

**Response from the Consumer Panel to Ofcom's Section 10 duties:  
Proposals for 2006**

1. We welcome Ofcom's paper entitled, 'Section 10 duties: Proposals for 2006' and Ofcom's work in this area. We think it is essential that there is the availability in the market place of easily usable communications products for the widest possible range of people, in order for all to engage effectively with the communications market. We are pleased to note that Ofcom has modified some of its Section 10 proposals following the recommendations that we had made in our February 2005 response. For example, the removal of the three year timeframe and 'likely to be adopted quickly' criteria - which if implemented may have caused the inadvertent exclusion of important products from possible future Section 10 workstreams.
2. Whilst we think that the projects Ofcom have identified for 2006 are worthwhile, and we recognise that this is the first time Ofcom has identified projects for its Section 10 workstream, we do nonetheless have concerns over how Ofcom has concluded which projects to pursue. This is because we think Ofcom has failed to have a consultation process with the relevant stakeholders in order to identify the product 'gaps' in the market. A consultation process would have ensured that all stakeholders could feel that Ofcom has correctly set its Section 10 priorities for 2006 and the future.
3. Ofcom seemed to acknowledge our view that a consultation process was necessary when identifying people's communication needs. In the opening paragraph of the Section 10 paper it states, *"In addition, we are also consulting members of the Advisory Committee on Disabled and Older People, the Consumer Panel (and) the Consumer Forum."* However, we do not recall the Consumer Forum being asked for their thoughts. Further, no member of the Consumer Forum has received a copy of the Section 10 paper and nor have they had a chance to respond to it. This is unfortunate when several of the organisations who attend the Consumer Forum represent groups that have a strong interest in the availability of accessible communication equipment. Also, some organisations were unable to attend the Consumer Forum meeting at which Ofcom presented its Section 10 proposals – the RNID being one.
4. Additionally, in terms of process the Section 10 paper fails to show the range of possible projects that Ofcom considered before it decided which ones it would take up. It is also not entirely clear from the paper that Ofcom has taken into account our call for, *"a proactive stance in identifying and pursuing key longer term developments (and the) monitoring in such critical areas"*. We can see no list that Ofcom can point to that sets out the future or the possible future areas of its Section 10 work.
5. It is of the utmost importance that Ofcom develops robust processes for consulting on section 10 issues. Given the fragmented nature of many of the interested parties, we know this may be difficult. We note the difficulties in consulting so far and would urge Ofcom to devote more resources to working out the best method of identifying and consulting interested groups.

6. We would like to point out that under its Section 10 duties Ofcom is to encourage others to develop domestic telecommunications apparatus that is easy to use for "the widest range of individuals". We are concerned that the proposals encourage the development of telecommunications apparatus that is easy to use for 'the greatest number of people'. For example, Ofcom refers to our research when it sets out what the most common difficulties are for consumer usability. However, our research does not have the sample size to identify the range of communication problems that are experienced by people with different disabilities. We think it is important for Ofcom to drill down, below the headline research figures, to ascertain what the needs are for those sections of society that would otherwise be overlooked.
7. For example, SENSE, the organisation that represents deaf/blind people, estimate that there are perhaps only 500 people in the UK who require a mobile phone that has the ability to provide a Braille input/output service. This service is absolutely crucial for those people who are unable to see or hear what is happening around them. Today, there are only one or two devices available in the market place that deliver this service and they cost over £3000. Thus, accessible terminals exist but the cost acts as a prohibitive barrier to ownership and therefore a deaf/blind person's full engagement with the communications market.
8. We are also concerned that Ofcom is not concentrating on encouraging manufacturers to produce products that are affordable for consumers in niche markets. The telecom's Universal Service Obligations (USO), which tackles affordability issues, is restricted to services. Thus, if Ofcom does not tackle affordability issues when addressing its Section 10 duties, then it would seem that neither the USO nor the Section 10 workstream will provide a means to resolve the prohibitive cost of telecommunication equipment that is required by a small number of people in society - for example, by those who are deaf/blind.
9. Finally, we welcome Ofcom's recommendation to SwitchCo that it should commission a consumer advice campaign for older and disabled people which "*would explain to them the different ways of obtaining digital television, and the type of equipment that would best suit their needs*" and thus help facilitate their digital switchover. We note in coming to this conclusion Ofcom utilised our research which shows that older and disabled people have a lower awareness of digital television than other groups. Our research also reveals that these same groups have a lower awareness than others of the products and services available in the fixed line and mobile markets. Thus, we think there is a need for a similar consumer information campaign in this area. To help achieve this Ofcom could encourage the provision of an up to date information booklet along the lines of Riciability's 2004 report, 'Stay In Touch'. The original booklet was funded by Oftel, DIEL and industry members. It can be found at the following web address:

<http://www.ricability.org.uk/reports/report-telecoms/stayintouch/contents.htm>