

C5 Measures to meet the needs of vulnerable consumers and end-users with disabilities.

This condition aims to ensure that communications providers give sufficient consideration to the particular needs of people with disabilities and people whose circumstances may make them vulnerable. It also aims to ensure that people with disabilities can obtain comparable access to public electronic communications services to that of non-disabled people and that their access to these services when they have a genuine need is protected.

Scope

C5.1 The provisions of this Condition apply as follows: (a) Conditions C5.2 to C5.10 and C5.13 to C5.18 apply to providers of Public Electronic Communications Services; and (b) Conditions C5.11 and C5.12 apply to any person who provides: (i) Internet Access Services to End-Users; or (ii) Number-based Interpersonal Communications Services, where it is technically feasible to provide an Emergency Video Relay Service to End-Users; each person to whom a provision applies is a 'Regulated Provider' for the purposes of that provision. Policy for consumers whose circumstances may make them vulnerable

Policy for consumers whose circumstances may make them vulnerable

C5.2 Regulated Providers must establish, publish and comply with clear and effective policies and procedures for the fair and appropriate treatment of Consumers whose circumstances may make them vulnerable.

C5.3 Such policies and procedures must include, as a minimum: (a) practices for ensuring the fair and appropriate treatment of Consumers who the Regulated Provider has been informed or should otherwise reasonably be aware may be vulnerable due to circumstances such as age, physical or learning disability, physical or mental illness, low literacy, communications difficulties or changes in circumstances such as bereavement;

(b) how information about the needs of Consumers who the Regulated Provider has been informed or should otherwise reasonably be aware may be vulnerable will be recorded and the different channels by which these Consumers will be able to make contact with, and receive information from, the Regulated Provider;

and (c) how the impact and effectiveness of the policies and procedures are monitored and evaluated.

C5.4 Regulated Providers must provide to Ofcom, on request, any information considered by Ofcom to be necessary to demonstrate compliance with this Condition.

C5.5 Regulated Providers must ensure that all staff are made aware of the policies and procedures and appropriately trained, including (if applicable) on how to refer Consumers to specialist teams or members of staff who have received additional training. Measures for end-users with disabilities

Measures for end-users with disabilities

C5.6 Regulated Providers must take the measures needed to meet the needs of End-Users with disabilities set out in Conditions C5.7 to C5.16 and take all reasonable steps to ensure that such measures are widely publicised, taking into consideration the need to disseminate information in appropriate formats through appropriate channels for End-Users with disabilities.

Access to directory information

C5.7 Regulated Providers must ensure that any End-User of the Number-based Interpersonal Communications Services it provides who is unable to easily use a printed Directory due to visual impairment or other disabilities, can access, free of charge, Directory Information and Directory Enquiry Facilities in a form which is appropriate to meet their needs. Regulated Providers must ensure that such Directory Enquiry Facilities are capable of connecting such an End-User to a requested Telephone Number at the request of that End-User.

Relay service

C5.8 Regulated Providers must ensure that any End-User of the Voice Communications Services it provides who, because of his or her disabilities, needs to make or receive calls in which some or all of the call is made or received in text format, can access and use a Relay Service which has been approved by Ofcom.

C5.9 In providing access to Relay Services under Condition C5.8, Regulated Providers must comply with the following requirements:

(a) any charge for the conveyance of messages to which a Relay Service applies must not exceed the equivalent price as if that conveyance had been made directly between the caller and the called person without use of a Relay Service;

(b) in making the charges set out in Condition C5.9(a), Regulated Providers must apply a special tariff scheme designed to compensate Subscribers for the additional time taken by End-Users with disabilities to make telephone calls using a Relay Service where, because of their disabilities, those End-Users need to make calls using a Relay Service;

(c) Regulated Providers must ensure measures are taken to protect the confidentiality of communications between End-Users of the Relay Service;

(d) subject to Condition C3.11, Regulated Providers must ensure that the Relay Service is available for lawful use by End-Users at all times;

(e) Regulated Providers must ensure End-Users are not prevented from communicating with other End-Users of other approved Relay Services;

and (f) Regulated Providers must comply with any directions in respect of the Relay Services which Ofcom may make from time to time. Mobile SMS access to emergency organisations.

Mobile SMS access to emergency organisations

C5.10 Regulated Providers who are Mobile Service Providers must provide any End-User of their Mobile Communications Services who has hearing or speech impairments with Mobile SMS Access to Emergency Organisations by using the emergency call numbers "112" and "999" at no charge. Emergency video relay access to emergency organisations.

Emergency video relay access to emergency organisations

C5.11 Regulated Providers must: (a) provide or contract to provide an Emergency Video Relay Service which has been approved by Ofcom; and (b) ensure that any End-User of Internet Access Services or Number-based Interpersonal Communications Services they provide, who communicates

in British Sign Language because of their disabilities, can access and use the Emergency Video Relay Service.

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

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

Priority fault repair

C5.13 Regulated Providers must provide a priority Fault Repair Service as swiftly as practicable to any End-User of their Fixed-line Telecommunications Service with a disability who has a genuine need for an urgent repair. Charges for a priority Fault Repair Service must not exceed the Regulated Provider's standard charge for a Fault Repair Service.

Third party bill management

C5.14 Regulated Providers must make the following special measures available to any of their Subscribers with a disability who needs assistance in managing his or her Bills for any Public Electronic Communications Service, at no cost to such a Subscriber: (a) enable such Subscriber to give prior notification to the Regulated Provider of a nominee to whom: (i) that Subscriber's Bill shall initially be sent; or (ii) any enquiry to establish why a 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 Regulated Provider to act in such capacity; and (d) not require the nominee to accept liability to pay the Bills of that Subscriber.

Bills and contracts in accessible format

C5.15 Regulated Providers, upon request, must make available free of charge to any Subscriber who requires it because of their disabilities, all communications with them in a reasonably acceptable format, including the following information:

- (a) any contract (or any subsequent variation) with that Subscriber for the provision of Public Electronic Communications Services, including any publicly available terms or conditions referred to in that contract or variation;
- (b) any End-of-Contract Notification;
- (c) any Annual Best Tariff Notification;
- (d) any Bill rendered or made available in respect of those services;

and (e) any other communications (other than marketing communications) which relate to their services. An acceptable format, for these purposes, includes for example: print large enough for such Subscriber to read, print on coloured paper, Braille or an electronic format appropriate to the reasonable needs of the Subscriber.

C5.16 Regulated Providers, upon request, must make available free of charge to any Customer who requires it because of their disabilities, any Contract Information or Contract Summary in accordance with Conditions C1.3 to C1.7, in a reasonably acceptable format. An acceptable format, for these purposes, includes for example: print large enough for such Customer to read, print on coloured paper, Braille or an electronic format appropriate to the reasonable needs of the Customer.

Consultation with the Consumer Panel

C5.17 Regulated Providers must consult the Consumer Panel on request to ensure that the requirements and interests of End-Users with disabilities and Consumers whose circumstances may make them vulnerable are fully taken into account in the development and provision of their services.

Data protection

C5.18 This Condition applies subject to the requirements of Relevant Data Protection Legislation.