

## SPECIAL MEASURES FOR END-USERS WITH DISABILITIES

15.1 The Communications Provider shall from time to time consult the Consumer Panel to ensure that the requirements and interests of disabled End-Users are fully taken into account in the development and provision of its services.

15.2 Subject to paragraph 15.10, the Communications Provider shall ensure that any End-User of its services who is so visually impaired or otherwise disabled as to be unable to use a printed Directory, can access, free of charge, Directory Information and Directory Enquiry Facilities in a form which is appropriate to meet their needs. The Communications Provider shall ensure that such a Directory Enquiry Facility is capable of connecting such an End-User to a requested Telephone Number at the request of that End-User.

15.3 The Communications Provider shall ensure that such of its Subscribers who, because of their disabilities, need to make or receive calls in which some or all of the call is made or received in text format, are able to access and use a Relay Service, including the receiving of calls made by End-Users irrespective of whether such End-Users have a disability. Such Subscribers and End-Users, as the case may be, shall be charged for the conveyance of messages to which a Relay Service applies at no more than the equivalent price as if that conveyance had been made directly between the caller and the called person without use of a Relay Service. In making such charges, the Communications Provider shall apply a special tariff scheme designed to compensate Subscribers who, because of their disabilities, need to make calls to which a Relay Service applies for the additional time to make telephone calls using a Relay Service.<sup>42</sup>

<sup>42</sup> Access to electronic communication services for disabled consumers, statement, 12 March 2014, modified General Condition 15.3 with effect from 13 March 2014

15.4 Subject to paragraph 15.10, the Communications Provider shall ensure that any End-Users of its services who need to make calls to which a Relay Service applies:

(a) have access to Emergency Organisations, operator assistance services and a Directory Enquiry Facility using short code numbers; and

(b) are able to receive call progress voice announcements in a suitable form.

15.5 By no later than 18 April 2014 a Relay Service provided by the Communications Provider to its Subscribers pursuant to paragraph 15.3 must:

(a) provide facilities for the receipt and translation of voice communications into text and the conveyance of that text to the terminal of End-Users of any provider of Publicly Available Telephone Services and vice versa,

(b) provide facilities for the receipt and transmission of voice communications in parallel with text communications, allowing both channels to work in tandem to deliver near synchronous voice and text;

(c) provide facilities for access to Emergency Organisations;

(d) subject to Conditions 3 and 13.1, be available for lawful use by End-Users at all times;

(e) be capable of being accessed by End-Users of the service from readily available compatible terminal equipment, including textphones, Braille readers, personal computers and mobile telephones;

(f) not prevent End-Users from communicating with other End-users of other approved Relay Services;

(g) provide facilities to allow End-Users, who because of their disabilities need to make calls using a Relay Service, to receive incoming calls via the Relay Service, without the calling party needing to dial a prefix;

(h) insofar as reasonably practicable, allow for communication between End-Users of the service at speeds equivalent to voice communications;

(i) take measures to ensure the confidentiality of communications between End-Users of the service;

(j) comply with any directions in respect of the service which Ofcom may make from time to time; and

(k) be approved by Ofcom for the purposes of this Condition 15.5.<sup>43</sup>

<sup>43</sup> Review of Relay Services, Decision on the introduction of Next Generation Text Relay, Statement, 17 October 2012, inserting a new condition 15.5 and renumbering the subsequent conditions.

15.6 Subject to paragraph 15.10, the Communications Provider shall provide a priority Fault Repair Service as swiftly as practicable to any Subscriber with disabilities who has a genuine need for an urgent repair. Charges for a priority Fault Repair Service shall not exceed the Communications Provider's standard charge for a Fault Repair Service.

15.7 Subject to paragraph 15.10, the Communications Provider shall ensure that such of its Subscribers who are so disabled such that they are dependent on the telephone are able to participate in a scheme to safeguard telephone services to such Subscribers. The scheme shall:

- (a) enable such Subscribers to give prior notification to the Communications Provider of a nominee to whom-
  - (i) that Subscriber's telephone bill shall initially be sent; or
- (ii) any enquiry to establish why a telephone bill has not been paid shall be made;
  - (b) permit the nominee to pay that Subscriber's bill on their behalf;
  - (c) require the nominee to give prior consent to the Communications Provider to act in such capacity;
  - (d) not require the nominee to accept liability to pay the telephone bills of that Subscriber; and
  - (e) be provided at no cost to such a Subscriber.

15.8 Communications Providers shall provide End-Users with hearing or speech impairments with Mobile SMS Access to Emergency Organisations by using the emergency call numbers "112" and "999" at no charge.<sup>44</sup>

<sup>44</sup> Changes to the General Conditions and Universal Service Conditions (Implementing the revised EU Framework), Statement and Notification, 25 May 2011, inserting new General Condition 15.7 and consequential definitions of "Mobile SMS Access", "Short Message" and "SMS".

15.9 Subject to paragraph 15.10, the Communications Provider shall make available, free of charge, and in a format reasonably acceptable to any Subscriber who is blind or whose vision is impaired, upon their request:

- (a) any contract (or any subsequent variation) with that Subscriber for the provision of Publicly Available Telephone Services, including any publicly available terms or conditions referred to in that contract or variation;
- (b) any bill rendered in respect of those services.

An acceptable format would, for these purposes, consist of print large enough for such Subscriber to read, Braille or electronic format appropriate to the reasonable needs of the Subscriber.

15.10 The Communications Provider shall take all reasonable steps to ensure that the services which it provides in order to comply with the obligations contained in paragraphs 15.1 to 15.9 above are widely

publicised, taking into consideration the need to disseminate information in appropriate formats through appropriate channels for disabled End-Users.

15.11 For the purposes of this Condition:

- (a) "Communications Provider" means a person who provides Publicly Available Telephone Services;
- (b) "Fault Repair Service" means a service consisting of such repair, maintenance, adjustment or replacement of any part of the Communications Provider's Electronic Communications Network, or such repair or adjustment of any connected or connectable network, or such repair or replacement for any Apparatus for which the Communication Provider has undertaken the responsibility for repair and maintenance, as is necessary to restore and maintain a sufficient service;
- (c) "Mobile SMS Access" means the ability to send and receive Short Messages using an SMS defined by the European Telecommunications Standards Institute in the GSM (Global System for Mobile communications) or UMTS (Universal Mobile Telecommunications System) standards, or any other standard for mobile communications that is, or may be, adopted in the UK;
- (d) "Relay Service" means any service which:
  - (i) has been approved by Ofcom to be a text relay service for the purposes of this Condition; and
  - (ii) as of 18 April 2014 complies with the requirements of paragraph 15.5;<sup>45</sup>
- <sup>45</sup> Review of Relay Services, Decision on the introduction of Next Generation Text Relay, Statement, 17 October 2012, amending the definition of "Relay Service".
- (e) "Short Message" means information that may be conveyed by means of the Short Message Service;
- (f) "SMS" means Short Message Service, which is a text message delivered to a Subscriber's handset or, if SMS is superseded or withdrawn, an equivalent text communication sent directly to the Subscriber's handset;
- (g) "Subscriber" means an End-User who is party to a contract with the Communications Provider for the provision of Publicly Available Telephone Services.