advance of purchasing the terminal equipment, and that the testing facility should be supported by on-site staff that are easily accessible and trained in the use of terminal equipment and are adequately equipped to address any queries raised by disabled end-users in advance of purchase? Please provide reasons to support your view.

Three disagrees with ComReg's proposed approach which requires that undertakings make available a testing facility for disabled end-users who use a hearing aid or have a cochlear implant in advance of purchasing the terminal equipment. Three has testing facilities in all its stores where demo handsets can be tested, this area can be used by all users equally. Operators should not be required to make available a specific area for disabled end-users who use a hearing aid or have a cochlear implant, to test terminal equipment. Disabled end-users can utilise the space already available. Furthermore, Three believes that equal access does not mean that all handsets should be made available for testing purposes. Currently there are test/demo handsets which all users can test prior to purchasing. The stores are fitted with test areas where all of the devices are on display and details regarding the handset specification are displayed beside the handset. This information is detailed in our magazines which are also available in store. Test or demo handsets must be paid for and it would be

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excessive to require that all handsets be available for testing. It would be extremely costly to have a full range of live demonstration units in all stores.

Additionally within the current economic climate crime specifically theft and fraud has increased significantly and subsequently it is not practical to have devices so freely displayed that customers can make test calls on them or steal them. We have had devices displayed in this fashion in the past and due to the high cost of theft of demo handsets and fraudulent activity we are in the process of investing heavily in 'locking down' our demo displays. Leaving a full range of demo devices, in such an accessible fashion would cost the business in excess of E50K per annum in replacement costs.

Three believes that disabled end-users who use a hearing aid or have a cochlear implant could be better served by being provided with relevant information regarding the handset specifications. Improvements could be made regarding the information that is provided by the manufacturers of the devices and that their testing should incorporate compatibility testing of hearing aids and or cochlear devices etc. This could be raised as an additional testing specification. Service providers could on foot of receiving special requirements or compatibility queries from customers, request additional tests to be facilitated by the manufacturers. Furthermore, service provider could request the manufacturers to highlight accessibility features, deem handsets suitable for use with hearing aids and/or outline compatibility concerns regarding certain equipment e.g. cochlear implants etc. This information could be detailed on our website within the Accessibility section under the products and services section which would detail the handsets on offer which have x, y or z features and recommend the handsets suitable for the various end-user requirements. As handsets launch, we would ensure this information is included in the briefing for all store staff. Furthermore, the appropriate bodies such as deaf ear for example could be provided with the information (testing results etc.) and they could make recommendations to end-users to ensure they avail of the right models. This would instil confidence in the user that they are buying the right device from the start i.e. compatible and meets their needs which should ultimately negate the need to return the device for compatibility reasons.

With regard to returns, devices which are not working or there are verifiable network coverage issues can be returned under Three's 14 Day Money Back Guarantee Policy ('14DMBG -see page 6 of Three Small Print¹). Return policies are restricted due to the fact that once a device has been opened and/or used, operators do not have the option legally to re-sell the device as new. As outlined, Three does not have any registered disabled end-users and therefore has not encountered this issue with device returns. Additionally to date our retail staff would not have recommended handsets as compatible for specific features or requirements for disabled end-users as they are not trained to do so, they can only recommend handsets which meet users requirements regarding usage types and whether the customer wants to use their handset for streaming etc. Three would envisage that the proposal it has made above regarding the manufacturers providing additional information regarding compatibility will greatly assist staff in making recommendations to end-users which have particular compatibility requirements.

¹ <http://shop.three.ie/terms/wp-content/uploads/2011/12/SmallPrint.pdf>



In relation to possible interference issues raised, our handset team have advised that with Bluetooth technology it should not be a problem to convert a hearing aid to a hands-free headset. However this is something that may need to be tested and confirmed by the appropriate end-users.

With regard to staff, their training and ability to discuss and recommend terminal equipment, Three staff undergo training which focuses on dealing with and finding solutions for customers, including those with disabilities. At the point of sale, our staff are tasked to find out the needs of the customer e.g. what is important to them about the handset, how do they want to be able to use it, also what do they currently use and what do they like about that, this approach is designed to get the staff to probe around the real needs and requirements for all customers including anyone with a disability and this is highlighted clearly within induction. All staff are fully briefed on the handsets on offer which includes briefings on the technical specification and features of the handsets. However to date, the handset briefings did not specifically focus on suitability for disabled end-users or having certain accessibility features. Our process was to question the customer to understand their requirements and if there was a handset which met the requirement then the staff member would discuss the particular handset, detailing the technical specification with the user and showing the particular features etc. We are in the process of redesigning the briefing template so that it includes a focus area on accessibility. Having the manufacturers input regarding the suitable features and compatibility of devices will assist greatly.

Also in relation to the handset briefings going forward, Three will as part of the briefing exercise regarding new handsets and services available, identify the features re accessibility or if none exist then it should be highlighted within the briefing so to avoid consumers with special needs purchasing a handset which they will then have to return.

In relation to disability awareness training to ensure that staff handling complaints are aware of the requirements of disabled end-users and have the requisite skills to appropriately deal with those requirements, our customer care team handle all complaints. As already outlined, Three does not have any registered disabled end-users requiring special assistance, however our staff would have the requisite skills required in order to address any issue raised by any end-user.

Three would refute *'that there is limited choice of telephones available for basic requirements'*. Three as a 3G provider, who only offers 3G handsets have accessibility features built into the handsets by default i.e. large text, text to speech capability etc. subsequently the argument regarding additional costs to purchase additional applications for higher end phones for 3G handsets is redundant. Accessible applications are available on low cost Android phones on the market which have same accessibility settings (text – to – speech, large text) and also includes Google talkback that a higher end Android handset would have. Apple also have a section on their website explaining their accessibility features.

With regard to packages, Three offers plans suitable for all pocket sizes. The mobile market is a competitive one and one which Three strives to offer the best value tariff plans. With Three, customers can get more from their mobile phone no matter if they are a Prepay or Bill Pay customer. We've built plans that adapt to the customer's needs. Our plans are not restricted to a certain type of user i.e. whether the customer requires only text services they can use their

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bundle entirely for text services and the same applies for voice and data users. Three is in a unique position where we offer All You Can Eat Data (this is specifically targeted at those users who can't imagine being off-line for even a minute).

The screenshot shows the Three.ie website interface. At the top, there's a navigation bar with 'Personal', 'Business', and 'My3 Account' tabs. Below that, a large banner features the headline 'All You Can Eat Everything. All Calls. All Texts. All Data. Only €39.75 a month.' with a 'Learn more' button. The main content area is divided into four columns: 'Mobiles', 'Mobile Plans', 'Broadband Plans', and '4G'. Below these are promotional banners for '2-for-1 tickets', 'Fantabulous.' (Samsung S4), and 'Get a FREE 7\"

Three offers Sim Only plans, which are ideal for those that already have their handset (the user must ensure the handset is unlocked by their current service provider) but want to get more out of it. Customers can avail of prepay or postpay sim only plans, see following links:

- prepay <http://www.three.ie/online/shop/DeviceListing.aspx?tf=prepay&p=voice&manuf=Three>
- postpay <http://www.three.ie/online/shop/DeviceListing.aspx?tf=contract&p=voice&manuf=Three>

Three currently has on offer, a valuable Sim Only package which provides unlimited voice, unlimited text and unlimited data for only €39.75 and if the customer wishes to avail of a brand new top of the range smartphone they only have to pay €55 in total – see following screenshot from our website and link http://www.three.ie/products_services/priceplans/billpay/smartphone-plans.html



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Buy online or call our sales team on 1800 949 546. Find a store | Webtest

Search Three.ie

Personal Business My Account

Shop Plans Support

Plans.

Prepay

Bill Pay

- > Smartphone Plans
- > Talk & Text Plans
- > SIM Only Plans
- > All you can eat data
- > Other Plans

Useful Links

- > Roaming
- > International
- > Add-ons
- > Switch to Three

Buy online or call our sales team 1800 949 524

Bill Pay from Three.

Products & Services Mobile Plans Bill Pay Plans

All You Can Eat Everything.

All Calls. All Texts. All Data.

Only €39.75 a month.

All You Can Eat Everything.

All you can eat everything, unlimited calls, texts and data. Chat endlessly, text your thumbs off and surf 'til you drop. All for just €39.75 on our SIM only plan. Or for €55 a month with a brand new HTC One or Samsung Galaxy S4 smartphone. It's everything you need without limits. It's Bill Pay as it should be.

Why Flex Max?

No wastage All you can eat Data Free Phones Freedom Best value

No wastage with Flexi Units

Three's unique Flexi units mean your plan adapts to your needs each time you use your phone. Flexi units help you manage your spend and ensure you use everything you pay for before you ever have to pay extra. They work hard behind the scenes to make sure you use every last bit of your plan before you have to spend a penny more.

Please choose what type of plan you want.

Smartphone Plans With all you can eat data plus one freebie. Add-on on selected plans.	Talk & Text Plans A regular monthly bill or a capped bill which you can top up if you	30 Day Plans Our SIM only plans, ideal for those that already have their
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Three's prepay packages are the most competitive in the market – see comparison table on our website which provides a comparison table for a €20 top up (competitor comparison table correct as of 31/08/2013). We also offer great value for €5 and €10 top up denominations.

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Simply switch your number to Three to get an additional €5 free credit.
And register on My3 to get another €5

How does €20 top up on Three compare?

	Three	Vodafone	O2	Meteor
Free All You Can Eat Data	✓			
Free Any Network Texts	✓			
Free Any Network Weekend Calls	✓			
Free Own Network Texts	✓	✓	✓	✓
Free Own Network Calls	✓	✓	✓	✓
Free Customer Care	✓			

Competitor comparison table correct as of 31/08/2013. Weekends commence at 12:01AM Saturday and end at 12:01AM Monday

See mobiles > See Prepay SIMs >

Other Charges.
Base Rates.
Terms & Conditions.

About Three
Media Centre
Corporate Responsibility
Careers
Price Guide (PDF)
Site Map

Personal
Shop
Plans
Support
Upgrade

Business
Plans
Solutions
Testimonials
Arrange a Call

My3
Online Top Up
Top Up Locator
Support
Webchat
Customer Notification
Service Notification
Contact Customer Care

Follow us on:
f t g+
Stay online or call us on
1 800 949 546

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Your last browsing session closed unexpectedly. Restore session x

and finally Three offers very competitive and valuable bill pay plans which start from €25.41 (<http://www.three.ie/online/shop/DeviceListing.aspx?tf=Contract&p=voice>). Its worth remembering that with bill pay plans, the customer can avail of a top of the range 3G (some 4G enabled) smartphones. Three offers an extensive array of handsets - all of which can be found on our website. Disabled end-users can enjoy access to and affordability of the services equivalent to the level enjoyed by other end-users. All users can equally avail of these great value plans and people who currently qualify for the the Department of Social Protection (DSP) Telephone Allowance can avail of Three's services.

Three as a mobile network provider is not responsible for the applications available on the open market. However, in order to ensure that users are informed of the applications available, service providers could review the applications available and ensure to detail this on the products and services page within the Accessibility section of our website. ComReg and other forum members should also provide this useful information on their irrespective websites. Note the following links to educational and useful APPS that are available and some are for FREE – learn Braille, talk back services, text to speech services, sign language and ADHD services:

Blindness

- <https://itunes.apple.com/us/app/learn-braille-alphabet/id410754088?mt=8>
- <https://play.google.com/store/apps/details?id=kr.goodie.braille&hl=en-GB>

Speech Therapy

- <https://itunes.apple.com/gb/app/id308368164?mt=8&affId=1736887>
- <https://play.google.com/store/apps/details?id=com.jabstone.jabtalk.basic&hl=en-ie>

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<https://itunes.apple.com/us/app/in-my-dreams/id352177461?mt=8>

Text To Speech

<https://play.google.com/store/search?q=text+to+speech&c=apps>

Sign Language

<https://play.google.com/store/apps/details?id=com.kinetixapps.howtosignlanguage1&hl=en-ie>

ADHD

<https://itunes.apple.com/us/app/adhd-angel/id485821457?mt=8>

Q. 7 Do you agree with the proposed approach outlined in section 4.3 regarding the provision of accessible information in respect to, but not limited to, products and services and accessibility of information channels? Please provide reasons to support your view.

Three agrees that information regarding products and services pertaining to a consumer's contract should be accessible however Three does not agree that ComReg should prescribe the accessible means that must be available. Specifically ComReg should not be mandating that service provider's websites should be subject to the same accessibility levels required of public bodies including government.

With regard to '*ensuring information regarding products and services, including all information provided to the majority of end-users is accessible for disabled end-users*', as outlined above Three does not have any registered disabled end-users and have not received any requests from potential customers regarding the accessibility of information on our website and/or regarding services. With regards to the accessibility of Three's Code of Practice and ComReg's proposal to ensure that '*it is accessible in a number of formats, to include but not limited to Braille, Audio, Regular print, Large Print, Easy to Read and Online versions of each format and all of these formats must be printable*' – this proposed requirement is absolutely unreasonable to require a service provider which has no registered disabled end-users, has received no requests for such formats and does not foresee a demand for each format to implement this requirement. This should only be a requirement for the Universal Service Provider and even at that, the requirement should be to provide each accessible format upon request. Forcing this obligation on all operators regardless of demand is excessive and ComReg has failed to justify the need for this.

Furthermore, ComReg has not carried out a comprehensive review of the associated costs of implementing each format versus the benefits. Providing the code in the various formats (online and in print) have not been justified, are not necessary nor appropriate in order to attain equivalence. The regulations provide ComReg with options in addressing the issues, it may where appropriate specify requirements to ensure equivalence, the measures as proposed are unreasonable, inappropriate and unjustified.

The following statement which is referenced from the BEREC report (see page 17 of ComReg's consultation document) should be held as ComReg's reference point when it is considering proposals regarding appropriate measures '*The 2009 USD refers to services for*

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disabled consumers that are equivalent to those enjoyed by other end-users. The objective is functional equivalence, **but in practice there are reasons why 100% equivalence is not always possible**. For example, there may be technical constraints that prevent a particular service from being possible, **or the cost of achieving 100% equivalence could be disproportionate to the benefits arising from providing it**. In this regard, ComReg must quantify what is appropriate and necessary.

ComReg through the consultation process is required to identify proportionate measures to address issues with respect to equivalence. Three believes that ComReg has gone beyond ensuring equivalence, as the measures proposed are disproportionate and unjustified. Three would disagree that the measures as proposed in this consultation document were sufficiently discussed at the Forum meetings as referred to by ComReg and that on foot of these 'discussions', the output lead to these measures being proposed and to state that discussions increased the likelihood of achieving these goals is a slight overstatement.

Operators should be left to provide accessible mediums which are appropriate to their customer base and if the customer wishes to exercise their right to move to an alternative service provider which meets all of their requirements, then that's the nature of this competitive market and one which the Regulator should not impose disproportionate requirements on operators, that have not been comprehensively reviewed. Forcing this unreasonable and unjust obligation on all operators excluding the USP would put a significant financial burden on smaller operators which may not have any registered disabled end-users. The measures introduced by ComReg must be objective and proportionate, Three believes mandating that all formats be available is disproportionate and unjustified. Three requests that ComReg complete a robust cost benefit analysis via a comprehensive RIA.

Three already meets its customers' needs, whereby upon request we would provide the relevant contract information in an accessible form that is not already provided for e.g. braille or large print. We have reviewed the costs of providing such and to provide one copy of our code of practice in a braille format has been quoted at €200. As outlined above, *'the cost of achieving 100% equivalence could be disproportionate to the benefits arising from providing it'* and if operators were required to provide all formats without demand for same, this would be disproportionate and may result in consequences effectively reducing operators ability to compete, particularly smaller operators including MNVO, MNVE, WIFI and VoIP service providers. ComReg is required to ensure a competitive landscape exists in the Irish market. ComReg is not required to disproportionately enforce requirements and additional financial burden on operators where the benefit arising from implementing the measures are questionable considering there is no customer demand on Three's network for such services, therefore it is prudent for Three to request ComReg to review and reassess the measures proposed to ensure they are justified and proportionate.

The obligations go against ComReg's objectives to promote competition. The regulator should require that undertakings provide accessible mediums but that it's up to each operator as to the level they wish to provide therefore providing them with a competitive advantage. ComReg need to balance the costs versus the benefits, otherwise the measures are disproportionate and Three believes they are disproportionate.

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In relation to providing accessible means regarding compliance with Regulation 14 when contract modifications are proposed, as outlined above Three have no registered disabled users and therefore have not been requested to-date to provide communications in a means other than the means we currently provide. Three currently communicates with its customers directly via voice call, SMS, email, bill inserts, online and or hardcopy letter. Three considers these means are sufficiently accessible.

With regard to the one click initiative, Three fully complies with this requirement. In relation to the information provided within the products and services page, although we have published information on that page we will commit to updating this in line with the launch of new handsets. This would ensure the most up to date information is published. As detailed above, it will be beneficial once service providers and / or ComReg require the manufacturers to provide the relevant information regarding the accessibility of products. The manufacturers are best placed to provide this information. In reference to providing details of and access to websites that contain information of relevance to disabled end-users that ComReg may specify from time to time, Three will publish this data when requested to do so.

In relation to the accessibility of our website, Three is currently reviewing the options available in order to carry out an accessibility audit to measure the accessibility level of our website against accessibility standards. We may carry out a self-audit or employ the services of a third party (including availing of applicable software). We need to carry out an impact assessment on the time and resources required in order to improve our website accessibility and meet a set standard. This piece of work is one of Three's long term aims re accessibility and it's a significant project and one which will take time and investment to implement. We plan to implement the improvements on a phased approach, where accessibility will be built into our site operations.

Q. 8 Do you agree that every Undertaking should set up and maintain a facility (to record as a minimum details set out in section 4.4 above) to enable disabled subscribers to register their requirements allowing Undertakings to record details to facilitate the regular provision of relevant and appropriate information and/or products and services to disabled subscribers and for this information to be provided to a nominated third party contact if appropriate and necessary? Please provide reasons to support your view.

Three agrees with ComReg's intention regarding enabling disabled end-users to register their requirements with their service provider, however Three disagrees that ComReg should prescribe the method of doing so or as provided for by the service providers. In addition, any information relating to a customer's disability is sensitive data and must be treated in accordance with the requirements of the Data Protection Acts. Three would welcome the involvement of the Office of the Data Protection Commissioner (DPC) in this regard.

With regard to ComReg's statement (see page 39) regarding some undertakings already having a facility to register end-user requirements or compile basic information and that ComReg considers that when more specific information is collected that undertakings will be

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in a far better position to serve and meet the requirements of disabled subscribers', Three would question whether ComReg have analysed the data already being collated by operators in respect to end-users i.e. all end-users requirements. Three already collates end-users requirements and provides a facility for users to nominate an authorised representative to deal with matters regarding the customer's account on their behalf. Had ComReg analysed the services already in place, ComReg would not be reintroducing the wheel so to speak solely for disabled end-users. Enforcing something that is already available is inappropriate and completely unnecessary. Introducing a requirement to provide a separate facility to cater for disabled end-users where none currently exists on Three's network is wholly disproportionate. Operators should be permitted to use the resources and infrastructure they currently have, thereby ensuring that the information they have in relation to all subscribers is stored in one source. Three's customer care system is called PeopleSoft and within this system it holds all information pertaining to our subscribers which includes name, address, contact details, name of authorised representative on the account, preferred means of communications, whether they have opt-in or out of receiving marketing communications, what plan they are on i.e. if they are prepay (registered only) and bill pay for both handset and mobile broadband customers, the details of the customer's billing preference, and what device they currently have. Three's customer care team can apply a 'HOT ALERT' to any account requiring special assistance or if the user has special requirements. As we do not have any disabled end-users we have not used this to date to register a 'HOT ALERT' in order to notify the customer care representative that the customer is a disabled end-user, may have certain requirements and should be handled appropriately. Subsequently, Three should not be required to build a new system when a system already exists which can cater for the requirement.

If Three were required to build a new facility whereby the initial detail would have to be captured at the point of sale, this would require IT development and significant investment – it has been estimated at a high level that a project of this size would require

As outlined above, it would be disproportionate and overly resource and financially burdensome to require undertakings to implement a specific facility to enable disabled end-users (which Three has none to date), to register as disabled and provide a dedicated facility to document their service requirements when in fact facilities are already available which cater for the above. Three requests that ComReg undertake a complete cost benefit analysis of the excessive measures proposed before enforcing such measures. To address the concerns raised regarding proportionality, Three expects ComReg to carry out comprehensive RIA.

Q. 9 Are there other requirements not identified by this consultation document which, in your opinion, fall within the scope of Regulation 17 that ComReg should consider? Please provide reasons to support your view.

Three believes that ComReg should let competition drive change in the market and that where there are market failures that ComReg intervene and implement appropriate, necessary and proportionate requirements.

Q. 10 Do you have any views with regard to timeframes for each of the specific measures? Please provide evidence and reasons to support your view.

Three agrees with ComReg in that operators require sufficient time for feasible solutions to be tested and deployed and that the phasing-in of obligations should be considered.

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With regard to the various measures proposed by ComReg, Three believes that where any change requires IT development that a minimum of 8-12 months would be required to ensure that the measures are implemented as required and appropriately tested. Dependent on the IT development required, will dictate if the work can be fulfilled in a shorter timeframe i.e. 6 months. For Three, the largest projects which will take 12months or more to deliver are as follows: (i) SMS customer care service, (ii) website accessibility, which includes providing the various contract documents in a printable format accessible from the website (however once our audit is complete we will work towards implementing accessibility requirements within our accessibility page – this piece of work will not take more than 1 month), (iii) a new dedicated facility to register from the point of sale as a disabled end-users, (iv) a new dedicated facility for testing terminal equipment and (v) a new SMS ability to top up using the voucher – removing the need to register for My3 and/or providing a debit/or credit card.

Q. 11 Respondents are asked to provide views on whether the proposed measures are proportionate and justified and offer views on other factors (if any, such as costs to be borne) that ComReg should consider in completing its RIA

Three categorically disagrees with ComReg preliminary view *'that the benefits to be achieved by the measures proposed in this consultation outweigh any potential costs and as such considers that the measures proposed are proportionate and justified'* Three would question how ComReg can make this statement when it has not analysed the costs associated with the proposed changes.

Accessible Top-Up Facility for Prepaid Mobile Telephone End-Users

In regards to Option 1, ComReg has outlined that should the status quo remain, some disabled end-users would be unable to top-up their mobile telephones without the assistance of a third party. This is not the case for Three's customers, as I've outlined above Three customers can top-up without needing the assistance of a third party via sms or online. Also ComReg have stated in section 169 that *'it is unlikely that this situation will change unless ComReg mandates initiatives to allow disabled end-users do so'*, Three further disagrees with this statement as Three has introduced multiple self-care options which were not as a result of any mandate. The telecoms industry is a competitive one and one in which operators are constantly striving to have a competitive advantage and subsequently they introduce different products that will target different users, social groups etc. The market will drive change, without regulatory intervention.

With regards to Option 2 and introducing a requirement to implement an SMS top facility whereby customers do not need the assistance of a third party, Three already meets this requirement. Three would again like to draw ComReg's attention to the fact that it has failed to remain consistent with the language used throughout the consultation i.e. the proposed regulation is that operators would be expected to introduce an SMS top-up ability using the voucher ie. the voucher code. Thereby removing the requirement to need assistance and removing the need to have a debit or credit card. Three does not currently provide this ability as we provide alternative accessible means to top-up which have already been detailed in response to question 2. Furthermore ComReg have stated on page 51 that *'minor adjustments would be required in respect of the cash/voucher top-up process to make it*

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accessible for disabled end-users, Three again would question how ComReg can make that assumption when it has not engaged with the operators in order to understand the costs involved. For Three to implement this ability, it will require IT development and resources and the costs associated with same are not minor. We have implemented a number of self-care enhancements over the past year and have just launched a number of new ways to top up as outlined in response to question 2. Additionally we are currently documenting the specification required regarding an SMS top-facility for voucher use and this project is part of Three's road map regarding further self-care enhancements and is not being implemented on foot of any future obligations. Therefore proving our argument that positive changes can be made without regulatory intervention.

Accessible Directory Enquiries

ComReg again has stated that keeping the status quo (Option 1), *'will not achieve the objective of equivalence and that undertakings that do not currently provide access to a free DQ service for disabled subscribers are unlikely to introduce initiatives to do so unless required'*. Three would again disagree with ComReg's statement in that Three is implementing access to 196 without a regulatory requirement to do so. Also ComReg has stated that there would be *'minimal set-up costs'*, again ComReg have made this statement without knowing the true costs of setting up numbers on a network and the resources required in order to engage commercially. Finally, ComReg have stated that *'Any costs are proportional to the number of accounts held for disabled subscriber'* as outlined numerous of times throughout this consultation response, Three does not currently have any registered disabled end-users and we have to date only received one customer query as to the ability to provide access to 196. The associated costs in this case are not proportional.

Accessible Billing

In relation to Billing and providing customers with Braille billing, although the General Authorisation ('GA') does not specifically require that operators provide customers with a braille bill, it does however require that customers receive their bill in their preferred medium and that the billing medium should be accessible to the customer. Furthermore as operators are required to verify that a customer can access and use the bill, if the only language the customer uses is Braille then the only option available to the operator is to provide a Braille bill in a paper and/or electronic format. ComReg should not mandate one medium over another i.e. hard copy versus online. Therefore Three agrees that ComReg should impose Option 2.

Accessible Information

Again ComReg has failed to remain consistent in the language used regarding the requirements proposed. In this case it's in relation to Accessible Information and Option 2 which provides that all Undertakings to provide accessible information regarding their products and services through for example the 'One-Click Initiative'. Three currently complies with the One-Click Initiative, but the requirement from the proposed measure was to ensure that all relevant information pertaining to the contract is accessible and that the code of practice which details our complaints handling policy must be accessible in a number of formats to include but not limited to Braille, Audio, Regular print, Large print, Easy to read, and Online

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versions of each format and that all of these formats must be printable. As detailed above in response to question 7 this will add significant costs to operator's which are unjust and disproportionate considering the benefits arising from the costs incurred. Three considers that the various formats should only be provided for upon receipt of a request. This would ensure that the customer receives the required document in the accessible means suitable for their requirements and does not unduly add financial burden on operators where the service may never be used.

As outlined in our response to question 7, Three will be introducing accessibility improvements to our website on a phased approach. This is another project on our long term IT road-map which will require resources and investment. Once we complete our audit we will be in a better position to advise on the implementation timeframes. Ultimately our aim is to have an accessible website where relevant documents published on the website will be accessible to all users. With regard to the associated costs, ComReg has stated on page 59 that '*initial costs in ensuing the information is accessible, together with ensuring the web page is accessible also – these are not expected to be significant*', again Three would question how ComReg has drawn that conclusion. Three as a global company has to adhere to strict brand guidelines which must be considered when we are updating our website with the accessibility features. This will not happen overnight. Our audit results will provide a priority list for us to address i.e. as to which elements and sections need to be addressed first. As referenced throughout our response, Three does not have any registered disabled end-users and we have not received any complaints regarding the accessibility of our website and/or services. Therefore it would be disproportionate to enforce this costly requirement on operators. Moreover, if ComReg decide to pursue this requirement then operators should be given sufficient time to implement the required changes i.e. Three would propose that at a minimum operators would be given 2 months to implement the accessibility measures on our Accessibility webpage only, which will include all of the documents contained therein.

Accessible Facility to Test Compatibility of Terminal Equipment

With regard to in-store testing facilities, Three would question 'what is stopping end-users now from testing the handsets in store?' Three's stores are all equipped with test/demo handsets and test areas – these areas are open to all customers to test and discuss the devices with the sales staff. Three's main concern regarding the proposed measure is that operators must not be unduly obligated to stock more demo handsets than they currently stock, as this could have consequences impacts resulting in independent 3 Spots being put out of business.

Facility for Disabled Subscribers to Register Requirements

In relation to requiring all undertakings to put in processes in place to facilitate disabled end-users to register specific communications, again ComReg has failed to understand the impact of this requirement on operators systems, specifically around the costs of implementing such changes in order to meet the requirement. ComReg has stated that there '*maybe minor costs in setting up or amending current systems*'. As detailed above, if Three is required to amend its current systems in order to set up a dedicated facility for disabled end-users requirements to be captured at the point of sale and carried out through to the other systems which feed off the retail system, this would be a significant project costing in the region of €1.2m for approx. 2k man days. Enforcing this measure across the board is inappropriate considering Three

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already facilitates users to register their requirements regarding billing preferences, communication mediums and marketing preferences, as outlined above Three would envisage utilising the systems it has to facilitate the registering of disabled end-users requirements via the 'HOT ALERT' which will ensure any such customers registering as disabled are dealt with appropriately. Therefore Three agrees that operators should be able to facilitate customers registering their requirements whether they be the customers communications requirements, they want to nominate a third party as an authorised representative on the customer's account etc. However Three does not agree that ComReg should mandate how this facility is set up or managed. Three already has a facility via its PeopleSoft system which the business including customer care uses to have access to all customers information in one system, using this system they can update a customer's profile to account for their specific requirements.

ComReg has stated that using this register will also assist operators to determine which subscribers are entitled to free DQ service, Three request that ComReg in its determination and /or in the next round of the consultation process, clarify that the free DQ service which is referenced throughout the consultation document is the 196 DQ service which is provided by eircom. Operators have engaged with eircom in order to provide access to their customers, including Three's at a wholesale costs of 64.25 for call set-up charge and .2600 per second charge thereafter. The language used throughout the consultation is very ambiguous for consumers and the public alike. Three request that ComReg clarify that they are not proposing that operators provide free access to DQ services using the short codes 11850, 11811 and so on. This is not clear in the consultation and more than likely will cause confusion for the consumer and public reading and providing comments to ComReg's consultation document. Therefore the advantage point which ComReg proposed was gained in having a register is redundant due to the fact that only registered disabled end-users which are registered with eircoms 196 service can only access the service using a personalised PIN.

Alternatively as outlined above, DQ services via 11850 and so on are now accessible over the web and all AUCE customers can equally use DQ online services for free.

Q. 12 Do you have any comments on the substance or the drafting of the draft Decision Instrument? If necessary, please provide a marked up version of the draft Decision Instrument, indicating what changes you believe are appropriate and why.

Three propose amending the Decision Instrument as follows:

Accessible Services

Accessible Complaints Procedures

In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking shall:

- provide an accessible means for disabled end-users to access the Undertaking's customer services in order to lodge a complaint and/or make an enquiry, to include at least by way of telephone, SMS, letter, and email, and to include the ability to nominate a third party to deal with complaints and/or enquiries on behalf of the disabled subscriber.
- implement disability awareness training to ensure that staff handling complaints are aware of the requirements of disabled end-users and have the requisite skills to appropriately deal with those requirements.

Three response to ComReg
Consultation Ref 13/58



Accessible Top-Up Facility for Pre-Paid Mobile Telephone End-Users

In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking providing pre-paid mobile services shall provide a SMS top-up facility for disabled end-users of pre-paid mobile services to:

- I. Pay with credit card and/or debit card and/or cash without the need to follow voice prompts;
- II. Get a receipt (voucher) that lists in clear, easy to understand language the steps required to ensure the top-up credit can be applied successfully;
- III. Apply the top-up receipt (voucher) by SMS or electronically using the disabled end-user's mobile telephone or using a PC and without assistance from a third party; and
- IV. Receive confirmation of the value of the top-up credit by SMS sent to the disabled end-user's mobile telephone.

Accessible Directory Enquiries

In accordance with Regulation 17(1) of the Universal Service Regulations, every Undertaking shall provide for subscribers who are unable to use the phone book because of a vision impairment and/or have difficulty reading the phone book, special Directory Enquiry arrangements to allow the use of a directory enquiry service free of charge, once certification of disability is provided by a registered medical practitioner or by an appropriate agent.

Accessible Billing

In accordance with Regulation 17(1) of the Universal Service Regulations:

- I. The requirements imposed on Undertakings in respect of consumers by the General Authorisation in the ComReg Response to Consultation and Decision, "Consumer Bills and Billing Mediums – Consumer protection amendments to the General Authorisation", (ComReg Document 13/52, ComReg Decision D08/13), in conditions 18.7.1 – 18.7.12 are hereby imposed on Undertakings in respect of all disabled end-users who are not otherwise consumers, and so not already afforded the protections in accordance with the aforementioned General Authorisation conditions.
- II. Any and all bills (including transaction detail requests) issued to a disabled subscriber by an Undertaking shall be provided free of charge in a medium properly accessible to that disabled subscriber (including Braille), if requested.

Accessible Facility to Test Compatibility of Terminal Equipment

In accordance with Regulation 17 of the Universal Service Regulations:

- I. Every Undertaking selling terminal equipment shall make available a testing facility which can cater for disabled end-users who use a hearing aid or have a cochlear implant, to test the available terminal equipment at the Undertaking's retail shops, in advance of purchasing the terminal equipment.
- II. Every Undertaking selling terminal equipment shall ensure that the testing facility as referred to in paragraph I. of this measure is supported by on-site staff that are easily accessible and trained in the use of terminal equipment and are adequately equipped to address any queries raised by disabled end-users in advance of purchase.

Accessible Information

Three response to ComReg
Consultation Ref 13/58



In accordance with Regulations 17 of the Universal Service Regulations every Undertaking shall ensure that information regarding its products and services, including all information provided to the majority of end-users, is accessible for disabled end-users. For the purposes of ensuring that such information regarding its products and services is made accessible to disabled end-users every Undertaking shall ensure:

- I. the Web Accessibility Initiative, as developed by the World Wide Web Consortium (W3C), is met to facilitate disabled end-users, and the Undertaking's website includes the following:
 - one-click access from the home page of the Undertaking's website to the Disability Section of that website;
 - the Disability Section of the Undertaking's website contains comprehensive information in relation to the products and services it provides which are of particular interest and relevance to people with disabilities; and
 - the Disability Section of the Undertaking's website contains details of and access to websites that contain information of relevance to disabled end-users, that ComReg may specify from time to time.

II. contractual information in accordance with Regulation 14 of the Universal Service Regulations, including notifications in respect to any modification to contractual conditions, as required by Regulation 14(4) of the Universal Service Regulations is accessible for disabled end-users.

III. information in respect of the Undertaking's complaints handling procedures, including the Undertaking's Code of Practice, as required by Regulation 27 of the Universal Service Regulations, is accessible, easy to read and understandable.

Facility for Disabled Subscribers to Register Requirements

In accordance with Regulation 17 of the Universal Service Regulations, every Undertaking shall maintain a facility to enable disabled subscribers to register their requirements with service providers. The facility to enable disabled subscribers to register their requirements must, at a minimum, have the ability to record, subject to the disabled subscriber's consent, the following:

- Name, address, contact details (to include phone or email and/or third party nominated contact); Preferred means of communication;
- Preferences in respect to bundles (for example data or text only);
- Details of any special terminal equipment required; and
- Details of any alternative billing medium requirement.



Annex 1

Your information

Your first name *	<input type="text" value="xxxxxx"/>
Your last name *	<input type="text" value="xxxxxx"/>
Your email *	<input type="text" value="xxxxxxxxxxxxxxxxxx"/>
Your alternative contact number	<input type="text"/>

Account Information

Are you a Three Customer *	<input checked="" type="radio"/> Yes	<input type="radio"/> No	
Whats your priceplan? *	<input type="radio"/> Prepay	<input type="radio"/> Billpay	<input type="radio"/> Business

How can we help?

We're sorry if you're having difficulties and we're always here to help. We have lots of questions answered in our [support section](#), with great videos tutorials.

Query Type *	<input type="text" value="Please choose an option"/>
Your query *	<input type="text"/>

Check this box if it is ok to contact you by phone if required. If your query is of a technical nature, we may need to get one of our agents to contact you by phone to discuss in more detail.

‡ If calling Customer Services from abroad, please note that standard roaming rates will apply.

6 Irish Hard of Hearing Association



Commission for
Communications Regulation

Electronic Communications:-

Proposed Measures to Ensure
Equivalence in Access and Choice
for Disabled End-Users



Irish Hard of
Hearing Association

Submission
4 September 2013

Introduction

The Irish Hard of Hearing Association (IHHA) is an association of people who mainly acquired hearing loss after childhood. Our needs are somewhat different to the Deaf community. All of us communicate verbally and very few use ISL.

Using the phone is a major challenge for many of our members, with many unable to do so. Many people become very isolated and miss out of many essential services.

By contrast, the increased availability of high speed over the last 10/20 years has increased alternative means of communication including email and video calls that have improved things for us though many elderly people are not comfortable using these media.

Mobile Texting has also improved things significantly.

So, in short, our submission represents those of people with poor hearing where having a conversation on the phone is very difficult or impossible.

We draw Comregs attention to the UN Convention of Human Rights for People with Disabilities.

Ireland has signed the UN Convention of Human Rights for People with Disabilities, and it is the government's intention to ratify once compliance legislation is put in place. The UNCPRD reaffirms that all persons, with all types of disabilities, must enjoy all human rights and fundamental freedoms. Article 9 which covers accessibility states that States must "*take appropriate measures to ensure to persons with disabilities access, on an equal basis with others...to information and communications, including information and communications technologies and systems*", including the internet.

The National Disability Strategy Implementation Plan published in July 2013 further commits Ireland to ensure that all information is accessible to people with disabilities.

Detailed Submission

This is a submission from the IHHA to the Communications Regulator's (Comreg) proposed Measures to Ensure Equivalence in Access and Choice for Disabled End-Users. (Comreg's Reference number 13/58)

We address the questions raised by Comreg in Annex: 7 Questions and taking account of the submission requirements set in paragraphs 194-200 of the consultative document

Comreg questions in Blue and italics

IHHA comments in black

This document should be read with a copy of Comreg's proposals to hand

Q. 1 Accessible Complaints Procedures

Do you agree with the ComReg proposed approach as set out in section 4.2.1 mandating the provision by every Undertaking of an accessible means for disabled end-users to lodge a complaint and/or make an enquiry and the implementation of disability awareness training for staff? Please provide reasons to support your view

Comments:

1. Comreg's proposed approach is set out in Para 54
2. We fully agree with the Comreg approach but have some suggestions
3. Para 54 (1) should recognise that the access needs of people with different disabilities can and do vary
4. Para 54 (1) should emphasise the provision of high quality and usability of accessible services. At the implementation stage Comreg should provide a complaints and resolution service
5. Para 54 (1) Accessible means should apply to lodging the complaint or making an enquiry and follow up including tracking, responding etc. .
6. Para 54 (2) Awareness training is vital. This is not simply a box to be ticked and so there is a need for on-going skill assessments. Records of training and assessments of learning should be kept
7. Para 54 (2) should not be confined to staff handling complaints but should include all staff dealing with Customers. This is mentioned in Para 51

Q. 2 Accessible Top-Up Facility for Pre-Paid Mobile Telephone End-Users

Do you agree with the ComReg proposed approach as set out in section 4.2.2 regarding the provision by every Undertaking providing pre-paid mobile services of a SMS top-up facility for disabled end-users of pre-paid mobile services that includes accessible payment methods, top-up receipts (vouchers) outlining steps required to apply the credit and confirmation of the top-up? Please provide reasons to support your view.

Comments:

1. Comreg's proposed approach is set out in Paras 58 – 60.
2. We are comfortable with the approach
3. This service is already available from the major players and there are many means of topping up.

Q. 3 Accessible Directory Enquiries

Do you agree with the ComReg proposed approach as set out in section 4.2.3, regarding the provision by every Undertaking of access to a free? Directory enquiry service for subscribers that have vision impairment and/or have difficulty in reading the phone book, subject to subscribers meeting the required certification of disability by a registered medical practitioner or by an appropriate agent? Please provide reasons to support your view.

Comments:

1. Comreg's proposed approach is set out in Paras 58 – 60
2. Comreg is rightly concerned with issue surrounding poor vision. We will leave it for our friends in NCBI to articulate their views
3. However the proposal does not go far enough. From a hard of hearing point of view a call to directory services is difficult like all calls and hearing a phone number is particularly difficult as there is no context. If you allow the operator to make the call for you it is very expensive and unaffordable for many. By allowing Deaf / hard of hearing people to register their disability it would be possible to charge a more reasonable fee

Q. 4 Accessible Directory Enquiries

Respondents are also asked to provide views on whether a cap (specified monetary allowance or specified number of requests for Directory Enquiries free of charge per billing period) should be incorporated with the Accessible Directory Enquiries proposed measure (Q3) and, if so, what the appropriate allowance or number of requests should be. Please provide reasons to support your view

Comments:

1. Comreg's proposed approach is set out in Para 70
2. It seems very unlikely that any individual subscriber would use the free directory service to the extent of putting an undue burden on their service provider
3. The service is registered and subject to subscribers meeting the required certification of disability by a registered medical practitioner or by an appropriate agent

Q. 5 Accessible Billing

Do you agree with the ComReg proposed approach as set out in section?

4.2.4 Regarding accessible billing? Please provide reasons to support our view.

Comments:

1. Comreg's proposed approach is set out in Paras 82 – 85
2. We support this approach
3. The "Devil" is in the detail however and the quality of accessibility issue as commented (Comment 4) on in question 1 comes up again

Q. 6 Accessible Facility to Test Compatibility of Terminal Equipment

Do you agree with ComReg's proposed approach as set out in section 4.2.5 that every Undertaking selling terminal equipment should be required to make available a testing facility for disabled end-users who use a hearing aid or have a cochlear implant, to test terminal equipment at the Undertaking's retail shops, in advance of purchasing the terminal equipment, and that the testing facility should be supported by on-site staff that are easily accessible and trained in the use of terminal equipment and are adequately equipped to address any queries raised by disabled end-users in advance of purchase? Please provide reasons to support your view.

Comments:

1. Comreg's proposed approach is set out in Paras 91 & 92
2. We support this.
3. We understand the proposal relates to telecommunication outlets and not general stores e.g. Woodies/Tesco.

Accessible Text Relay

There is no question but Comreg looks for views

Comments:

1. Comreg's proposed approach is set out in Para 104 which is to defer this issue and to cover it as part of the upcoming Universal Service Obligation consultation
2. We are happy with this
3. This is an area where the view of the Deaf community needs to be sought as a priority
4. Minicom is old technology and a more modern approach would probably attract many more users.

Q. 7 Accessible Information

Do you agree with the proposed approach outlined in section 4.3 regarding the provision of accessible information in respect to, but not limited to, products and services and accessibility of information channels? Please provide reasons to support your view.

Comments:

1. Comreg's proposed approach is set out in Para's 116 & 117
2. We fully support the requirement that access to information about services should be ensured by all service providers.
3. The equality of access and choice to information & services should apply to all information and services provided by the service provider to all service users. This should not be limited to a Disability Section
4. This needs to be mandatory. Experience has shown that some service providers will not voluntarily make the information on their websites accessible

Q. 8 Facility for Disabled Subscribers to Register Requirements

Do you agree that every Undertaking should set up and maintain a facility (to record as a minimum details set out in section 4.4 above) to enable disabled subscribers to register their requirements allowing Undertakings to record details to facilitate the regular provision of relevant and appropriate information and/or products and services to disabled subscribers and for this information to be provided to a

nominated third party contact if appropriate and necessary? Please provide reasons to support your view

Comments:

1. Comreg's proposed approach is set out in Para 127. We understand the 3rd party referred to in the proposals is somebody nominated by the consumer
2. This is a difficult area for some people. People with disabilities are people and don't like being labelled disabled.
3. That said a Register is needed to effectively apply provide better accessible services.
4. We suggest consideration be given to hold a register in the NDA or Dept of Health and access to certain data is made available to communication companies. Much of this data is help by Health / Welfare already
5. Data Protection rules should apply.
6. Any Personal Information held by service providers should be visible to and editable by end users via websites.

Q. 9 Certification and Other Measures 4.5/6/7

Are there other requirements not identified by this consultation document which, in your opinion, fall within the scope of Regulation 17 that ComReg should consider? Please provide reasons to support your view.

Comments:

1. Comreg's proposed approach is set out in paras 134, 136 & 137
2. A person with a disability should be able to withdraw from a contract if the information needed to make a decision about entering a contract is not accessible.

Q. 10 Timing of implementation and review of measures

Do you have any views with regard to timeframes for each of the specific measures? Please provide evidence and reasons to support your view.

Comments:

1. Comreg's proposed approach is set out in Para 144
2. We fully support Comreg
3. We urge that measures be implemented asap with a maximum period of 6 / 12 months

7 Jones and O'Brien

Let us start this submission with a transcript of a relayed telephone conversation which took place, using the eircom Relay Service, so the quality of the service can be seen.

Eircom Relay Service conversation

Friday 9 August 2013 around 12:45pm – 12:54pm

(all typos and errors is what I saw on my minicom, exactly as they were.)

Text in Black: Operator

Text in Blue: customer (me.)

Hello Eircom Relay Service./How can I help you?

Good morning, I would like to call the dept of ✂ local office at 0# ###1000 GA

/###1000 could not be reached due to a network fault GA

The same network fault. GA

0####1000/ 0####1000 is ringingke/ Sorry,text to text service is not supported. Please release the destination./ The destination has released GA

that no is not cor gaq GA

0#### 1000 ga

/1000 could not be reached due to a network fault GA

0####1000/ 0####1000 is ringing GA ni is ringing pls h GA

Ok thanks. GA

numb is s/ 0####1000 could not be reached due to a network faulttill ring/ 0####1000 is ringing GA s is ring ga GA

ok I'll wait. GA

/ 0####1000 could not be reached due to a network fault/ 0####1000 is ringing GA there is no ansd ga GA

ok thanks. ga GA

will you try later/ 0####1000 is now connected i GA

t It's now connected? Ga

who do wat to speak to ga GA

✂ ga GA

y wsant to speak to her with reg tgo ga GA

Who is asking the questions? The operator or the person who answered the phone? Ga GA

she is not inn can anyone help u ga GA

Perfect. Thanks. I am looking for someone who can help me with an appointment the ✂ services made for me for next tuesday at 11;15 ga

Please hold ga GA ok ga can i have u name pls GA

alvean jones ga pls hold ga GA

how can i help you ga GA

I am explaining in this phone call that I will turn up as I am required to do so, but I will be unable to participate in the group session as we both need a irish sign language interpreter for us to understand each other ga GA

i can can the appoin and rerange a meeting whe i have int ga GA

that would be fine. To clarify, are you saying you will cancel the meeting for me on Tuesday? And reschedule with an interpreter? Ga GA

that is correct ga GA

perfect. Ok, that is fine. Will I need to turn up anyway to show my willingness to participate, just in case? ga GA

that is fine ga GA

bye for now bibisksk thanks.

Bye. bibi

The following is my analysis of the above conversation, as a Deaf user of the Eircom Relay Service.

- The very annoying “ could not be reached due to a network fault GA” seems to be an automated response, that was present the last few times I used the service. I brought it to the attention of the operator in the hope he/she would report it, but it seems to no avail. You can note the number of times this sentence was repeated in the conversation here.

- The following excerpt shows the need to overhaul the automated system:

0####1000/ 0####1000 is ringingke/ Sorry,text to text service is not supported. Please release the destination./ The destination has released GA

Text to text service? That's not what you'd expect from a relay service, which is text to voice and vice versa. If it was a text to text conversation, there would be no need for a relay service.

- that no is not cor gaq GA

The operator here is telling me (in text speak, not in proper sentences, which adds to my annoyance) that the number is not correct. I merely typed the number I received on official documents I received from the Dept of Social Protection. May I say that I find the assumption lazy on the part of the operator. This was the reason why I repeated the number.

- ni is ringing pls h GA

Again with the text speak. Some people in the Deaf community are not au fait with text speak and would not understand this bit at all. (I teach adult literacy to Deaf people and

text speak is one major area for them. In order to understand text speak, you would need to have an understanding of English.) As an Eircom customer, if I am typing in full sentences, I would expect the operator to extend the same courtesy to me.

- [pls hold ga GA how can i help you ga GA](#)

Note the incorrect usage of GA. Perhaps this is automated, but sometimes the GA is not relayed at all, in other calls. Today, it is used too much. The operator also did not use sksk at the end of the call.

- The following section is really telling.

[/ 0####1000 could not be reached due to a network fault/ 0####1000 is ringing GA there is no ansd ga GA ok thanks. ga GA will you try later/ 0####1000 is now connected i GAt It's now connected? Ga who do wat to speak to ga GA ✂ ga GA y wsant to speak to her with reg tgo ga GA Who is asking the questions? The operator or the person who answered the phone? Ga GA she is not inn can anyone help u ga GA](#)

There are a few things here that highlight the lack of training on the part of the operator. The operator did not make clear that from this point on the call has been answered and the question was from the office I was calling. Something like this: The Line is now open, person now answering the call as follows: instead of just plunging straight in. I had to ask who was asking the question, as in a previous conversation the operator was asking the questions, while the phone was still ringing and not letting me know of this fact until afterwards. This is not the correct procedure. As it was, my question was ignored. Also, the text speak apparently from the Office of ✂? I am sure in a formal setting, text speak would be highly inappropriate. Did the person identify him/herself to the operator as name/Dept of ✂, instead of plunging in with that question? If the person answering the call started by saying "The Department of ✂, may I help you" or words to that effect, the operator did not relay this.

It doesn't seem the operator is relaying the call properly, editing and summarising the conversation which is NOT what a relay operator is supposed to do.

Just have a look at the following example conversation which is similar to the one I had in 2002, using the American online relay service, and compare it to the conversation shown in the transcript above.

- Language use relayed precisely,
- background information conveyed precisely,
- correct usage of codes and so on.
- Properly trained operators: (NO interjections, commentary or opinions at all.)

Text in Green: Operator

Text in Blue: customer (me.)

Text in Black: commentary and analysis for the purpose of this submission

OPERATOR Ringing ringing Answered, please hold Now explaining this is a relay service. please hold Call now ready. Recipient of call: (male) How may I help you? GA

- (Go Ahead, signally it is now my turn, you note the lack of GA until I now know it is my turn, instead of GA GA GA GA GA all the time, as is evident in the eircom conversation)
- (you see the (male) inserted here? This is to let me know the caller's gender. You might say this is not relevant, BUT this is information hearing people pick up on automatically when they hear the voice on the other end.)

ME Hello, this is Alvean Jones ringing, looking for ☒. GA

OPERATOR (AS ☒, NOT AS OPERATOR), THIS IS VERY IMPORTANT) (brusquely) Speaking. How may I serve you? GA

- (you see the (brusquely) inserted? This is how the trained operator relays the tone of the voice to the Deaf person using a machine to read what is being said.)

ME I am calling in relation to....

- Back and forth, just me and ☒, until the call is finished, (with GA at the end of each person's turn,) when it is up to me/J☒ to decide when the call is ended, not the operator. I can't tell you how annoying it is to have the operator hang up on the call just because he/she thinks it is finished. It's not their place to decide when the conversation is ended. This has happened to me before resulting in my having to make two phone calls when one would have sufficed. At the end of the conversation...

☒ (cheerful) Thanks for the call, I'll email the information you were looking for. Bye for now. GA

ME Oh, just one more thing... Could you scrap that last bit, about the apple juice. GA

☒ (chuckling) I was thinking that, ok, sure, grand thing. cheers for now, GA

ME Cool. Bye for now. BIBISKSK

(BIBI = bye bye, SKSK = Stop Keying) It's only when I type SKSK that the operator knows when to hang up.

The operator is just there to relay back and forth, that's all, not to interject commentary and unnecessary explanations. However, in order to do this properly, training is essential as it is human nature to be involved when 'helping' when in fact you are not there to be the third party. You can spot the difference between the trained and the untrained relay service operators as the untrained ones do not always keep to the job at hand and refrain from making unnecessary comments, do not use the proper codes (GA, BIBISKSK and so on) and never relay the emotional cues in the phone call.

Hearing people never think of relaying that as it comes so second nature to them. Yet, if we are missing the fact that the person is angry or feeling other strong emotions, (it should be apparent in the words used, but sometimes this is not so apparent) we would not have responded the way we would have had we known of the tone of voice. This online relay conversation I enjoyed back in 2002, a good 11 years ago is in stark contrast to the transcript of a eircom relay service conversation that took place in July 2013. This is how far behind Eircom is when it comes to relaying between a deaf/hard of hearing customer and a hearing customer: USA was online in 2002, and Eircom is still expecting Deaf people to use minicomms, which is now obsolete technology.

People may wonder why there is now a dramatic decline in the number of people using the Eircom Relay service. Reasons?

- Minicom technology itself is from the 1970s/1980s. Most minicomms in use nowadays are from the 1990s. We are talking about electronic equipment. Computer equipment. Most people consider computer equipment that is five years old to be pretty old, verging on obsolete. Yet people using minicomms are using, for the most part, minicomms from the 1990s. This means we are using antique technology. Deaf and hard of hearing people have moved on with the times and use smart phones, laptops and other internet-based technologies. Relay service providers in other countries have recognised this fact and moved on with the times to match their customer base.
- However, having said this, there is STILL a need for a minicom relay service for people who live in rural areas and have poor access to the internet.
- The standard of service as shown in the transcript above shows one reason why

people are moving away from the eircom minicom relay service. It is rather frustrating to put up with this standard of service when we know the standard that is available elsewhere. (Some people indeed use the European Relay Service, a London-based company, instead of the eircom relay service, for this precise reason. Their website: http://www.european-turley-telecommunication.com/LA/EN/Corporate_Profile.html)

- a lot of ISL users are not fluent in English and as a result are not comfortable with typing things out in a telephone call. (English is a second language for them.)
- The only choice offered to deaf or hard of hearing people in Ireland who wish to call a hearing person is to either use the eircom minicom relay service OR to use the IRIS system where an ISL user signs and an interpreter relays the phone message. What about deaf and hard of hearing people who are not able to sign? In reality their only choice in Ireland at present is to use the eircom minicom relay service.
- We are not advocating that the eircom minicom relay service be abolished. No. We are suggesting that the operators be better trained and the system given a complete overhaul. With better training, people MIGHT return to the eircom relay service as the experience in making a relayed phone call would be less frustrating for the Deaf or hard of hearing client. The two problems cause the other problem to get worse: poor service and poor usage of system.
- In the UK where they have a relay service, called Typetalk, (<http://www.typetalk.org/>) the situation is MUCH better and as a result enjoy much better levels of usage by customers. Typetalk offers the following facilities that Eircom does not:
 - 1) a large staff that offers customers a choice of operators,
 - 2) offers all the background information and gender/tone of voice to the Deaf and hard of hearing client,
 - 3) Deaf and hard of hearing customers have the ability to request a specific type of operator, such as asking for a woman, or for a man, depending on the nature of the call,
 - 4) No time wasted in inefficient communication, which is to be found in the transcript of the Eircom relay service conversation above. On the contrary, the communication found in the typetalk service is comparable to the sample conversation above from America in 2002.
 - 5) They have a policy of rotating operators every half hour if the call takes longer than that, to ensure confidentiality. They inform the deaf and hard of hearing customer of this, and 5 minutes is given so that the fresh operator can read over the conversation, so that he or she is up to speed, before proceeding with the rest of the call.
 - 6) If a Deaf customer wishes to make another phone call, he or she will have to hang up and make a fresh call.

If one is to look at improving the standard of provision of communication services to deaf and hard of hearing customers, we recommend that the following be considered:

the situation as described above vis a vis minicom relay services in Ireland, the UK and the US, changing the Irish system to be more like the UK and US models.

Videophone technology

- Look at services provided in other countries and see how they can be implemented in an Irish context.

Such as video phone technology, where people are given proprietary videophones by companies in America, so that they use their services. As Ireland would not be in a position to set up videophones in this fashion, and taking into account the existence of IRIS, and the popularity of sites like Skype and OOVOO, it would make better sense to us, and be more cost effective, if IRIS was more widely advertised, and if another company was to offer a similar service to IRIS, using OOVOO or SKYPE, with consumers using their own webcams, it would be quite feasible. The only issue here is that of getting properly qualified interpreters.

One major disadvantage of using IRIS is that we have to make an appointment to go to the office and make the call from there. The technology is there for people to stay at home or at their workplace and be able to make their calls from there at any time.

In America such companies offering video relay services are

ZVRS (<http://www.zvrs.com/>)

Purple (<http://www.purple.us/>)

Sorenson VRS (<http://www.sorensonvrs.com/>)

Another option people could use is CAPTEL where hard of hearing people could carry out a telephone and read what the other person is saying. <http://www.captel.com/>

Funding is often touted as a major consideration. Indeed it would be sensible to avail of current existing technologies that are being used by consumers, and hopefully these service providers would offer accessible ways where customers could provide feedback.

8 National Council for the Blind Ireland



NCBI

Working for People with Sight Loss

Submission on the Proposed Measures to Ensure Equivalence in Access and Choice for Disabled End- Users to Electronic Communications – ComReg Consultation 13/58

September 2013

About NCBI

NCBI (the National Sight Loss Agency) www.ncbi.ie is a not-for-profit charitable organisation that provides support and services to people of all ages who are blind and vision impaired throughout the country.

Our vision is for people who are blind and vision impaired to have the same opportunities, rights and choices as others to fully participate in society. Our mission is to enable people who are blind and vision impaired to overcome the barriers that impede their independence and participation in society.

Introduction and background

NCBI welcomes this opportunity to input into ComReg's consultation on ensuring equivalence in access and choice for disabled end-users to electronic communications. Equivalent access and choice is now essential for the economic and social inclusion of people with disabilities and should be a central pillar of any telecoms policy.

Importance of choice for affordability

We note the wording of the regulation as requiring “equivalent access **and choice**”. We believe that equivalent access to *all* available services from *all* service providers is the only way to ensure choice. In a competitive consumer communications market, having access to the full choice of available services is essential for affordability. This a very important consideration for people with disabilities who are more likely to be in

low income brackets due to being disadvantaged in accessing education and employment.

Major issues

In advance of giving our answers to the individual consultation questions, below, we would like to point out what we think are the two most important issues in this consultation. Both highlight a serious deficiency in ComReg's concept of 'equivalence' by introducing proposals that would instead perpetuate inadequate and outdated practices of segregation.

Information access

Equivalence of access to a service means full access to **all parts** of the service, not just access to a subset targeted at or designed specifically for a "special" group. This is a fundamental part of what it means to be *equivalent*. However, ComReg's proposals for the provision of accessible information in section 4.3 (see our answer to Q.7) propose that service providers should only have to make the 'disability services' page of their websites accessible, and **not all the other content**. This inaccessible content would include essential functions for any customer, such as account maintenance, online help, information on tariffs and special offers, web text services, etc. This is **not equality**, this is perpetuating **segregation** and **marginalisation**. It is equivalent to a shopping mall giving people with disabilities access to only one shop – the one containing disability aids – but not to all the other shops selling clothes, shoes, groceries, consumer electronics, etc. Service providers must make their whole online service accessible, including all sections of the website and all mobile apps, otherwise there will not be equivalent access. This is fundamental to the concept of equivalence in access and choice.

Disability awareness training for customer service staff

Again, the proposal for disability awareness training is restricted to only a small part of companies' services. The proposal is for training to be given only to staff handling complaints, suggesting that people with disabilities only need to complain but not to purchase, request information, manage their accounts, upgrade their services, etc. This is not enough. **All customer facing staff** need awareness training so that all parts of the service will provide equivalence in access and choice.

Legal and policy background

In addition to the regulations introduced on foot of the Telecoms Package, Universal Service and Users' Rights Directive and BEREC report, it should be noted that equal access to communications services is guaranteed under the UN Convention of Human Rights for People with Disabilities (UNCRPD) which Ireland has signed and intends to ratify. Article 9 of the UNCRPD states:

UNCRPD Article 9 – Accessibility

1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to ... information and communications, including

information and communications technologies and systems. ... These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

b. Information, communications and other services, including electronic services and emergency services.

2. States Parties shall also take appropriate measures to:

a. Develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;

c. Provide training for stakeholders on accessibility issues facing persons with disabilities;

f. Promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

g. Promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;

h. Promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.

The National Disability Strategy Implementation Plan published in July 2013 further commits Ireland to ensure that all information is accessible to people with disabilities.

NCBI responses to consultation questions

Q.1. Do you agree with the ComReg proposed approach as set out in section 4.2.1 mandating the provision by every Undertaking of an accessible means for disabled end-users to lodge a complaint and/or make an enquiry and the implementation of disability awareness training for staff?

The wording “provide an accessible means for disabled end-users” suggests that there is one means that is accessible for all disabled users. This is not the case. Different disabled users may require completely different means of access. Removing the word “an” would make this clearer.

Recommendation: If this wording is to be used in regulations, it should be changed to “Undertakings should be required to provide accessible means for disabled end-users ...”, with the word “an” removed.

It is not enough just to be able to lodge a complaint. The end-user needs to be able to track progress of the service provider’s response, all the way to the resolution, or not, of the issue. The proposal as it is written only requires undertakings to provide ‘accessible means’, but doesn’t require those means to be “functionally equivalent, such that disabled end-users benefit from the same usability” (Directive 2009/36/EC,

Recital 12). This misses the fundamental point of regulation 17 that access must be “equivalent”, not just available, and that equivalence requires equal usability. Suppose, for example, a service provider offers a complaint or enquiry logging and tracking system accessible via an app on the phone. This would arguably provide a more usable way of tracking the service provider’s response to a complaint or enquiry and any subsequent correspondence than having to make repeated phone calls, SMSs or emails and store the information somewhere. If this app was not accessible, the disabled end-user would have to resort to using a different means, such as phone calls, SMSs or emails, to track progress. This may have lower usability and would not, therefore, be equivalent access.

There is also the issue of discrimination and, in practice, neglect, that occurs when separate access means are provided in preference to a single accessible means. The feeling of many people with disabilities is that when it is possible to make the mainstream means of access to something (a building, a service, or whatever) accessible, failing to do so and instead relying on an ‘alternative’ means of access is seen as discriminatory and insulting. A ‘back door’ approach. In practical terms, the ‘alternative’ is often viewed by the service provider as a ‘minority’ offering which is therefore less important or is at least given less attention. This often leads to it being less well constructed and maintained. A good example is the infamous ‘text only versions’ of websites which used to be provided as an alternative to an inaccessible ‘main’ version. These proved to be very often out of date, error-strewn, sometimes completely broken and generally offered less functionality and access to less of the website content, compared with the ‘main’ versions. This problem also routinely occurs in buildings when a wheelchair accessible entrance is left blocked for a period of time before anyone notices, something that would never happen to the ‘main’ entrance. For these reasons (and to avoid the costs of having to maintain more access channels than are required), it is always preferable to make all means of access accessible, if this is possible. In the example of a smartphone app, this is almost always possible.

Recommendation: Expand this proposal to require Undertakings to provide accessible means for disabled end-users to access the Undertaking’s customer services in order to lodge a complaint, follow the resolution process for that complaint and/or make an enquiry. Require that that any means that is provided to end-users for logging or tracking complaints or enquiries should be accessible to disabled end-users if possible (thus ensuring equivalence), and that if this is not possible, functionally equivalent and equally usable alternative means should be provided.

The proposal to implement disability awareness training for staff handling complaints is welcome but training needs to be extended to all staff who communicate with customers, either directly by having conversations with them or indirectly by producing information to be communicated to them. Also, the required results of the training need to be spelled out in more detail.

We assume that the restriction on the requirement for disability awareness training to “staff handling complaints” is an unintended result of the way this proposal has been written. As it is, it seems to imply that disability awareness training is not required for sales, customer service and support staff, other than those whose job is to handle complaints. Either that or disability awareness is not important except when a complaint is being made. Both of these are obviously wrong and we assume that this was not intended. Disability awareness training is required for the following staff:

- customer facing staff;

- staff who produce customer information;
- staff who distribute customer information.

Although it is only the customer facing staff who deal directly with customers with disabilities, they often use materials produced by other staff. The staff who produce this information therefore also need to be aware of the varying needs of customers with disabilities with respect to media, format, type of information and level of information. This information may be distributed to customers through various channels such as websites, printed materials, SMS messages, email, automated voice response systems, etc., so the staff who manage those channels also need disability awareness training. These staff may be in a number of areas – sales and marketing, customer service, IT, technical support, etc.

Recommendation: Service providers should implement disability awareness training for the following staff to ensure that they are aware of the requirements of disabled end-users and have the requisite skills to appropriately deal with those requirements:

- customer facing staff;
- staff who produce customer information;
- staff who distribute customer information.

The aims of the training need to be spelled out in more detail in order to ensure a minimum level of effectiveness and a level of consistency between service providers. The aim stated in the proposal that staff are “aware of the requirements of disabled end-users” and “have the requisite skills” is vague. It begs the question, “exactly what knowledge do staff need to have and what skills do they need to learn?”. If possible, the proposal should be more precise about stating the required learning outcomes from this disability awareness training. This would help to ensure a basic level of quality in customer service for staff with disabilities. It would also help to ensure consistency across the sector, which is very important for ensuring choice, one of the main aims of this consultation. In the past, people with disabilities have often chosen their service providers on the basis of the quality of their customer service and there have been many cases of people having to change their service provider due to the failure of one to take account of their needs. This effectively limits choice. The 2010 ComReg user needs survey illustrated this by finding that, apart from cost, customer service was the most important consideration for people with disabilities when selecting a service provider.

Recommendation: ComReg should state learning outcomes for disability awareness training. Appropriate outcomes relevant to the sector and its staff could be developed and agreed by the Forum on Services for People with Disabilities.

NCBI is of the opinion that a categorisation of training is required. For example:

Category 1: Training might only involve showing a video about the needs of people with disability during staff induction training.

Category 2: Training might be a 3-hour session showing perhaps some general advice about how best to facilitate people with disabilities as well as some practical training for example.

Category 3: Training could be a full 2-day interactive training course provided by professionals who have many years of experience in the field of disability, as well as by presenters who themselves have a disability.

There could also be specialised training courses specifically for managers of services, for frontline staff, for people who design or maintain websites and / or information leaflets etc. To say that all staff have received training seems to imply that they all received the same type, quality and amount of training. It is not necessary or advisable for all training to take the same form, or the same length of time, or to be delivered by the same people. NCBI would be happy to advise further

Q.3. Do you agree with the ComReg proposed approach as set out in section 4.2.3, regarding the provision by every Undertaking of access to a free directory enquiry service for subscribers that have a vision impairment and/or have difficulty in reading the phone book, subject to subscribers meeting the required certification of disability by a registered medical practitioner or by an appropriate agent?

We agree with ComReg's proposals but certain safeguards and extra conditions need to be put in place to achieve the intended purpose of the free directory service.

For people with vision impairments, it is difficult to 'write down' or record a telephone number spoken to them by directory enquiries. One solution is to receive the number by SMS message, although some users do not have access to a phone they can use to receive an SMS. Typing or recording the number into the phone they are using to contact the DQ service may be difficult or impossible, depending on the phone. Writing down or recording the number externally would require them to have some kind of text, Braille or audio recording device to hand, such as a computer, Braille & Speak, dictaphone or recording MP3 player. The subscriber may not have any of these devices and it would be cumbersome to use them whilst trying to hold the phone and listen to the DQ operator. For these reasons, people who require the free directory service often rely on transfers (onward connection) by the operator. In order to preserve the free service, it is necessary that transfers and receiving numbers via SMS are also free of charge. The user should, of course, pay the costs of the call, but not the connection.

Recommendation: Ensure that free directory users are not charged for receiving directory numbers by SMS or for onward connection.

It will be best if all service providers use the same certification process for the free directory service and that this process be prescribed and hosted by ComReg in a way that ensures it is maximally accessible. Having been certified once, a subscriber should not have to reapply or be re-certified when switching to a different provider.

The current registration process used for 196 seems to work well and seems to be acceptable to all those involved, so this should be adopted by all providers. However, the registration form and acceptance letter are currently both only available in print or Braille formats and the form has to be filled in by hand. Filling in a printed form independently is impossible for many of the print impaired people who the service is aimed at, so this is inappropriate. In order to allow subscribers to go through the

registration process independently, the form should be provided in formats that people who are blind or vision impaired can read and complete themselves and acceptance letters should be available in formats that can be read by blind subscribers who don't read Braille (only a minority of blind people read Braille, although it an essential means of accessing information for those who use it). By far the most accessible format for interactive forms is HTML and we would recommend, in addition to the clear print, Braille and audio options, a solution based on providing an HTML form that can be filled in online and printed after completion for signing by the subscriber and the authorised person. This form could be hosted on the ComReg website and linked to by all service providers, together with information on how to request the other available formats. A less accessible online approach would be to provide an interactive PDF form or an interactive MS Word form that could be downloaded for filling in, although a certain number of users would find these incompatible with their assistive technologies. Another useful approach would be to provide a simple mobile app and this is something ComReg might investigate. Although not suitable for everyone because not everyone has a smartphone, it would seem to be most appropriate to have the registration process for a phone service done through a phone. An app like this could be created by a student as an undergraduate IT project and NCBI would be willing to assist ComReg by finding a suitable student and supporting the project.

Whichever ways are provided for registering for the free directory service, it would make sense for forms, instructions and any other supports to be hosted in a single place, on the ComReg website, rather than by each service provider. This would ensure consistency and quality of service across all providers. We note that the instructions on the eircom website are somewhat incomplete and confusing. The current print registration form is eircom branded and shows eircom contact information, so this would need to be adapted.

Recommendation: Adopt a common certification process and provide registration forms on the ComReg website in multiple accessible formats, including HTML. Ensure that registrations transfer when switching providers.

Subscribers sometimes request their service provider to put a bar on calls from their phones to certain types of numbers, such as premium rate (15xx) numbers. It is important that this should not disable access to the free directory service, whether it is provided through 196 or through any other number.

Recommendation: Ensure that access to the free directory service is not affected by any number barring.

Furthermore, NCBI recommends that the information contained in all correspondence and printed information relating to the free directory enquiry service be available in Braille, audio and clear print. Correspondence and information should state that the printed material is available in braille and audio and provide a phone number for requests. Clear Print is a design approach for written information which makes the print easier to read for everyone including people with low vision.

The form could be completed over the phone with a customer service staff member of the service provider.

Q.4. Respondents are also asked to provide views on whether a cap (specified monetary allowance or specified number of requests for Directory Enquiries free of charge per billing period) should be incorporated with the Accessible Directory Enquiries proposed measure (Q3) and, if so, what the appropriate allowance or number of requests should be.

It seems very unlikely that any individual subscriber would use the free directory service to the extent of putting an undue burden on their service provider. In the case of non-permitted use, where one or more unregistered parties attempt to access the directory service using the PIN of a registered user, this should be dealt with using standard approaches to fraud prevention. It would be unfair to withdraw or limit the service to that subscriber because of fraudulent access by a third party who may have obtained the subscriber's PIN.

Recommendation: Do not implement a cap or restriction on the use of such a directory enquiry service by subscribers with disabilities.

Q.5. Do you agree with the ComReg proposed approach as set out in section 4.2.4 regarding accessible billing?

We agree that the general consumer protection conditions for consumer bills and billing mediums should apply to all customers, including those with disabilities. Also that these protections should be afforded to subscribers with disabilities who are using a service for trade, business or profession because not to do so would hinder people with disabilities in entering employment or self employment, an area where significant barriers already exist and where participation levels are significantly lower than those of the general population.

Recommendation: The consumer protection conditions in respect of consumer bills and billing mediums attached to the General Authorisation should apply to subscribers with disabilities. The requirements imposed on Undertakings in respect of consumer bills and billing mediums should also be imposed in respect of subscribers with disabilities who are not otherwise consumers.

We agree that bills should be provided in an appropriate accessible format for a subscriber and that, whatever the format, the bill should be provided free of charge. However, the meaning of the term 'properly accessible' is unclear. It is important that the regulations make this as clear as possible to reduce the chance that disputes over the accessibility of a bill need to be settled in a legal or quasi-legal process, such as by an appeal to the Equality Tribunal and to create regulations that are effective for both service providers and subscribers.

The lack of clarity over what is meant by 'properly accessible' is partially due to a lack of clarity over what 'accessible' effectively means in situations like this. Whilst there are relatively clear, agreed and testable definitions of technical accessibility criteria for specific technologies (most notably, the Web Content Accessibility Guidelines from the World Wide Web Consortium), things become less clear when you pose the question of what level of accessible is needed, can be expected or should be mandated. The question that needs to be addressed and clarified here is

what constitutes “functional” accessibility, “sufficient” accessibility, “reasonable” accessibility or, using the wording from ComReg’s proposal, “proper” accessibility. It is made difficult due to the different levels of support for accessibility in different digital devices, the costs of assistive technologies and subscribers’ differing digital skill levels, all of which combine to determine whether a given subscriber will have functional access to a bill in a given format.

The simplest way to illustrate this relevant to consumer billing is to consider the very limited example of whether bills in PDF format are ‘accessible’ to subscribers who are blind. In the worst scenario, a PDF bill may simply be an image of a text bill, in which case it is completely unreadable. So that would definitely not be considered accessible. The second worst scenario would be where the PDF bill contains text content, but the structure and semantics of the content are only conveyed by visual layout and styling. For example, headings might be made bigger and bolder than other text, columns might be separated by white space, data items might be placed in tables with row and column borders and headings. In this case, although the visual layout makes the meaning clear to a sighted person, the screen reader will only see a long stream of text without structure or meaning and possibly with words, phrases or sentences appearing seemingly randomly in an incorrect order. It will be impossible to make sense of this, so we can say that this also is not accessible. Now suppose that the PDF content is structured and ‘tagged’ by the author, such that a person able to use the latest version of a commercial PC screen reader application, such as JAWS would find it possible to read everything in the correct order, understand what each item means and know what each data item in the table relates to. Such a person might find the PDF sufficiently accessible. But what if the bill is sent to a subscriber who does not have the latest version of a commercial PC screen reader application, such as JAWS, which costs around €1,000? What if they don’t have a PC but rely on a tablet or smartphone which, even with its in-built screen reading software (e.g. Voiceover in Apple iOS), is unable to read a tagged PDF in an intelligible way? What if there is software available that they could, in theory, load onto their device and learn to use, but they either do not know about it, are unwilling to pay for it or do not know how to use it. The question of what is “sufficient”, “reasonable” or “proper” accessibility then requires judgements as to the level of equipment, skills and resources should be expected from both the service provider and the subscriber. There is no easy one-size-fits-all answer to this.

However, we can go some way towards clarifying things by making certain specific statements, relating to specific formats, disability types and conditions. For example, we can say that an unstructured, untagged PDF can never be considered accessible to a blind subscriber. We could go much further than that to say, for example, that for a bill format to be accessible to a blind subscriber, it must be readable and understandable on PC, tablet and smartphone devices using in-built or free and readily available assistive software. It is not possible to cover all the different scenarios within this submission and these questions are best left to ComReg to decide, in conjunction with service providers and people with disabilities or their representatives.

When talking about accessible mediums, it should not be necessary to include wording such as “(including Braille)” and doing so may help to perpetuate certain erroneous beliefs, such as that billing formats are only an issue for people with vision impairments and that Braille is the preferred medium of choice for this group. The reality is that with the increasing use of digital and online formats for billing, the accessibility of the format is an issue for anyone who uses a digital device such as a PC, laptop, tablet or phone to access and read a written bill. Accessibility issues arise in this context for many people with physical, intellectual and cognitive disabilities. Even among people with vision impairments, most have various types

and levels of reduced vision and few are totally blind. Even fewer read Braille. Most of those who are totally blind prefer structured text, HTML or audio formats. This is not to say that Braille is not an important format for some people but it should not be singled out over other formats.

Recommendation: Any and all bills issued to a subscriber with a disability by an Undertaking should be provided free of charge in a medium accessible to that subscriber with a disability. ComReg should clarify what is meant by “properly accessible”. Appropriate clarifications relating to specific formats, disability types and conditions could be developed and agreed within the Forum on Services for People with Disabilities. ComReg should avoid singling out Braille as an example of an accessible format. If an example is required, it would be better to refer to the ability to use mainstream technologies in accessible ways, such as ‘accessible HTML’ or ‘structured and tagged PDFs’.

Q.7. Do you agree with the proposed approach outlined in section 4.3 regarding the provision of accessible information in respect to, but not limited to, products and services and accessibility of information channels?

Being able to access and choose between services is dependent on the full availability of information about those services, so we fully support the requirement that access to such information should be ensured by all service providers. However, the requirements specified by the ‘one-click initiative’ in the ComReg Forum on Services for People with Disabilities are not sufficient to ensure equality of access and choice to information and services available to other end-users. The ‘one click initiative’ within the Forum was very limited in its aim. It aimed to ensure that people with disabilities have online access to information about products and services aimed specifically at people with disabilities. It therefore proposed that service providers provide that information in an accessible form by putting it on a disability services page of their websites and making that page and the home page accessible. Regulation 17 requires ComReg to go much further than this to ensure equal access and choice of all products and services available to all customers, not just those aimed at people with disabilities. This requires equal access to all information about products and services and all service functionality available through the website, such as phone registration, account management, online top-ups, offers and promotions, store locators, signing up to new services, web texting, help and online support. The same should also be true for information and services available through other channels such as mobile apps. Only when people with disabilities have access to the full service provisions of each company, using the various online and mobile mechanisms that are available to other customers, will they have equality of access and choice. Anything else would leave them stuck in a past age where, if they want to avail of this information and services, they have to make a phone call or write a letter. ComReg must therefore put a requirement on all service providers that all information and services available through the web, mobile apps or any other digital or online channels must be fully accessible to people with disabilities.

It is absolutely necessary for ComReg to issue mandatory requirements on the accessibility of information and services through providers’ websites. Experience has shown that some service providers will not voluntarily make the information on their websites accessible, even to the minimum level required by the Forum’s ‘one click initiative’. This ‘one click initiative’ was first proposed by ComReg in in April 2007

(Forum meeting number 4) and adopted by service providers (BT Ireland, eircom, Vodafone, Meteor, O2) in June 2007 (meeting 5). However, the subsequent response was extremely poor. In January 2009, Mark Magennis from NCBI reported that of the six providers (now including Three, which had since joined the Forum), one did not have any information at all for people with disabilities, four had little or no information on accessible equipment and services available, two did not link to the Consumer Guide, the four which did link provided the Guide only in an inaccessible PDF format and none of the service providers' websites (home page and disability services page only) met the WCAG accessibility criteria. Service providers were invited to engage with NCBI regarding survey feedback. None did. The issue was raised again in meetings 10, 11, 12, 13 and 14.

Now, over six years later, the current situation with the five providers (excluding BT Ireland) is as follows:

- One still provides no disability information at all and has no link to the consumer guide.
- Two of the other four have no information about services for people with disabilities and one has no information about products.
- Only one uses the correct link to the guide and one links only to inaccessible PDF versions.
- All have accessibility failures on the relevant pages, so that none are fully compliant with WCAG 2.0 at either level A or level AA.

It is clear from this that the requirements need to become mandatory, otherwise the providers will not do what is required to make information available and accessible on their websites and consumers will not have the information necessary to make informed choices.

ComReg's proposals cover "information regarding its products and services including all information provided to the majority of end-users". This wording is problematic because "majority", strictly speaking, means over 50%. If people with disabilities are to have the same access to information and services as everyone else then this should also apply to that that is provided only to a minority of subscribers. For example if 30% of a provider's customers are pre-paid and 70% post-paid, people with disabilities still need equal access the information provided only to the minority pre-paid customers. A preferred wording would be simply "information regarding its products and services provided to end-users". Further than this, people with disabilities need access to the services themselves, not just information about services. Since many of these services are now available through service providers' websites or mobile apps and these are now by far the most convenient and cost-effective access points for end-users, these therefore need to be fully accessible.

When stating a requirement for compliance with the Web Content Accessibility Guidelines (WCAG 2.0), it is necessary to state the level of compliance that should be reached. This should be A, AA or AAA. In almost all cases where WCAG is referenced within national laws and regulations, including in Ireland within the NDA Code of Practice relating to Sections 26 to 28 of the Disability Act, 2005, the required level is AA. This represents the de facto international standard for web accessibility and is the standard that we would support as it is easily achievable and provides an acceptable minimum level of accessibility that removes most of the barriers associated with most types of disability.

In the first bullet point under 117, the following phrase is incorrect: "the Web Accessibility Initiative, as developed by the World Wide Web Consortium (W3C)". This should refer to the "Web Content Accessibility Guidelines (WCAG 2.0)" which

are developed by the Web Accessibility Initiative of the World Wide Web Consortium (W3C).

For many subscribers, online and mobile are now the primary channels used for accessing information and services. However, significant numbers, particularly older users, still rely on offline channels such as telephone and printed materials. Due to the age-related nature of many disabilities, a lot of people with disabilities are older. It is therefore important that information and services are available also through these channels. This includes, but should not be limited to, contractual information and information about complaints handling procedures. Information should be made available in printed formats including Braille, audio, clear print, Easy to Read and accessible online versions. Services such as top-ups, offers and promotions, signing up to new services, help and online support should be available through the telephone. Note that the requirement that “all of these formats must be printable” doesn’t apply to audio information.

Recommendation: The proposed approach outlined in section 4.3 regarding the provision of accessible information needs to be extended to cover all online or mobile services as well as information about those services. It needs to ensure that any information and services available to any end-users, not just a majority of end-users, are accessible to users with disabilities. Undertakings should be required to ensure that all information and services made available to end-users through online, mobile and offline channels wherever possible. Undertakings’ websites should comply in full with the Web Content Accessibility Guidelines (WCAG 2.0) at level AA. All information and services available to end-users through mobile apps or other digital or online channels should be accessible to end-users with disabilities. Where mobile apps are concerned, accessibility includes being compatible with the in-built accessibility features of mobile operating systems, such as Voiceover on the iPhone.

Q.8. Do you agree that every Undertaking should set up and maintain a facility (to record as a minimum details set out in section 4.4 above) to enable disabled subscribers to register their requirements allowing Undertakings to record details to facilitate the regular provision of relevant and appropriate information and/or products and services to disabled subscribers and for this information to be provided to a nominated third party contact if appropriate and necessary?

In order to provide an accessible and appropriate service to subscribers with disabilities, providers need to know certain basic information about them, including names and contact details, preferred methods of communication and billing, otherwise attempts to communicate with them may be impossible, inappropriate or unsuccessful. Going beyond this basic information and recording additional details, for example terminal equipment requirements, will enable providers to inform them of new products, services, information and communication methods that may meet their requirements. With respect to ComReg’s proposals for the minimum details that providers should collect:

- *Name, address, contact details:* **Name and contact details essential.** Providers need to know all subscribers’ names and contact details anyway, in order to provide a service to them at all. **Address only if subscriber has requested postal contact.** There is no need to know the subscriber’s address if that is not needed for communication using the subscriber’s

preferred means. E.g. if a subscriber prefers online or email communication, there should be no need to know their geographical address.

- *Third party nominated contact name and contact details:* **Essential if nominated.** If a third party is nominated to act on behalf of a subscriber with a disability then the provider should have to record sufficient details of this third party to be able to communicate with them, e.g. their name, contact details and preferred means of communication.
- *Preferred means of communication:* **Essential.** For subscribers with disabilities, providers should have to know their preferred methods of communication, otherwise attempts to communicate with them may be inappropriate and unsuccessful. Knowing a subscriber's preferred means of communication will also enable the provider to inform them of new communication methods that may meet their requirements.
- *Preferences in respect to bundles (for example broadband or text only):* We don't understand what is meant here. For example, what is a "text only" bundle?
- *Details of any special terminal equipment required:* **Not 'details', but functional requirements of terminal equipment.** Knowing a subscriber's functional requirements will enable the provider to inform them of new products that may meet these requirements.
- *Details of any alternative billing medium requirement:* **Essential so that the provider will know how to bill them.** However, this should not be called an "alternative". It should be referred to as a "preferred" billing medium. Referring to some billing mediums as 'alternative' singles them out as special in some way. It is less discriminatory to regard all billing mediums as just different preferences or choices that suit different people.

The needs and preferences of subscribers with disabilities frequently change over time, so service providers should be required to take steps to keep this information up to date. This could be done by periodically reminding subscribers with disabilities of the details that are held about them and giving them an easy way to communicate required changes to those details.

Although the details recorded about a subscriber can be used to help service providers inform them of new products, services, information and communication methods that may meet their requirements, this should only be done if the subscriber has given consent to receiving these notifications. This should be done using an opt-in approach, where the subscriber is presumed not to want to receive information unless they have explicitly agreed to it. Regardless of whether a subscriber has opted in to receive notifications, this should never be used to send other types of targeted information, such as general advertising.

It should be mandatory for service providers to pro-actively collect these details from all new customers on signing up to the service. This will ensure that subscribers receive the most accessible service from the outset and are not expected to request changes after having started with an inaccessible service. However, pre-registration should not be mandatory for receiving accessible products, services and information. Subscribers should be able to request alterations to their recorded details at any time.

Recommendation: Service providers should collect and record the following details for all subscribers when they first sign up for the service:

- Name

- Contact details
- Third party nominated contact name and contact details (if appropriate)
- Preferred means of communication
- Preferred billing medium
- Functional requirements of terminal equipment

Service providers should take steps to keep this information up to date by periodically reminding subscribers with disabilities of the details that are held about them and giving them an easy way to communicate required changes to those details. Subscribers should be able to request a copy of the details recorded about them and request alterations to these details at any time.

The details recorded about a subscriber can be used by service providers to inform them of new products, services, information and communication methods that may meet their requirements. However, this should only be done if the subscriber has given consent to receiving these notifications using an opt-in approach where the subscriber is presumed not to want to receive information unless they have explicitly agreed to it. Regardless of whether a subscriber has opted in to receive notifications, this should never be used to send other types of targeted information, such as general advertising.

We wonder is there a need to put conditions on the use of third parties and what they can or cannot do on behalf of the subscriber. We note that ComReg's proposed approach (in 127) only includes the ability to collect contact details of a third party nominated contact. But then question 8 then asks whether service providers should be allowed to provide all the subscriber's details to this nominated third party. This is not part of the proposed approach as it is written.

Q.9. Are there other requirements not identified by this consultation document which, in your opinion, fall within the scope of Regulation 17 that ComReg should consider? Please provide reasons to support your view.

There is nothing in the consultation about the right of withdrawal if the service is not accessible but is advertised as such. In most countries, depending on national law provisions, consumers are entitled to withdraw from a contract if the terms of that contract are not fulfilled by the other party. This 'right of withdrawal' (and the related, potential right to be compensated for any resulting loss or damage), should cover services which turn out not to be accessible, if this is what was promised at the pre-contractual stage.

There are no proposals at all about text relay or total conversation services. Although this is not an issue that affects people with vision impairments, unless they also have hearing loss, we understand it is a vital service for many people who are deaf or hard of hearing.

Q.10. Do you have any views with regard to timeframes for each of the specific measures? Please provide evidence and reasons to support your view.

Accessibility of complaint lodging and tracking (question 1 / section 4.2.1):

Undertakings should be able to provide accessible means for disabled end-users to access their customer services in order to lodge a complaint, follow the resolution process for that complaint and/or make an enquiry within six months at the maximum. If they provide online or mobile apps for logging or tracking complaints or enquiries, they should be given one year at most to make these accessible or to provide functionally equivalent and equally usable alternatives. This gives sufficient time for the service provider to schedule accessibility work with other technical developments, in order to minimize costs.

Staff disability awareness training (question 1 / section 4.2.1):

Service providers should be able to roll out disability awareness training meeting the stated learning outcomes within six months of the learning outcomes being agreed and published.

Free directory enquiry services (question 3 / section 4.2.3):

It shouldn't take more than six weeks for service providers to complete the administrative work required to put in place a free directory service with the appropriate conditions fulfilled. Most are already providing access to 196.

Accessible billing (question 5 / section 4.2.4):

The timeframe for making bills accessible depends on the specific requirements for accessibility which are not specified here and will need to be worked out by ComReg in conjunction with the Forum.

Accessibility of information and services (question 7):

Service providers can be allowed one year to make all end-user information and services on their websites compliant with WCAG 2.0 AA and to ensure the accessibility of mobile apps and other digital or online services or information channels. Although most service providers have already achieved a significant level of accessibility across their online services, some will have a bit more work to do. To minimise the cost of this work it is best to allow enough time for the service provider to schedule it in with the next planned upgrade to their online services. However, allowing more than one year to elapse before equivalence of access and choice is assured would be unacceptable to people with disabilities.

Further consultation

NCBI hopes that Comreg will consider these recommendations in light of the arguments given in order to ensure true equivalence in access and choice, not just a measure of improvement in accessibility. We would be happy to discuss the issues above in more details and to be involved further in the consultation process.

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9 National Disability Authority

National Disability Authority
Policy Advice Paper
on
ComReg Consultation 13/58
Electronic Communications:
Proposed Measures to Ensure Equivalence in
Access and Choice for Disabled End-Users
September 2013

Introduction

The National Disability Authority is the statutory body providing independent expert advice on disability policy and practice, and promoting Universal Design in Ireland. The National Disability Authority welcomes the opportunity to put forward a policy advice paper to the present consultation.

It is important for ComReg to note that it is the Government's intention that the UN Convention on the Rights of Persons with Disabilities will be ratified as quickly as possible once all the necessary legislative and administrative requirements under the Convention have been met. Under the Convention States have an immediate obligation to ensure a minimum essential level of enjoyment of each economic, social and cultural right.

States have an obligation to take steps towards the progressive realisation of these rights. A State, for example, can develop a plan of action which should include

- (a) a time frame for implementing economic, social and cultural rights
- (b) time-bound benchmarks of achievement

Under Articles 4¹ and 9² of the Convention, ratifying States:

To undertake or promote research and development of **universally designed goods, services, equipment and facilities**, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines. Universal Design is defined under Article 2 of the convention.³

shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, **to information and**

¹ <http://www.un.org/disabilities/convention/conventionfull.shtml>

² <http://www.un.org/disabilities/convention/conventionfull.shtml>

³ “Universal design” means the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design. “Universal design” shall not exclude assistive devices for particular groups of persons with disabilities where this is needed.

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communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas

The National Disability Authority (NDA) welcomes this consultation document as making good progress in this area.

Q.1 Do you agree with the ComReg proposed approach as set out in section 4.2.1 mandating the provision by every Undertaking of an accessible means for disabled end-users to lodge a complaint and/or make an enquiry and the implementation of disability awareness training for staff? Please provide reasons to support your view.

NDA believes that in relation any aspect of the customer service experience applying Universal Design principles reduces discrimination exposure and will enable a wider number of end-users to avail of the services offered. Universal Design prioritises the customer's ability to understand and use the information and services provided which in turn will reduce downstream costs required to support disabled end-users who require assistance to understand or use the service provided.

It should be the primary goal of every Undertaking to meet the needs of as many existing and potential end-users as possible. Universal Design provides a way to achieve this goal. It promotes designs that are accessible to, usable by and understandable by as many end-users as possible.

The more flexible a service is, and the more options it provides to customers, the higher the probability of that service meeting the diverse needs of as wide a customer base as possible.

Universal Design should be considered throughout the entire customer experience from when the customer first reads or hears about a service provider right through to when they are a full paying customer and whether they need to use an Undertaking's complaints procedure.

Any Undertaking that positively contributes to society by incorporating a Universal Design approach is likely to receive a reputation for having a high level of corporate social responsibility. It should reduce the requirement for costly and wasteful retrofitting and to create a sustainable service that meets the needs of all people regardless of their size, age, disability or ability who wish to use it.

The NDA highlights the following resources that may be of benefit to ComReg and the Undertakings in bringing about accessibility and choice for disabled end-users:

Suggested curriculum for disability equality training:

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<http://accessibility.ie/ProvideDisabilityEqualityTrainingToStaff/#SuggestedCurriculumForDisabilityEqualityTraining>

Alternative formats for public information:

<http://accessibility.ie/MakeYourInformationMoreAccessible/AlternativeFormatsForPublicInformation.doc>

Q.2 Do you agree with the ComReg proposed approach as set out in section 4.2.2 regarding the provision by every Undertaking providing pre-paid mobile services of a SMS top-up facility for disabled end-users of pre-paid mobile services that includes accessible payment methods, top-up receipts (vouchers) outlining steps required to apply the credit and confirmation of the top-up? Please provide reasons to support your view.

The NDA welcomes this innovative and practical provision. Mobile phone technology has had a huge impact on the ability of disabled end-users to communicate and engage with their fellow citizens. Disabled end-users are, however, among the poorer members of society. Four out of ten people with disabilities experienced increased deprivation between 2009 and 2010 according to a European Union survey conducted in Ireland.

The results of the Survey on Income and Living Conditions 2010⁴ show that people with disabilities experienced by far the highest level of deprivation in 2010 compared with other household types such as the retired, the unemployed or students. Their deprivation rate was 42%.

It follows that there is an increased likelihood that disabled end-users are more likely to be pre-paid customers because they have to budget their call costs more closely. It is essential have equivalent access and choice when topping up their phones.

⁴ <http://www.cso.ie/en/media/csoie/newsevents/documents/silcprelim2010.pdf>, Central Statistics Office

Q.3 Do you agree with the ComReg proposed approach as set out in section 4.2.3, regarding the provision by every Undertaking of access to a free directory enquiry service for subscribers that have a vision impairment and/or have difficulty in reading the phone book, subject to subscribers meeting the required certification of disability by a registered medical practitioner or by an appropriate agent? Please provide reasons to support your view.

Q. 4 Respondents are also asked to provide views on whether a cap (specified monetary allowance or specified number of requests for Directory Enquiries free of charge per billing period) should be incorporated with the Accessible Directory Enquiries proposed measure (Q3) and, if so, what the appropriate allowance or number of requests should be. Please provide reasons to support your view.

NDA recognises the difficulty that persons with a vision or learning impairment may have in accessing a print version of the phone directory. NDA supports the practice of providing a free directory enquiry service to people who cannot use the printed phone book. NDA suggests that the Eircom on-line phonebook at <http://www.eircomphonebook.ie> could and should be made accessible.

NDA recognises there may be a cohort of people with vision or learning impairments including older people for whom a dedicated “Accessible Directory Enquiries” service is required. NDA web research shows that many people have difficulty using public sector websites, but that many more would be if they were easier to use and accessible.⁵ NDA research shows that many persons with disabilities also wish to use the web as a tool for accessing information and content.

Therefore the NDA suggests that ComReg considers requiring that the Eircom online telephone directory be made fully accessible in conformance with the

⁵ <http://www.universaldesign.ie/web>

commonly used and accepted international standards - WCAG 2.0 from the W3C⁶. This would likely reduce the number of callers to the free directory enquiry service while giving equivalence of access to the online phone directory to those disabled end-users with vision and learning impairments that would choose to use such an online service.

This may also facilitate a reduction in the need to the 'cap' of calls to Accessible Directory Enquiries.

⁶ <http://www.w3.org/TR/WCAG20/>

Q.5 Do you agree with the ComReg proposed approach as set out in section 4.2.4 regarding accessible billing? Please provide reasons to support your view.

As a general point, and taking into account questions 5, 6 and 7 in particular, NDA recommends that all Undertakings' websites should be accessible, in conformance with the commonly used and accepted international standards, WCAG 2.0 from the W3C.

NDA recommends that such a requirement would entail a phased approach, as it would not be practical to expect Undertakings to make their websites accessible with immediate effect. NDA is available to discuss this further but suggests in the first instance that ComReg set a clearly defined level of accessibility based on the international guidelines, a realistic date by which this is to be achieved, the scope of the websites to be covered by the regulations and resources and other supports available to Undertakings to assist in this transition. Again, NDA is available to assist in these matters, particularly in the provision of resources materials and guidance.

This would enable all users that have the means of access to the internet, to access their billing information online.

With the increase in prevalence of electronic billing, NDA recommends that all electronic bills are accessible by default. Electronic bills are predominantly provided in PDF format and the technology used to both produce and access this format is such that it can be made accessible.⁷

By providing all bills in accessible formats by default, Undertakings will reduce the demand for bills in alternative formats.

Furthermore, the NDA's Centre for Excellence in Universal Design (CEUD) has a statutory remit to assist and lead in the development of standards related to the provision of, inter alia, electronic information and systems under the Disability Act 2005.

NDA has developed two national standards on "Universal Design for Customer Engagement" for the tourism and energy sectors which are available from the

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<http://universaldesign.ie/newsandevents/presentationsuniversaldesignfordigitaldocumentcreationandpublication>

National Standards Authority of Ireland website.⁸ Both standards and their related Toolkits cover PDF accessibility.⁹ NDA worked in 2012 with the Commission for Energy Regulation and Irish energy suppliers to develop a national standard document of “Universal Design for Energy Suppliers”.¹⁰

NDA/CEUD would be happy to assist ComReg when considering the development of standards so that they can be developed and made available in an open, transparent and non-commercial way.

NDA also points to the development of a European Accessibility Act, in which the European Commission is investigating the need to impose accessibility requirements for a range of commercial entities such as banks and which may be extended to include information provided by telecommunications providers.¹¹

On a more specific issue if Undertakings must use a Captcha on their websites, they should explain why it's on the webpage, and make sure that it doesn't only rely on one human sense¹².

Captchas prevent people from using services. In particular, people who are not native English speakers will have more trouble with Captchas. A team from Stanford University found that “non-native speakers of English are slower in general and less accurate on English-centric Captcha schemes”¹³. This could equally apply to people with learning or intellectual disabilities as well as older people.

Most commonly, websites that conform to WCAG use reCAPTCHA¹⁴ because it allows users to either type what they see, or type what they hear, however,

⁸ <http://www.nsai.ie> <http://www.standards.ie>

⁹ <http://www.universaldesign.ie/tourism>

¹⁰ <http://www.nsai.ie/Special-Pages/News/NSAI-Develop-World%E2%80%99s-First-Standard-on-Universal-D.aspx>

<http://www.standards.ie>

¹¹

http://ec.europa.eu/governance/impact/planned_ia/docs/2012_just_025_european_accessibility_act_en.pdf

¹² <http://www.w3.org/TR/UNDERSTANDING-WCAG20/text-equiv-all.html>

¹³ http://www.stanford.edu/~jurafsky/burszstein_2010_captcha.pdf

¹⁴ <http://www.google.com/recaptcha>

reCAPTCHA causes problems for some people with dyslexia, and is impossible to use for people who are both deaf and blind.

Captchas don't make websites secure. A team in Simon Fraser University demonstrated a method that could: "successfully pass [a Captcha] 92% of the time"¹⁵; also, hackers and spammers pay people to solve Captchas for them¹⁶. A determined hacker will just solve a Captcha himself, as part of a hacking attack. To prevent database hacking, you should sanitise user inputs, use parameterised stored procedures instead of adding user input to SQL Insert statements or SQL Update statements, and so on¹⁷.

¹⁵ <http://www.cs.sfu.ca/~mori/research/gimpy/>

¹⁶ <http://www.zdnet.com/blog/security/inside-indias-captcha-solving-economy/1835>

¹⁷ <http://msdn.microsoft.com/en-us/library/ff647397.aspx>

Q. 6 Do you agree with ComReg’s proposed approach as set out in section 4.2.5 that every Undertaking selling terminal equipment should be required to make available a testing facility for disabled end-users who use a hearing aid or have a cochlear implant, to test terminal equipment at the Undertaking’s retail shops, in advance of purchasing the terminal equipment, and that the testing facility should be supported by on-site staff that are easily accessible and trained in the use of terminal equipment and are adequately equipped to address any queries raised by disabled end-users in advance of purchase? Please provide reasons to support your view.

While the consultation document acknowledges

The lack of availability of accessible handsets with a range of packages/price options means there is limited choice for disabled end-users who require only basic services.

it subsequently focuses on provision related only to users of hearing aids and cochlear implants.

NDA fully supports the proposal to provide further information on hearing compatibility to end-users.

NDA recommends that this provision is expanded to cover the needs of people with difficulties other than hearing such as people with vision, dexterity, speech, cognitive and learning impairments which also covers older people .

The main requirement would be that end-users are provided with accurate information on the capability of the handsets on sale. This would require Undertakings to request such information from manufacturers and relay this information to consumers in a way that is easy to understand and access.

Taking a Universal Design approach, NDA foresees such information being of benefit to many users, not just end-users with a disability. For example, a phone that is advertised as having an “adjustable text size” feature may attract older customers, people with low vision or people who need reading glasses to use their current phone. NDA suggest that ComReg investigates providing information on the accessibility and usability features of handsets with

Undertakings as a matter of regulation, but also a means of the Undertakings attracting new customers and retaining current ones.

NDA is available to provide further advice and guidance on any such labelling or information system.

There is a website where such information is provided and suggests that Undertakings could easily compile such information on the existing and new handset offerings¹⁸.

¹⁸ <http://www.mobileaccessibility.info/>

Q. 7 Do you agree with the proposed approach outlined in section 4.3 regarding the provision of accessible information in respect to, but not limited to, products and services and accessibility of information channels? Please provide reasons to support your view.

In line with responses to Questions 5 and 6, NDA recommends that ComReg prioritises considering the accessibility of Undertakings websites.

While NDA appreciates the merit and practicality in the approach of providing a Disability Section on the website, it cautions that the experience from other sectors is that such an approach is ineffective and results in duplication of work on behalf of the provider but often results in the information not being as up to date as the main web site.

The most famous incident involved Tesco UK which provided a disability-friendly option on its website, in response to requests to make their entire website with its online shopping services accessible. Tesco UK enjoyed some initial praise for this initiative.¹⁹ Inadvertently Tesco UK did not update the second, accessible version of its website and many offers provided on its default website were not available on the accessible version, resulting in large amounts of negativity and adverse reactions for disability representative bodies.

It is noteworthy that when Tesco UK did redesign their **entire** online presence to be fully accessible, they enjoyed a significant return on investment as more consumers then chose to use the easier to use and accessible website.²⁰

NDA believes that a phased approach to requiring Undertakings to make their websites accessible would result in significant benefits to both the companies and their customers, while assisting the Undertakings to meet their regulatory obligations on the provision of equivalence of access and choice.

¹⁹ <http://www.out-law.com/page-4645>

²⁰ European Commission, 2012. "Commission Staff Working Document Impact Assessment Accompanying the Document - Proposal for a Directive of the European Parliament and of the Council On the Accessibility of Public Sector Bodies' Websites", available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SWD%3A2012%3A0401%3AFIN%3AEN%3APDF>

The NDA's web accessibility statement template²¹ shows how Undertakings can state their commitment to web accessibility while also helping end-users with disabilities by specifying which sections of their website have to be improved, and explaining alternative ways that people can access those services.

²¹ <http://accessibility.ie/MakeYourWebsitesMoreAccessible/AccessibilityStatementTemplate.html>

Q. 8 Do you agree that every Undertaking should set up and maintain a facility (to record as a minimum details set out in section 4.4 above) to enable disabled subscribers to register their requirements allowing Undertakings to record details to facilitate the regular provision of relevant and appropriate information and/or products and services to disabled subscribers and for this information to be provided to a nominated third party contact if appropriate and necessary? Please provide reasons to support your view.

Registration helps build a relationship between the customer and the service provider. It would be important for a service provider to know how many customers would require alternative billing methods, for example. It also helps safeguard any free/targeted services that are available to disabled end-users from being misused by other end-users.

There is a recent precedent for this with the pre-registration requirement for intending users of the 112 Emergency SMS Service,²² which is operated under the remit of the Dept of Communications, Energy and Natural Resources. The 112 SMS service lets deaf, hard of hearing and speech-impaired people in the Republic of Ireland send an SMS text message to the Emergency Call Answering Service where it will be passed to the appropriate emergency service(s).

ComReg and the Undertakings will need to be aware of any arrangements that a disabled end-user may have under the recently published Assisted Decision-Making (Capacity) Bill 2013.²³ The Bill sets out a continuum of supports for people with different levels of decision-making capacity. Depending on the person's level of capacity, the supports range from someone assisting a person to manage their everyday decisions and transactions (e.g. setting up a direct debit account with an Undertaking) to someone making decisions on the person's behalf. When the Bill is enacted and these supports come into operation, there will be implications for Undertakings in dealing and communicating with disabled end-users who may lack capacity and are supported by someone (as set out in the legislation).

²² http://www.112.ie/Registering_your_mobile_phone/143

²³ <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2013/8313/b8313d.pdf>

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The NDA welcomes the fact that ComReg will be getting guidance from the Office of the Data Protection Commissioner on these matters.

Q. 9 Are there other requirements not identified by this consultation document which, in your opinion, fall within the scope of Regulation 17 that ComReg should consider? Please provide reasons to support your view.

NDA recommends that ComReg investigates further the feasibility of all Undertakings providing a text relay service for disabled end-users with hearing and speech impairments that is compatible with mobile technology.

In the UK Ofcom has published a decision on the provision of a Next Generation Text Relay service²⁴. This decision involves a requirement on Undertakings in the UK (both fixed and mobile) to provide access for their customers to an improved relay service by 18 April 2014.

NDA recommends that any such service such use internationally recognised standards so as to facilitate, in future, interoperability with other services available in other jurisdictions such as the UK.

²⁴ <http://stakeholders.ofcom.org.uk/binaries/consultations/relay-services-review-12/statement/statement.pdf>

Q. 10 Do you have any views with regard to timeframes for each of the specific measures? Please provide evidence and reasons to support your view.

The NDA would like to see a proactive approach and set timelines regarding the implementation of the measures. ComReg and the Undertakings will obviously need to sit down and come to an agreement on what be realistically implemented and when.

On a general note ComReg's Forum on Electronic Communications Services for People with Disabilities has been operating since 2006. While some welcome progress has been made this consultation process could act as an accelerator to encourage the Undertakings to adopt the measures in the consultation document.

Finally the NDA would like to state that any proposed delineation that the NDA would be available to advise ComReg.

10 Sign Language Interpretation Service

Sign Language Interpreting Service submission to Commission for Communications Regulation

Reference ComReg13/58b:

Electronic Communications: Proposed Measures to ensure equivalence in Access and Choice for Disabled End-users

Sign Language Interpreting Service (SLIS) welcomes the consultation by the Commission for Communications Regulation for future developments in regards to Electronic Communications: - Proposed measures to ensure equivalence in Access and Choice for Disabled End-users.

SLIS is the National Sign Language Interpreting Service for Ireland. We were established upon the recommendation of the 2006 Prospectus Report on Sign Language Interpreting Services & Provision in Ireland, through the Citizens Information Board after the dissolution of the first national Interpreting Agency - Irish Sign Link.

SLIS Mission Statement

SLIS will promote, represent, advocate and ensure the availability of quality interpretation services to Deaf people in Ireland.

The overall goal of SLIS is to ensure that Deaf people can easily exercise their rights & entitlements under the Equal Status & Disability Acts and access their rights and entitlements to public and social services.

In November 2010, the Board of SLIS carried out a comprehensive review of our services & delivery with the aim of focusing our resources on how to best meet the needs of the Deaf Community under the current statutory obligations. The resulting Strategy Document for 2011-2014 outlines the overall vision for the organisation:

The Board agreed that in the coming years, a newly reconstituted SLIS should focus its efforts in the following areas:

- Promoting and advocating for the right to high quality interpreting services – particularly in relation to the interaction of Deaf people with State agencies and services
- Promoting best practice in the field of sign language interpreting
- Advocating quality standards among interpreters and their client organisations
- Meeting social interpreting needs – which might otherwise remain unmet
- Actively working towards the introduction of new technologies with the potential to improve the quality of interaction for Deaf people- such as the introduction of the Irish Remote Interpreting Service (IRIS)
- Facilitating the delivery of a national emergency sign language interpreting service

IRIS is a new project where the interpreter is based in the SLIS centre and interprets through a webcam & speakers to the Deaf and hearing clients in another location using programmes such as

Skype, ooVoo or Webex. IRIS is most suitable for short meetings, information or inquiries within public services, and allows for video relay calls. This project is a collaboration of SLIS, DeafHear.ie and the Irish Deaf Society.

As part of our policy development we have collaborated with the HSE, National Disability Authority & Department of Justice, Equality & Law Reform Disability Policy Unit. There are two specific references to our IRIS project in the National Disability Strategy Implementation Plan 2013-2015. Using the IRIS project as one possible solution, SLIS is looking to develop national policies to improve access to services for the Deaf community. Based on our experience to date, we would feel that there are some key issues that should be considered in the context of all future developments within Government Departments.

Irish Sign Language (ISL)

Irish Sign Language is the main language of the Deaf community in Ireland. ISL is a more natural language for a Deaf person as it uses the entire body, hands as well as facial expressions. The reason it is called "Irish Sign Language", is that it is native to Ireland and the people who use it are Irish, therefore it is called Irish Sign Language. It bears no connection to spoken Gaeilge (or spoken English).

Irish Sign Language, like all signed languages, is not just about the movement of the hands and using hand shapes. It also largely involves using body movement, facial expressions and using the space around you to tell your story. It is fundamentally a visual language and has its own complex linguistic features including grammar and syntax.

Some issues to be aware of

- Some Deaf and Hard of hearing people experience low levels of literacy and educational attainment as English is not their primary language which may make communicating in written English difficult.
- Communicating effectively is a two-way process. It is the responsibility of both parties to be able to understand each other. An Interpreter is often necessary for both the hearing and Deaf individuals.
- In a professional setting, it falls to the practitioner to ensure that the correct communication method is used to ensure that the Deaf person receives full information from that meeting.
- Staff must provide access to the Deaf person in all settings for full & meaningful interactions to take place.
- Deaf and Hard of Hearing people are often embarrassed to say that they don't understand what the other person is saying to them
- In some cases children, family members or members of staff have had to interpret for a Deaf person. This can lead to problems of privacy, confidentiality and accuracy in translation. This type of translation is not a practice condoned by SLIS.
- One barrier to accessing public services is a lack of information provided in ISL. All services should be accessible through ISL or with some other communication strategy aids such as maps, pictures, diagrams etc.
- Government Departments, Public Bodies/Services are obligated under law to ensure their services are accessible to Deaf clients. (Equal Status Acts 2000; Equality Act 2004; Disability Act 2005 where "reasonable accommodation" is specified)

Comments on Proposed measures as outlined in Information Notice ComReg 13/58b

First and foremost it is imperative to note that SLIS' comments are not reflective of the needs of the 96,000 hard of hearing individuals and any representation or viewpoints expressed here are solely in relation to the 3,500 Deaf individuals whose primary language is Irish Sign Language (ISL). While there may be some audiological similarities between individuals with little or no hearing. There are vast differences in the experiences of those whose primary language is English (i.e. people who have acquired deafness over the years or who became deaf after acquiring English as a primary language) and those whose primary language is ISL. The viewpoints in this submission represent concerns that SLIS have in relation to Deaf ISL users.

As part of its remit, SLIS in partnership with DeafHear and the Irish Deaf Society have been piloting the Irish Remote Interpreting Service known as IRIS. IRIS offers the Deaf community an opportunity to access services in their primary language and empowers individuals to take care of their own daily issues without reliance on friends or family members to translate and to receive this information in their native language. IRIS has been developed in response to the legal and statutory requirements to increase Deaf individual's access to public services and information. Although reference to studies by Offcom indicates the lack of viability for the UK Deaf community- our experience to date with IRIS in Ireland is showing a growing need & take-up for this service. This is largely due to differences in scaling to a similar UK based service and payment structures for interpreting that exist between the two countries.

IRIS offers Deaf & hearing clients increased accessibility, confidentiality, a visual identification along with verification of individuals who present for public services, and negates the need for third party conversations. IRIS is carried out by qualified ISL/English interpreters thereby conveying the correct intonation and understanding of the dialogue. The current Text Relay Service (TRS) although undeniably suitable for individuals with English as their primary language, does not, however, afford an ISL user the same accessibility and moreover puts them at a distinct disadvantage in terms of their communication needs.

In instances where a Deaf person does engage with a service through written English (including the text relay service), it must be remembered that this is not their primary language and all communications should be considered from the viewpoint of the Deaf person reading communications in a foreign language.

We would like to draw ComReg's attention to a few key points within the submission document that we feel strongly do **not** offer any improved accessibility to the Deaf community and indeed have a negative impact on both individuals and service.

2.1 Accessible Services points 9 & 10 refer to undertakings to make services accessible to disabled end-users including a complaints procedure along with having appropriately trained staff to deal with any such complaints. However, there is no provision for Interpreting services to provide that connection for ISL users. Again we would draw attention to our earlier points regarding the responsibilities of services to provide accessibility for Deaf ISL users in all public services – there are a number of methods to ensuring improved accessibility but for the most part – the provision of an ISL/English Interpreter is the most suitable.

The Deaf community has a strong presence across social media particularly Facebook and a conversation thread on 1st August 2013 refers to the difficulties in engaging with the current Relay/Minicom service citing the lack of training and awareness on the part of the operator. The operator was cited as not being aware of basic protocols when using Minicomms (using "GA" to indicate Go Ahead, or "BiBiSKSK" meaning to close off a conversation & cease typing), there was also mention of inappropriate and unacceptable interference in the conversation by the operator hanging up when the Deaf person had not finished. This stresses the importance of training staff to

appropriately manage the service. However we would also like to stress the importance of making staff aware that English is not the primary language of ISL users and that they may not take up the service because it is text based. SLIS wish to provide another choice for Deaf ISL users by using IRIS.

Point 12 relates to Accessible Directory Enquiries, the points are made that subscribers with visual impairments are offered access to Directory Enquiries, however there is no provision for ISL users whose literacy skills provide a barrier to text. Again a working relationship with our IRIS project could provide an alternative for individuals who may experience difficulties with language.

2.2 Accessible Information point 15 highlights that services should be accessible to disabled end-users and specifically mentions the Website. The details are related to visually impaired individuals and no consideration is given to having key information available in ISL on your website. Key areas would include outlining the complaints process and any information that is specifically beneficial to the Deaf community (i.e. "Relay service" etc. which is discussed in 2.3 "Other Measures"). Through working with Deaf organisations, it would be feasible to provide the information in ISL, for example the recent advertisements from the Referendum Commission.

2.3 Other Measures point 16 refers to having a facility enabling disabled subscribers register their equipment. While there is no mention, we assume this would also apply to Deaf community members who may have equipment for the Text relay or Minicom service.

Point 17 highlights the measures which are directly related to the Deaf community. However there is no elaboration on the proposals to indicate how ComReg proposes to increase the involvement of Deaf people in the outlined reviews and how it will be achieved through the medium of their primary language ISL.

Point 18 mentions PDF accessible formats and audio versions of the documents; however there are no ISL versions of same provided by the Commission. Where the Commission takes actions to ensure that an auditory accessibility strategy is enacted, it would also be necessary to take similar actions to ensure a visual accessibility strategy is in place for the Deaf community.

Overall there are many areas that the Deaf community require no additional services, however the TRS (Text Relay Service) is a welcome service for hard of hearing or Deaf individuals with English as a primary language. It is not suitable for native ISL users. The provision of the Minicom service is also dependent on having an analogue telephone line, of which most Deaf users no longer subscribe to. In keeping up with new technological advancements and practices in the Deaf community, SLIS would like to propose a meeting to discuss methods of jointly working with ComReg on developing the IRIS service as an additional method of meeting the accessibility needs of publically funded organisations and telecommunication services.

SLIS in conjunction with the Department of Justice & Equality in its "National Disability Strategy Implementation Plan 2013-2015" are eager to increase accessibility across the public sector through the provision of IRIS. IRIS focusses on opening up publically funded services to individuals who wish to access their services without the necessity of a family member or friend's involvement. IRIS would like to work alongside the TRS to provide the greatest amount of choice and access for 96,000 individuals affected by deafness or hearing loss.

We look forward to a response from the Commission in relation to this proposal and submission.

We would like the opportunity to make a presentation on IRIS to ComReg and to discuss joint working possibilities in more detail.

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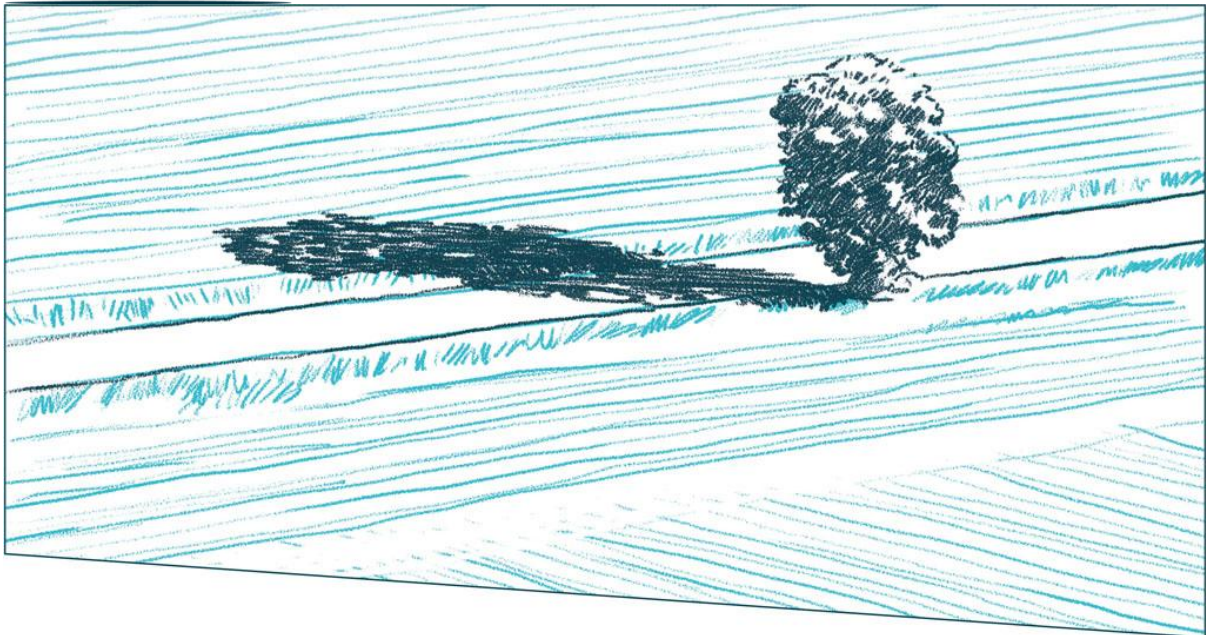
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11 Telefónica Ireland

Telefonica



Telefonica Ireland Ltd Regulatory Affairs Dept.

Electronic Communications:-Proposed Measures to ensure equivalence in
Access & Choice for Disabled Users

ComReg 13/58

6th September 2013

Introduction

Telefonica Ireland Ltd (O2) welcomes the opportunity to respond to this ComReg consultation on the proposed measures to ensure equivalence in access and choice for disabled end users. The following are the inputs from O2 in relation to the questions asked in this consultation.

Q. 1: Do you agree with the ComReg proposed approach as set out in section 4.2.1 mandating the provision by every Undertaking of an accessible means for disabled end-users to lodge a complaint and/or make an enquiry and the implementation of disability awareness training for staff? Please provide reasons to support your view.

Answer: O2 will facilitate where possible the approach laid out in 4.2.1. O2 currently can assist with queries raised by disabled end-users, as well as assisting with complaints which may be lodged by disabled end-users. O2 has received queries in the past through its customer care channel over the phone, via web-chat or indeed if the complaint or query is received by post.

Q. 2: Do you agree with the ComReg proposed approach as set out in section 4.2.2 regarding the provision by every Undertaking providing pre-paid mobile services of a SMS top-up facility for disabled end-users of pre-paid mobile services that includes accessible payment methods, top-up receipts (vouchers) outlining steps required to apply the credit and confirmation of the top-up? Please provide reasons to support your view.

Answer: At the moment O2 can provide a number of proposed measures which are referred to in 4.2.2. If there are further requirements to be scoped then it would take some time, resources and capital to invest in introducing same. With regard to those mentioned in section 4.2.2

- Pay with credit card and/or debit card and/or cash without the need to follow voice prompts;

O2 customers can top up online, can choose to create a top up account and can then subsequently set up a recurring top up to happen a day each week, a date each month or every 30 days. Once they create an account they then use SMS to top up easily by sending an SMS to a short code requesting a top up with a stored payment device they have on file.

For the IVR channel a customer can listen and follow the prompts.

For Internet access to top up an internet access handset could be used but would require having registered to top up through an app.

The other alternative is retail vouchers and ATM top up.

- Get a receipt (voucher) that lists in clear, easy to understand language the steps required to ensure the top-up credit can be applied successfully;

With regard to the above requirement, there would be a need for the distributors to amend the vouchers that their machines print out. It would also be necessary for our own retail stores to amend our own vouchers. The requirements to accommodate these changes would need to be scoped in order to see what would be required to be done by all stakeholders and how long it would take before such changes were in place.

- Apply the top-up receipt (voucher) by SMS sent from the disabled end-user’s mobile telephone and without assistance from a third party; and

O2 provides an SMS top up channel available where customers who registered on Vesta (our partner in Mobile payments solutions provider) can send a short code Top up to 50406 which will be handled by Vesta and sends a request to Top up on our pre pay billing platform as other channels.

O2 also provides another customer interfacing top up channel via USSD where customers can dial *102*VoucherCode# on their handset which will be handled by the pre pay billing platform itself and tops up their account.

- Receive confirmation of the value of the top-up credit by SMS sent to the disabled end-user’s mobile telephone.

For O2, Vesta sends a confirmation text to all customers that top up through one of the supported O2 Express channels (CSR/IVR/SMS/WEB). This confirmation contains the new balance and the order ID.

Q. 3: Do you agree with the ComReg proposed approach as set out in section 4.2.3, regarding the provision by every Undertaking of access to a free directory enquiry service for subscribers that have a vision impairment and/or have difficulty in reading the phone book, subject to subscribers meeting the required certification of disability by a registered medical practitioner or by an appropriate agent? Please provide reasons to support your view.

Answer: O2 currently provides access to customers to Special Directory Enquiries, 196 Service and will continue to do so.

Q. 4: Respondents are also asked to provide views on whether a cap (specified monetary allowance or specified number of requests for Directory Enquiries free of charge per billing period) should be incorporated with the Accessible Directory Enquiries proposed measure (Q3) and, if so, what the appropriate allowance or number of requests should be. Please provide reasons to support your view

Answer: At this moment, O2 would not have any objection to the introduction of a cap. However, the imposition of a cap should not take away from operators their ability to tackle misuse of the service. In terms of the appropriate allowance and the fact that O2 hasn't experience in setting such caps/allowances in this space previously. O2 would invite ComReg suggest a suitable cap based on information received through this consultation process.

Q. 5: Do you agree with the ComReg proposed approach as set out in section 4.2.4 regarding accessible billing? Please provide reasons to support your view.

Answer: O2 would agree that the needs of disabled end-users in terms of accessible billing are important and should be provided for, where possible for such customers. In many instances O2 already provides accessible billing to customers. However, O2 is mindful that some requirements will require much time and resources to scope out what is involved in bringing on board any new requirements. O2 would urge ComReg to consider the needs of undertakings in that respect as system impact assessments would need to be undertaken which may take time to carry out. In addition some of the solutions and requirements proposed may indeed take time to roll out or indeed integrate into internal billing engines and systems. In addition it is likely the introduction of new mediums to facilitate accessible billing to disabled end users may also take time to roll out.

Aside from the above, O2 would also like to point out that in some instances it may not be practical to introduce requirements for accessible billing in the instances where it is being asked to address a specific individual's needs e.g. if only one registered customer requires a specific service it may not always be prudent to offer it especially if the cost is disproportionate to the demand for the service. At the very least O2 suggest that at a minimum it might be a good idea to for ComReg to specify a minimum list of requirements be introduced based on functional equivalence for customers.

Q. 6: Do you agree with ComReg's proposed approach as set out in section 4.2.5 that every Undertaking selling terminal equipment should be required to make available a testing facility for disabled end-users who use a hearing aid or have a cochlear implant, to test terminal equipment at the Undertaking's retail shops, in advance of purchasing the terminal equipment, and that the testing facility should be supported by on-site staff that are easily accessible and trained in the use of terminal

equipment and are adequately equipped to address any queries raised by disabled end-users in advance of purchase? Please provide reasons to support your view.

Answer: At the moment O2 have live demonstrations of most of our devices in store which could be used to test the phone in store should it be required. O2 also has a number of subject matter experts or GURUs which we have in a number of stores. Each of these stores has a specific member of staff which is able to handle queries and answer questions in relation to handsets, devices and also about the services we offer. In addition O2 has on its website a service called GURU TV which is accessible to all customers. It complements the GURU store service. Here customers can type in any question they like and it is answered by a GURU. In addition the customer can find lots of information about handsets and devices. It contains features, articles and videos about many things.

We believe this meets the needs of the vast majority of our customers, including those who have a disability. We are happy to continue to provide this service, however would caution ComReg against a mandatory requirement to provide this in every store, as this might prove not to be possible.

Q. 7: Do you agree with the proposed approach outlined in section 4.3 regarding the provision of accessible information in respect to, but not limited to, products and services and accessibility of information channels? Please provide reasons to support your view.

Answer: O2 currently has an information section on Disability on its website. O2 will where possible look to extend the use of this site, to facilitate and cover the introduction of the services which may be introduced as a result of this consultation.

In addition if there are requirements to facilitate some of the measures through stores or through Customer Care they will also be scoped out with a view to being introduced where it is feasible to do so.

Q. 8: Do you agree that every Undertaking should set up and maintain a facility (to record as a minimum details set out in section 4.4 above) to enable disabled subscribers to register their requirements allowing Undertakings to record details to facilitate the regular provision of relevant and appropriate information and/or products and services to disabled subscribers and for this information to be provided to a nominated third party contact if appropriate and necessary? Please provide reasons to support your view.

Answer: Some of the requirements specified in Section 4.4 have the potential to raise concern from a Data Protection perspective. O2 would strongly urge ComReg to consult with the Data Protection Commissioners Office to seek an opinion on how the requirements could be met without undertakings contravening any Data Protection legislation.

Effectively some of the proposals outlined in 4.4 are requiring undertakings to ask customers for sensitive personal data which they do not currently ask for. In some instances, there may be customers, who will not be comfortable with volunteering this information at all and may question the need for it in the first instance.

It is possible that it might be seen as excessive for providing some of the service in question. There may also be concerns where such personal sensitive details are required to be handled by Third Parties when processing data on behalf of the customer.

O2 suggests any requirements to provide such services based on those in 4.4 be done so on the approval of the Data Protection Commissioners.

Q. 9: Are there other requirements not identified by this consultation document which, in your opinion, fall within the scope of Regulation 17 that ComReg should consider? Please provide reasons to support your view.

Answer: No

Q. 10: Do you have any views with regard to timeframes for each of the specific measures? Please provide evidence and reasons to support your view.

Answer: As mentioned above, the introduction of a number of the specific measures for disabled end users may take significant time and resources to roll out. There is likely to be a lot of scoping of requirements by operators to see where they currently fall down on the provision of many of the measures mentioned in the consultation. This would involve auditing websites as well as scoping out the requirements to have necessary expertise and tools available in stores in order to handle queries as well as looking at what needs to be addressed in customer care departments and call centres. This is not something that is easily quantifiable.

In addition the costs of introducing all the above would need to be ascertained and appropriate roll out plans would need to be drafted. There may also be requirements to carry out tender processes by operators in order to get the expertise to carry out the necessary development on IT systems, billing systems, administration systems as well as relevant training for staff who work in stores and customer care.

Q.11: Respondents are asked to provide views on whether the proposed measures are proportionate and justified and offer views on other factors (if any, such as costs to be borne) that ComReg should consider in completing its RIA.

Answer: O2 is mindful that if there is not enough demand for the introduction of some services e.g. there was only one or two registered customers requiring a specific service it may not always be prudent to offer it, especially if the cost is disproportionate to the demand for the service. Again O2 suggest that at a minimum it might be a good idea for ComReg to specify a minimum list of requirements that could be introduced based on functional equivalence for customers.

Q. 12: Do you have any comments on the substance or the drafting of the draft Decision Instrument? If necessary, please provide a marked up version of the draft Decision Instrument, indicating what changes you believe are appropriate and why.

Answer: No

12 UPC Communications Ireland Limited



**UPC Ireland Response to: ComReg 13/58
Proposed Measures to Ensure Equivalence in
Access and Choice for Disabled End-Users**



Introduction

UPC Communications Ireland Limited (“UPC”) welcomes the opportunity to provide its response to ComReg on its Consultation (“the consultation”) on Proposed Measures to Ensure Equivalence in Access and Choice for Disabled End-Users, in Electronic Communications.

UPC Ireland recognises the importance and desirability of facilitating the achievement of an information society for all and promoting an inclusive digital society that provides opportunities for all and reduces the risk of social exclusion amongst disabled users of electronic communications.

UPC Ireland has been to the forefront of innovation and developments in this area and has been an active participant in the ComReg Disability Forum for a number of years.

UPC Ireland has voluntarily introduced many initiatives on disabled access and choice, which are detailed further in our responses below. Given the proactive nature of UPC Ireland and also as we understand it a number of other telecommunications providers in Ireland, it is important that ComReg is properly guided by the key legislation in this area (stated below, emphasis added) and does not overly prescribe solutions that may be inappropriate or disproportionate for some or all telecommunication operators in Ireland:

Regulation 17 of the Universal Service and User Rights Regulations provides:

17.(1) The Regulator may, **where appropriate**, specify requirements to be complied with by undertakings providing publicly available electronic communications services in order to ensure that disabled end-users-

(a) have access to electronic communications services equivalent to that enjoyed by the majority of end-users, and

(b) benefit from the choice of undertakings and services available to the majority of end-users.

(2) The Regulator **shall encourage** the availability of terminal equipment offering the necessary services and functions in order to be able to adopt and implement specific arrangements for the requirements of disabled end-users.

Section 12(3) of the Communications Regulation Act, 2002 which provides:

12.(3) In carrying out its functions, the Commission shall seek to **ensure that measures taken by it are proportionate** having regard to the objectives set out in this section.



UPC's response to specific questions in ComReg 13/58:

Q. 1 Do you agree with the ComReg proposed approach as set out in section 4.2.1 mandating the provision by every Undertaking of an accessible means for disabled end-users to lodge a complaint and/or make an enquiry and the implementation of disability awareness training for staff? Please provide reasons to support your view.

UPC agrees with mandating the provision by every Undertaking of an accessible means for disabled end-users to lodge a complaint and/or make an enquiry.

UPC Ireland already has an accessible means for disabled end-users to access our customer services in order to lodge a complaint and/or make an enquiry. This system is email based, works well and is appropriate to our disabled customer needs, specifically those that are deaf, hard of hearing or speech impaired. UPC Ireland promises a one working day response time and also offers disabled customers the opportunity to register their disability within this process.

As with all UPC customer care staff, those involved in this process and highly trained and as such UPC does not believe that it is necessary or appropriate that ComReg mandate the implementation of disability awareness training for staff.

Q. 2 Do you agree with the ComReg proposed approach as set out in section 4.2.2 regarding the provision by every Undertaking providing pre-paid mobile services of a SMS top-up facility for disabled end-users of pre-paid mobile services that includes accessible payment methods, top-up receipts (vouchers) outlining steps required to apply the credit and confirmation of the top-up? Please provide reasons to support your view.

UPC Ireland has no comment to make on this proposal as we do not provide pre-paid mobile services.

Q. 3 Do you agree with the ComReg proposed approach as set out in section 4.2.3, regarding the provision by every Undertaking of access to a free directory enquiry service for subscribers that have a vision impairment and/or have difficulty in reading the phone book, subject to subscribers meeting the required certification of disability by a registered medical practitioner or by an appropriate agent? Please provide reasons to support your view.



UPC Ireland agrees with the ComReg proposed approach as set out in section 4.2.3, regarding the provision by every Undertaking of access to a free directory enquiry service for subscribers that have a vision impairment and/or have difficulty in reading the phone book, subject to subscribers meeting the required certification of disability by a registered medical practitioner or by an appropriate agent.

UPC Ireland is party to the voluntary commercially-agreed arrangement put in place between some Undertakings, both fixed and mobile, and Eircom. UPC subscribers with appropriate certification can access the Eircom '196 special directory enquiry service' free of charge.

Q. 4 Respondents are also asked to provide views on whether a cap (specified monetary allowance or specified number of requests for Directory Enquiries free of charge per billing period) should be incorporated with the Accessible Directory Enquiries proposed measure (Q3) and, if so, what the appropriate allowance or number of requests should be. Please provide reasons to support your view.

UPC Ireland agrees that a cap should be incorporated within the proposed Accessible Directory Enquiries measure in order to provide a safety net for operators against misuse of this service. This cap could be set as a percentage rate to total calls made by disabled consumers (based on analysis carried out by ComReg). The cap should be sufficiently high so as not to interfere with any legitimate use by disabled consumers.

Q. 5 Do you agree with the ComReg proposed approach as set out in section 4.2.4 regarding accessible billing? Please provide reasons to support your view.

UPC agrees that bills issued to a disabled subscriber by an Undertaking should be provided free of charge in a medium properly accessible to that disabled subscriber, if requested. However UPC believes that it is important that undertakings have flexibility in choosing the medium, provided it is clearly shown to be accessible to the disabled subscriber. For example, where bills are available on an undertakings website and where the use of screen reader software is facilitated and available to a disabled subscriber it would be disproportionate to require undertakings to provide Braille bills if requested given the considerable expense involved in their production.

UPC also agrees that it is sensible, that disabled subscribers register their alternative billing medium requirement with the Undertaking that is their service provider in order to ensure that their service provider can best meet their billing needs.



Q. 6 Do you agree with ComReg’s proposed approach as set out in section 4.2.5 that every Undertaking selling terminal equipment should be required to make available a testing facility for disabled end-users who use a hearing aid or have a cochlear implant, to test terminal equipment at the Undertaking’s retail shops, in advance of purchasing the terminal equipment, and that the testing facility should be supported by on-site staff that are easily accessible and trained in the use of terminal equipment and are adequately equipped to address any queries raised by disabled end-users in advance of purchase? Please provide reasons to support your view.

UPC Ireland does not agree with ComReg’s proposed approach as set out in section 4.2.5 that every Undertaking selling terminal equipment should be required to make available a testing facility for disabled end-users who use a hearing aid or have a cochlear implant, to test terminal equipment at the Undertaking’s retail shops, in advance of purchasing the terminal equipment, and that the testing facility should be supported by on-site staff that are easily accessible and trained in the use of terminal equipment and are adequately equipped to address any queries raised by disabled end-users in advance of purchase.

UPC Ireland believes that there are far more efficient, proportionate and appropriate measures that could potentially be applied to address this issue. Unfortunately ComReg has omitted discussion / proposals on possible alternatives. For example it could be possible for ComReg to specify certain handset standards that would signify handset suitability for use by consumers with certain disabilities. Operators could then clearly identify those handsets in their range. It could also be possible for operators themselves to clearly identify and have available handsets which they believe are suitable for use by consumers with certain disabilities. UPC believes that either of these measures would be just as effective as ComReg’s proposal and would certainly be more efficient and proportionate if implemented. UPC Ireland already has such an approach with handsets suitable for consumers with hearing impairments available within our range.

Q. 7 Do you agree with the proposed approach outlined in section 4.3 regarding the provision of accessible information in respect to, but not limited to, products and services and accessibility of information channels? Please provide reasons to support your view.

UPC broadly agrees with the approach outlined by ComReg regarding the provision of accessible information.



Q. 8 Do you agree that every Undertaking should set up and maintain a facility (to record as a minimum details set out in section 4.4 above) to enable disabled subscribers to register their requirements allowing Undertakings to record details to facilitate the regular provision of relevant and appropriate information and/or products and services to disabled subscribers and for this information to be provided to a nominated third party contact if appropriate and necessary? Please provide reasons to support your view.

UPC agrees with ComReg's proposal that undertakings set up and maintain a facility to enable disabled subscribers to register their requirements and containing the information outlined, namely:

- Name, address, contact details (to include phone or email and/or third party nominated contact);
- Preferred means of communication;
- Preferences in respect to bundles (for example broadband or text only);
- Details of any special terminal equipment required; and
- Details of any alternative billing medium requirement.

As stated in response to Q.1 above, UPC already operates such a facility which includes much of this information and facilitates UPC care agents in communicating more effectively with disabled subscribers.

UPC questions the implied use of this facility by ComReg for the purpose of **regularly** informing disabled subscribers of details of products and services designed for their requirements. UPC believes that a properly maintained Disability Section of an undertakings website as already proposed by ComReg should be the default method of informing disabled subscribers on products or services designed for their requirements. In addition, operators can also use the ComReg disability forum to provide updates on appropriate products or services given that many disabled representative bodies are active participants in that forum.

Q. 9 Are there other requirements not identified by this consultation document which, in your opinion, fall within the scope of Regulation 17 that ComReg should consider? Please provide reasons to support your view.

No comment.



Q. 10 Do you have any views with regard to timeframes for each of the specific measures? Please provide evidence and reasons to support your view.

Until ComReg's proposals are finalised it is difficult to be precise on timeframes required by undertakings to implement the various requirements. However as a number of the proposals outlined could involve significant process and system changes it is important that ComReg allow sufficient time for undertakings to implement.

Q. 11 Respondents are asked to provide views on whether the proposed measures are proportionate and justified and offer views on other factors (if any, such as costs to be borne) that ComReg should consider in completing its RIA.

UPC believes that the majority of ComReg's proposals are proportionate and justified however as outlined above UPC has concerns that some of ComReg's proposals are or could be disproportionate and unjustified, namely;

- Mandated disability training.
- Accessible billing proposals without flexibility in choice of appropriately accessible medium being given to undertakings.
- Testing facility proposals at retail shops.

Q. 12 Do you have any comments on the substance or the drafting of the draft Decision Instrument? If necessary, please provide a marked up version of the draft Decision Instrument, indicating what changes you believe are appropriate and why.

No comment.



13 Vodafone



**Vodafone Response to ComReg Consultation on Electronic Communications:-
Proposed Measures to Ensure Equivalence in Access and Choice for Disabled End-
Users**

Introduction

Vodafone welcomes the opportunity to respond to this ComReg consultation on measures to ensure equivalence in access and choice for disabled end-users. We recognise the importance of measures to facilitate easy and equal access and choice for all end-users of electronic communications services and consider that, for the most part, the measures proposed by ComReg in this consultation and Draft Decision are reasonable and proportionate with respect to achieving this objective. However Vodafone considers that it is important that communications service providers are afforded a reasonable amount of time to fully implement proposed measures following publication of ComReg's Final Decision.

Vodafone's response to ComReg's proposals is set out in detail in the remainder of this document.

Consultation Questions

Q. 1 Do you agree with the ComReg proposed approach as set out in section 4.2.1 mandating the provision by every Undertaking of an accessible means for disabled end-users to lodge a complaint and/or make an enquiry and the implementation of disability awareness training for staff? Please provide reasons to support your view.

Yes, Vodafone believes that it is important that disabled end-users have an accessible means to lodge complaints and/or to make enquiries.

We agree that it is appropriate that those staff in a role where they may be handling complaints of customers are aware of the particular requirements of disabled customers and are equipped with the necessary skills to fully address those requirements. Accordingly Vodafone agrees that disability awareness training for staff handling customer complaints should be mandatory for all Undertakings operating in the electronic communications sector.

Q. 2 Do you agree with the ComReg proposed approach as set out in section 4.2.2 regarding the provision by every Undertaking providing pre-paid mobile services of a SMS top-up facility for disabled end-users of pre-paid mobile services that includes accessible payment methods, top-up receipts (vouchers) outlining steps required to apply the credit and confirmation of the top-up? Please provide reasons to support your view.

Yes, Vodafone agrees that it is appropriate and necessary to ensure equivalence of access that every Undertaking providing pre-paid mobile services should be required to provide a SMS top-up facility for their disabled customers with the features set out by ComReg. Vodafone currently provides an accessible SMS top-up facility to our pre-paid customers.

Q. 3 Do you agree with the ComReg proposed approach as set out in section 4.2.3, regarding the provision by every Undertaking of access to a free directory enquiry service for subscribers that have a vision impairment and/or have difficulty in reading the phone book, subject to subscribers meeting the required certification of disability by a registered medical practitioner or by an appropriate agent? Please provide reasons to support your view.

Yes, Vodafone agrees that the provision of access to a free directory enquiry service for subscribers that have vision impairment and/or have difficulty in reading the phone book is a reasonable and proportionate measure to be required of Undertakings in order to ensure equivalence of access to disabled end users.

We agree with ComReg that undertakings should not be required to provide access to the 196 special directory enquiry service, provided that they can implement another solution that complies with the proposed approach as set out in section 4.2.3.

Q. 4 Respondents are also asked to provide views on whether a cap (specified monetary allowance or specified number of requests for Directory Enquiries free of charge per billing period) should be incorporated with the Accessible Directory Enquiries proposed measure (Q3) and, if so, what the appropriate allowance or number of requests should be. Please provide reasons to support your view.

Vodafone believes that it would be inappropriate to place a cap (in either monetary or usage terms) on the use of the free directory enquiry service by registered disabled end-users. We believe that disabled customers of Undertakings should be able to utilise the directory enquiry service to the full extent necessary to meet their requirements in terms of access and social inclusion, without having to be concerned about cost or a fixed upper limit on their use of the service.

Q. 5 Do you agree with the ComReg proposed approach as set out in section 4.2.4 regarding accessible billing? Please provide reasons to support your view.

Vodafone supports the principle that any bills issued to a disabled subscriber by an Undertaking should be provided in a medium properly accessible to that disabled subscriber if requested, and should be able to register their alternative billing medium requirement with their service provider.

Q. 6 Do you agree with ComReg's proposed approach as set out in section 4.2.5 that every Undertaking selling terminal equipment should be required to make available a testing facility for disabled end-users who use a hearing aid or have a cochlear implant, to test terminal equipment at the Undertaking's retail shops, in advance of purchasing the terminal equipment, and that the testing facility should be supported by on-site staff that are easily accessible and trained in the use of terminal equipment and are adequately equipped to address any queries raised by disabled end-users in advance of purchase? Please provide reasons to support your view.

Vodafone is concerned that end-users with hearing aids and cochlear implants are in many instances experiencing compatibility issues in relation to terminal equipment and are experiencing difficulty in returning equipment that they find is not suitable for their requirements once they have had an opportunity to use or trial it.

On the basis of the description of the issue provided in the consultation document, the key cause of the detriment to disabled end users appears to relate to the current returns policy for terminal equipment. Accordingly Vodafone believes that the most appropriate, proportionate and direct means of addressing the problem identified would be to require Undertakings to adjust their policy on returns of terminal equipment in respect of end-users with hearing aids or cochlear implants so as to make it easy and convenient for these end-users to return terminals that do not meet their specific requirements. This returns policy for end-users with hearing aids and cochlear implants would not lead to an unreasonable cost for Undertakings.

Vodafone considers that ComReg should formally assess Vodafone's proposed alternative measure to ensure equivalence of access for end-users with hearing aids and cochlear implants in its final regulatory impact assessment, both on its own terms and relative to the alternative obligation that ComReg is proposing in the present consultation. Vodafone considers that a robust regulatory impact assessment would be likely to conclude that our suggested alternative requirement would be the most appropriate and proportionate means of seeking to address the access issue identified.

Vodafone observes that applying requirements on Undertakings in respect of provision of testing facilities in their retail stores will be incomplete and uneven in its effect given that a significant proportion of terminal equipment is not sold in retail stores owned by Undertakings. For example ComReg's proposed obligation would not appear to apply to entities that are exclusively involved in selling terminal equipment to end-users (e.g. Carphone Warehouse) or to general retailers who sell terminal equipment as just one product line among many other unrelated products, as they would not be defined as Undertakings under the Universal Service Regulations. Nor would it practically apply to entities that are Undertakings that do not own retail stores, but sell their terminal equipment only via other distribution channels (e.g. on-line). It should also be noted that **[Redacted]**.

In light of the above, it must be assessed whether ComReg's current proposed obligation would be discriminatory in its effect or lead to material competitive distortions by imposing costs on some Undertakings merely because they are vertically integrated. It may be argued that discriminatory or competitively distortionary effects do not arise if the costs associated with complying with the proposed obligation are minor, however ComReg's draft regulatory impact assessment does not include a robust quantification of the costs to Undertakings with retail stores of making available dedicated facilities for terminal compatibility testing in their retail stores.

In terms of the costs of the proposed obligation, this will be dependent on the extent to which ComReg considers the testing facilities would need to be available across an Undertaking's retail store footprint, in order to comply with the proposed obligation. If ComReg considers that the obligation would have to apply to every retail point of sale owned by an Undertaking then this could lead to significant costs in aggregate. It would also likely be impractical and particularly costly to implement this obligation in smaller retail locations (e.g. kiosks within larger shopping centres) where the limited space available would present a serious challenge to the provision of appropriate testing facilities. In this regard, a detailed specification by ComReg of the space requirements and equipment needed to provide testing facilities compliant with the proposed obligation in section 4.2.5 would provide regulatory certainty and greatly assist Undertakings in determining the implementation cost of the proposed requirement.

Q. 7 Do you agree with the proposed approach set out in section 4.3 regarding the provision of accessible information in respect to, but not limited to, products and services and accessibility of information channels? Please provide reasons to support your view.

Yes. Vodafone agrees that the proposed approach set out in section 4.3 regarding the provision of accessible information is a reasonable and proportionate measure to ensure equivalence of access for end users. In the

interests of proportionality ComReg should allow a reasonable amount of time for Undertakings to implement resulting changes that may be required to their website and other information sources.

Q. 8 Do you agree that every Undertaking should set up and maintain a facility (to record as a minimum details set out in section 4.4 above) to enable disabled subscribers to register their requirements allowing Undertakings to record details to facilitate the regular provision of relevant and appropriate information and/or products and services to disabled subscribers and for this information to be provided to a nominated third party contact if appropriate and necessary? Please provide reasons to support your view.

Subject to it being fully in compliance with data protection legislation and regulations, Vodafone agrees that every Undertaking should set up and maintain a facility to enable disabled subscribers to register their requirements so as to facilitate provision of relevant information and/or products and services to disabled subscribers. Vodafone also has no objection to a facility to provide information and services to a nominated third party contact, provided that this facility is compliant with data protection legislation and regulations.

In the interests of proportionality ComReg should allow a reasonable amount of time for Undertakings to implement changes to their existing systems and processes to introduce this registration facility where it is not already in place in line with the details specified in section 4.4 of the consultation document.

Q. 9 Are there other requirements not identified by this consultation document which, in your opinion, fall within the scope of Regulation 17 that ComReg should consider? Please provide reasons to support your view.

Q. 10 Do you have any views with regard to timeframes for each of the specific measures? Please provide evidence and reasons to support your view.

Vodafone considers that it would be appropriate and proportionate if Undertakings were to be given a period of at least 12 months to implement each of the specific measures. This minimum timeframe is necessary as changes to staff training, IT systems, the website, and changes to printed information publications will constitute projects that will absorb significant resources in terms of employee and management time and expertise, and the available IT resource of communications service providers.

Q. 11 Respondents are asked to provide views on whether the proposed measures are proportionate and justified and offer views on other factors (if any, such as costs to be borne) that ComReg should consider in completing its RIA.

For the reasons set out in response to question 6, Vodafone does not consider the proposed obligation as set out in section 4.2.5 of the consultation document is the most appropriate and proportionate regulatory option to address the identified issue in respect of end-users with hearing aids and cochlear implants. Vodafone has previously set out our view on the optimal measure that could be applied in this instance.

However Vodafone considers that the other proposed measures to ensure equivalence of access and choice for disabled end users are reasonable and proportionate to apply, subject to sufficient time being granted to Undertakings to effectively implement the measures following the publication of ComReg's Final Decision. Given the significant amount of resources (particularly IT resources) that would likely have to be committed by Undertakings to fully implement many of the proposed obligations, Vodafone believes Undertakings should be granted a minimum period of 12 months from publication of a Final Decision to put the measures into effect.

Q. 12 Do you have any comments on the substance or the drafting of the draft Decision Instrument? If necessary, please provide a marked up version of the draft Decision Instrument, indicating what changes you believe are appropriate and why.