



Disability Action Plan

for Northern Ireland

Statement

Publication date:

6 March 2017

About this document

This Disability Action Plan for Northern Ireland shows how Ofcom proposes to fulfil its duties under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by article 5 of the Disability Discrimination (Northern Ireland) Order 2006), to have regard, when carrying out its functions, for the need to:

- Promote positive attitudes towards disabled people; and
- Encourage participation by disabled people in public life.

Under Section 49B of the DDA 1995, Ofcom is required to submit the final Disability Action Plan for Northern Ireland to the Equality Commission.

The final plan presented here takes into account stakeholder responses to the consultation on our proposed plan.¹

¹ Annex 1 outlines stakeholders' responses to the consultation

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Section 1

Introduction

- 1.1 Under Section 49A of the Disability Discrimination Act 1995 (DDA 1995) (as amended by article 5 of the Disability Discrimination (Northern Ireland) Order 2006), Ofcom is required when carrying out its functions to have due regard for the need to:
 - Promote positive attitudes towards disabled people; and
 - Encourage participation by disabled people in public life ('the disability duties').
- 1.2 Under Section 49B of the DDA 1995, Ofcom is also required to submit to the Equality Commission a disability action plan for Northern Ireland showing how it proposes to fulfil these duties in relation to its functions.
- 1.3 The Chairman and Chief Executive of Ofcom are committed to implementing effectively the disability duties and this disability action plan for Northern Ireland. Ofcom will allocate the necessary resources required to implement effectively this plan and, where appropriate, build objectives and targets relating to the disability duties into corporate and annual operating plans.
- 1.4 Ofcom will put appropriate internal arrangements in place to ensure both compliance with the disability duties and that this disability action plan for Northern Ireland is effectively implemented. Ofcom will ensure the effective communication of the plan to staff and provide the necessary training and guidance for staff on the disability duties and the implementation of the plan.
- 1.5 Responsibility for implementing, reviewing and evaluating this disability action plan for Northern Ireland (and the point of contact within Ofcom) is:

Jonathan Rose
Director, Northern Ireland
Ofcom
Landmark House
5 Cromac Quay
Belfast
BT7 2JD
- 1.6 Ofcom will consult with disabled people in implementing and reviewing this plan, approaching such bodies as Disability Action and Ofcom's Advisory Committee on Older and Disabled People (see paragraph 3.4).
- 1.7 If this plan is required in an alternative format (such as large print, in Braille, on audio cassette, easy read or on computer disc) and/or language, please contact the above to discuss your requirements.
- 1.8 Ofcom will submit to the Equality Commission an annual progress report on the implementation of this plan and carry out a five-year review of it, which will also be submitted to the Commission. A copy of this plan, each annual progress report and the five-year review will be made available on Ofcom's website (www.ofcom.org.uk).

Section 2

Ofcom's functions

- 2.1 As the communications regulator in the UK, Ofcom regulates the TV, radio and video on demand sectors, fixed line telecoms, mobiles, postal services, and the airwaves over which wireless devices operate, making sure that people in the UK get the best from their communications services and are protected from scams and sharp practices, while ensuring that competition can thrive.
- 2.2 Ofcom operates under a number of Acts of Parliament, including, in particular, the Communications Act 2003. Ofcom must act within the powers and duties set for it by Parliament in legislation. This Act says that Ofcom's principal duty is to further the interests of citizens and of consumers, where appropriate by promoting competition.
- 2.3 Accountable to Parliament, Ofcom sets and enforces regulatory rules for the sectors over which we have responsibility. We also have powers to enforce competition law in those sectors, alongside the Competition and Markets Authority.
- 2.4 Ofcom is funded by fees from industry for regulating broadcasting and communications networks.
- 2.5 Ofcom's main legal duties are to ensure:
 - the UK has a wide range of electronic communications services, including high-speed services, such as broadband;
 - a wide range of high-quality television and radio programmes are provided, appealing to a range of tastes and interests;
 - television and radio services are provided by a range of different organisations;
 - people who watch television and listen to the radio are protected from harmful or offensive material;
 - people are protected from being treated unfairly in television and radio programmes, and from having their privacy invaded;
 - viewers of video on demand services are protected from harmful content;
 - a universal postal service is provided in the UK – i.e. a six days a week, universally priced delivery and collection service across the country; and
 - the radio spectrum (i.e. the airwaves used by everyone from taxi firms and boat owners, to mobile-phone companies and broadcasters) is used in the most effective way.
- 2.6 Further, under the Communications Act 2003, Ofcom has the following legal obligations to promote equality of opportunity, which refer explicitly to the needs of disabled citizens and consumers:

Section	Detail
3(4)(i)	<p><u>General duties of Ofcom</u> Ofcom must have regard, in the performance of its duties, to the needs of people with disabilities, inasmuch as they are relevant to the circumstances</p>
10	<p><u>Easily usable equipment</u> Ofcom shall take steps and make arrangements in order to encourage others to secure the development of domestic electronic communications equipment which is capable of being used with ease, and without modification, by the widest possible range of individuals (including those with disabilities)</p>
21	<p><u>Advisory Committee for Older and Disabled People</u> Ofcom must establish and maintain a committee to provide advice on the interests of disabled and older citizens in relation to communication matters</p>
27	<p><u>Employment in broadcasting</u> Ofcom should take steps as considered appropriate for promoting equality of opportunity in the employment and training for disabled people in television and radio</p>
303	<p><u>Television services for the deaf and visually impaired</u> Ofcom has a duty to draw up and from time to time revise and review a code giving guidance to the extent to which television services promote understanding and enjoyment by people who are deaf or hard of hearing; people who are blind or partially sighted; and people with a dual sensory impairment</p>
308	<p><u>Assistance for the visually impaired with the teletext service</u> In the regulation of the public teletext service, Ofcom should include appropriate conditions to ensure the inclusion of particular features of this service, so that people with disabilities affecting their sight are able to make use of the service</p>
310	<p><u>Code of practice for electronic programme guides</u> Ofcom has a duty to draw up and from time to time review and revise a code giving guidance as to the practices to be followed in the provision of electronic programme guides. The practices required by the code must also include the incorporation of appropriate features so that people with disabilities affecting their sight or hearing or both are able to make use of such guides and are informed of and are able to use any assistance provided</p>
337	<p><u>Equal opportunities and training</u> Ofcom shall include appropriate conditions requiring broadcast licence holders to make arrangements for promoting, in relation to employment, the equality of opportunity for disabled people</p>

Section 3

Public life positions

3.1 Ofcom has responsibility for a range of public life positions.

Ofcom Board

3.2 Providing strategic direction for Ofcom, the Board currently consists of up to 10 members, including the Chairperson and other non-executive members, who are appointed by the Secretary of State; the Chief Executive and other executive members are appointed from Ofcom's employees. During the term of this Plan, we expect to appoint a member of the Board to represent the interests of Northern Ireland (alongside similar Board member appointments for Scotland and Wales).

Communications Consumer Panel and Advisory Committee on Older and Disabled People

3.3 The Communications Consumer Panel consists of eight independent experts who work to protect and promote people's interests in the communications sector. It carries out research, provides advice and encourages Ofcom, Government, the EU, industry and others to look at issues through the eyes of consumers, citizens and micro-businesses. The Panel pays particular attention to the needs of older people and people with disabilities, the needs of people in rural areas and people on low incomes, and the needs of micro-businesses, which face many of the same problems as individual consumers. There are four members of the Panel who represent the interests of consumers in Northern Ireland, Scotland, England and Wales.

3.4 As the Advisory Committee on Older and Disabled People, Panel members have a direct reporting line to the Ofcom Board, seek to identify issues of interest to older and disabled people that affect the communications and postal sectors, and advise Ofcom both about specific issues concerning the communications and postal sectors relating to older and disabled people, and on Ofcom's internal policies and procedures.

Advisory Committees for the Nations

3.5 Ofcom has separate committees for Northern Ireland, Scotland, England and Wales. Each comprises seven independent expert members and can advise Ofcom on issues covering its entire communications remit. These committee meetings are also attended by the respective nation's member of the Communications Consumer Panel (see above).

Section 4

Previous measures

- 4.1 The measures Ofcom takes to promote positive attitudes towards disabled people and encourage the participation of disabled people in public life are ongoing. Outlined below are examples of such measures that Ofcom has already taken.

Disability duty: Promoting positive attitudes towards disabled people

- 4.2 Disability and Wellbeing Group (DWG): As part of Ofcom's Corporate Responsibility Steering Group, the DWG consists of colleagues from across Ofcom and was established to assist, and has assisted, in managing the organisation's approach to being disability smart.
- 4.3 Business Disability Forum (BDF): The BDF is focused on disability as it affects business. The aim of the forum is to make it easier to recruit and retain disabled employees and to serve disabled customers. Ofcom has been a member of the forum since 2004 and has joined its Disability Standard, enabling Ofcom to measure its current performance on disability and what needs to be done to make progress. The standard has allowed Ofcom to compare its performance against organisations within the communications industry and other employers.
- 4.4 Single Equality Scheme (SES): In addition to our duties under the Communications Act 2003, Ofcom, as a public authority, has general duties to promote equal opportunities under the Equality Act 2010, having a responsibility to have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity between different groups; and foster good relations between different groups. Such groups include disability groups, concerning which we are committed to: promote the availability of easy to use equipment by publishing and maintaining web resources about usability, and working with others to increase knowledge and good practice; and encourage services for disabled people to be well-publicised as well as provided, carry out monitoring, including periodic mystery shopping.
- 4.5 Northern Ireland Equality Scheme for Ofcom: Under section 75 of the Northern Ireland Act 1998 (NIA), Ofcom is required to produce an Equality Scheme in relation to its functions in Northern Ireland. Section 75 of the NIA includes an obligation to promote disability equality. On 3 January 2014, Ofcom published its Revised Northern Ireland Equality Scheme for Ofcom², which sets out how the organisation proposes to fulfil its duty to promote equality of opportunity, including for disabled people, over the next five years.
- 4.6 Disabled consumers' use of communications services³: In October 2015 Ofcom published a consumer experience report, which provided a detailed analysis of research conducted among a robust sample of 4,004 disabled consumers aged 15 or over, with hearing, visual, mobility or multiple impairments or learning disabilities, making comparisons by type of disability and by demographic group, drawing out differences between disability groups, and making comparisons with non-disabled

² <http://stakeholders.ofcom.org.uk/consultations/northern-ireland-equality/revised-ni-equality-scheme/>

³ <http://stakeholders.ofcom.org.uk/market-data-research/other/cross-media/disabled-consumers-ownership-comms-services/Disabled-consumers-use-of-communications-services/>

consumers. This has helped inform all areas of Ofcom's work relating to the needs of disabled consumers and has complemented other research concerning, more broadly, service affordability and media literacy in the UK population.

- 4.7 Broadcasters: Ofcom has a legal duty to ensure that the regulatory regime requires licence holders to encourage the promotion of equality of opportunity for disabled people in employment and training and Ofcom encourages broadcasters to monitor their workforces and access to training by disability, gender and race. Working closely with the Equality and Human Rights Commission, the Creative Diversity Network and Pact, we launched a brochure entitled 'Thinking outside the box' at the Edinburgh Festival in 2015. It provides legal guidance for the television broadcasting sector on what action can lawfully be taken to increase diversity in the industry. It also aims to tackle some of the misunderstandings industry told us it had about what equality law prohibits and permits. This has helped promote positive attitudes towards disabled people, among others, by clarifying to broadcasters how diversity in the industry can be increased.

Disability duty: Encouraging the participation of disabled people in public life

- 4.8 Television access services: In May 2015 Ofcom published an amended Code on Television Access Services, which sets out requirements on subtitling, sign language and audio description that apply to television services licensed in accordance with the Communications Act 2003, the Broadcasting Act 1996, or the Broadcasting Act 1990. The Code sets targets, against which Ofcom reports on licensees' performance annually. Subsequent sampling has shown, among other things, increased accuracy in subtitling.
- 4.9 Good practice guide for call centres: Produced in June 2010, this guide contains practical tips for communicating with disabled customers, based on advice received from disabled people, and organisations representing them, following issues they have experienced with call centres. Ofcom wrote to major telecoms providers, financial institutions, insurance and utility companies, to encourage them to consider using the good practice guide. In Northern Ireland, Ofcom brought the guide to the attention of organisations such as Disability Action, Mencap and the Northern Ireland Assembly's All Party Groups on Disability and Learning Disability, which helped promote awareness of it.
- 4.10 Text relay services⁴: Research commissioned with members of the hearing impaired communities, helped develop Ofcom's understanding about the usage and perceived benefits of, and attitudes towards, text phone services. Service users found that callers were frustrated by their inability to interrupt and hold 'real time' conversations, and also reported that the speeds of conversations were generally slow, as callers had to take turns to speak or type. Ofcom worked closely with disability stakeholders and industry to ensure that a 'next generation' text relay service delivered an improved experience to its users. The main improvements (in 2014) have allowed for: parallel speech, hearing and text, with the ability to interject; easier access to the service on the move, on devices such as smartphones, tablet computers and laptops; and new phone numbers that automatically route calls via the service. Allowing for these has enabled the hearing impaired community improved use of text phone services.

⁴ A text relay service allows text phone users to call phone users (and vice versa) via a third party operator, who translates text to speech.

- 4.11 Support for the vulnerable: Covering such services as gas, electricity, water, phones and public transport, Ofcom took the lead in drawing up the UK Regulator's Network (UKRN)⁵ leaflet, 'Essential Services: getting extra help'.⁶ Published in March 2016 for vulnerable consumers seeking support services, the leaflet provides information concerning the additional support available for the elderly, the ill or those with a disability or who suddenly find themselves in vulnerable circumstances and may therefore require extra support when engaging with these services. The information assists easier engagement for disabled people, among others, with providers of essential services.
- 4.12 Access to services: Ofcom is committed to ensuring that all the services it regulates are fully accessible to everyone in the community across the Section 75 categories. Ofcom also adheres to the relevant provisions of current anti-discrimination legislation. An ongoing programme of media relations makes sure that Ofcom's consultations and policy announcements are communicated appropriately to the public.
- 4.13 Public events: Ofcom holds two keynote public events in Northern Ireland every year – an Annual Plan stakeholder consultation and the launch of the latest Communications Market Report. A wide range of stakeholders are invited to these events, including equality and diversity organisations. In order to accommodate disabled guests, we have provided sign language interpreters at these events, whenever required.
- 4.14 General access to Ofcom: Ongoing development of Ofcom's website meets current accessibility standards. Colleagues who manage the website attend relevant accessibility seminars and advise Ofcom on improvements it needs to make. Ofcom's Belfast office has a loop induction system, to enable participation in meetings and seminars of those with impaired hearing.
- 4.15 Disability discrimination: One of the most notable features of disability discrimination legislation is that, in prescribed circumstances, it imposes a duty on employers, service providers and public authorities to take such steps as are reasonable to remove or reduce particular access barriers experienced by disabled people in those circumstances – i.e. to make reasonable adjustments. Ofcom is committed to encouraging the participation of disabled people at Ofcom. This includes ensuring:
- colleagues' awareness of Ofcom's commitment to making reasonable adjustments;
 - a working environment in which colleagues feel able to ask for a reasonable adjustment;
 - relevant feedback from colleague surveys is monitored; and
 - disabled citizens feel that Ofcom is a place where they could work,

⁵ The UK's economic regulators – CAA, FCA, LSB, Ofcom, Ofgem, Ofwat, ORR, PSR, Utility Regulator, Monitor and WICS – have joined together in the UKRN to ensure effective co-operation between sectors.

⁶ <http://www.ukrn.org.uk/?p=904>

Section 5

Action measures

- 5.1 Outlined below are measures Ofcom proposes to take over the period from January 2017 to December 2021, together with related performance indicators or targets.
- 5.2 Ofcom's annual progress report on the implementation of this plan will detail the relevant outcomes associated with the above actions and will be submitted to the Equality Commission and made more widely available, as detailed in paragraph 1.8, above.

No.	Measure	Timescale	Performance indicator/target
<i>Disability duty: Encourage participation by disabled people in public life</i>			
1	Promote ACNI ⁷ and CCP ⁸ NI member posts through disabled stakeholder groups, such as Disability Action, and note in ACNI advertisements that we guarantee an interview to disabled candidates who meet all the essential criteria of the job description	Recruitment for ACNI and CCP member expected in 2017	Disabled people become more aware that Ofcom is keen to ensure its advice is informed by representatives from across the community, including disabled people, and Ofcom increases the number of applications it receives from disabled people
2	Ask applicants for posts in Ofcom and its advisory committees where they found out about the vacancies	Recruitment for ACNI and CCP expected in 2017	Any increase in applicants from disabled people is reflected in source declarations
3	Conduct quantitative and qualitative research, designed to capture the views of disabled citizens and consumers	Ongoing throughout the period of the plan	Ofcom gains in-depth knowledge about issues of concern to disabled people, enabling regulatory resources to be directed where they can have the most impact, leading to improved communications services for those with disabilities ⁹
4	Conduct stakeholder engagement with organisations representing the interests of disabled people	Ongoing throughout the period of the plan	

⁷ Ofcom's Advisory Committee for Northern Ireland

⁸ Communications Consumer Panel

⁹ Examples of outcomes to date that have led to improved communications services for those with disabilities can be found under 'Previous measures' (Section 4).

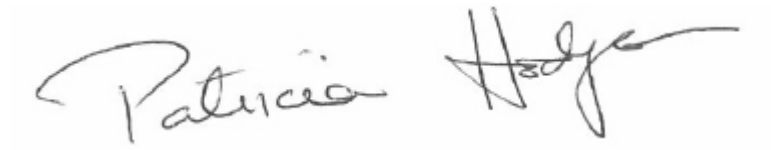
5	Monitor Ofcom complaints data to identify disability issues relevant to complaints	Ongoing throughout the period of the plan	(see above)
6	Lead on the production and distribution of a bespoke UKRN 'Essential Services: getting extra help' leaflet for Northern Ireland, taking into account that regulatory oversight of transport and utilities is different from that in GB ¹⁰	Publish in 2017	Disabled people (among others) in Northern Ireland become aware of the free support available to them when engaging with utility, post, phone and transport services
7	Publish a new annual monitoring report on 'Diversity in Broadcasting', based on equal opportunities data and information on diversity initiatives from broadcasters	Publish first report Q2 2017/18	Ensure that broadcasting represents and accurately portrays society
8	Complete our consultation on accessibility of On Demand Programme Services, implementing signing requirements for non-domestic channels, and working with industry to improve the quality of live subtitling	Ongoing	Promote accessibility of TV and On Demand Programme Services
9	Publish the annual Television Access Services Reports on broadcasters' compliance with the requirement to deliver a certain proportion of their programmes with subtitles, signing, and audio description.	Publish interim report in Q4 and full year report for previous year in Q2	Report on accessibility of TV services for disabled viewers and listeners
10	Publish an annual report on outcomes for vulnerable consumers, including whether such consumers benefit from value for money and are able to access ADR ¹¹ schemes	Publish report Q4 2017/18	Report on outcomes for vulnerable consumers

¹⁰ Ofcom has already led on a similar leaflet for GB – see paragraph 4.11, 'Support for the vulnerable'.

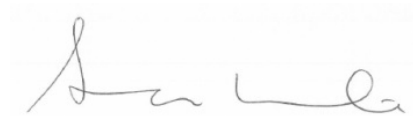
¹¹ Alternative Dispute Resolution

Disability duty: Promote positive attitudes towards disabled people			
11	Roll out unconscious bias training to Ofcom's people managers and encourage disability awareness training upon its completion	Completed in 2018	Improved staff awareness of the equality duties in relation to disability and their relevance to the workplace
12	Roll out both Disability Action Plan and Disability Equality training to Ofcom staff based in Northern Ireland	Completed in 2017	All Ofcom staff based in Northern Ireland are aware of the equality duties in relation to disability and their relevance to the workplace
13	Develop the Ofcom website to ensure it meets current accessibility standards	AA compliance achieved in Spring 2017 and monitored throughout the period of the plan	Ofcom's website remains accessible to disabled people (among others)
14	Reflect the diversity of society in Ofcom's communications and make diversity groups in Northern Ireland aware when a project or policy may impact on them	Ongoing throughout the period of the plan	Production of inclusive communications and disabled people (among others) become aware of Ofcom's work concerning, in particular, matters of specific relevance to them

Signatories of this Disability Action Plan for Northern Ireland:

A handwritten signature in black ink, reading "Patricia Hodgson". The name "Patricia" is written in a cursive style, and "Hodgson" is written in a more formal, slightly cursive style.

Dame Patricia Hodgson DBE
Chairman, Ofcom
6 March 2017

A handwritten signature in black ink, reading "Sharon White". The name "Sharon" is written in a cursive style, and "White" is written in a more formal, slightly cursive style.

Sharon White
Chief Executive, Ofcom
6 March 2017

Annex 1

Responses to our consultation

Stakeholders' views

- A2.1 Ofcom published its proposed Disability Action Plan (DAP) for Northern Ireland for consultation on 29 September 2016. The closing date for responses was 22 December 2016.
- A2.2 We sent the proposed Plan to all our equality stakeholders, as identified in our Revised Equality Scheme for Northern Ireland.
- A2.3 We received two substantive consultation responses, from the Communications Consumer Panel (CCP) and Disability Action. Both consultation responses have been published on the Ofcom website. The Plan was also presented to Ofcom's Advisory Committee for Northern Ireland (ACNI) at their meeting on 10 November 2016.
- A2.4 CCP and ACNI welcomed the proposed Plan and no amendments were suggested. Disability Action made a number of comments and suggestions to help improve the Plan and below we explain where we have made changes to our Plan as a result.

Our response

- A2.5 When considering the promotion of public life opportunities, Disability Action encouraged Ofcom to identify measures for which we have responsibility. Our Action Measures identify steps we can take to promote future positions on our Advisory Committee for Northern Ireland. We have added to this the appointment of a Northern Ireland member to the Communications Consumer Panel. Recruitment advertisements will also include a 'welcome statement' to encourage applications from disabled people.
- A2.6 On this public life duty, Disability Action also encouraged us to look beyond the public appointments process. We note that the Northern Ireland Equality Commission's advice on encouraging participation in public life is heavily weighted towards opening up public appointments to disabled people. But it also notes that 'public life' can include the way in which disabled people contribute to or are involved in public policy decision making. Our Action Plan addresses this through stakeholder engagement and research as well as a number of monitoring reports on the performance of the broadcasting and telecoms sectors.
- A2.7 Regarding the Advisory Committee on Older and Disabled People, Disability Action asked how representative the panel was. We believe the credentials of the CCP members and their contacts with relevant stakeholders make them a representative body.
- A2.8 Disability Action welcomed Ofcom's membership of the Business Disability Forum and the benefits of progress measurement is reflected within the actual Disability Action Plan.

- A2.9 In response to specific suggestions by Disability Action, we have numbered our Action Measures and will undertake Disability Equality training with colleagues, rather than Disability Awareness training.
- A2.10 Disability Action asked what level of accessibility the Ofcom website has attained. Our website will be AA compliant by spring 2017.
- A2.11 Disability Action recommended that 'ongoing' Action Measures be replaced by specific actions, dates, and clear performance indicators. We have done this wherever possible. We have also included new measures taken from Ofcom's proposed Annual Plan 2017/18 which was published after our DAP consultation.
- A2.12 Disability Action noted that it was difficult to compare what Action Measures are new or carried over from our previous DAP. They also asked if the previous measures have been evaluated. There are obviously common themes between the old and new Plans, given the nature of Ofcom's work, but we have made a fresh start on the Action Measures. In terms of monitoring and evaluating, our annual progress reports to the Northern Ireland Equality Commission on our equality scheme included progress on our Action Measures. The reports have also included additional relevant work undertaken by Ofcom which had not been included in the original DAP.
- A2.13 Disability Action asked for more details on how Ofcom intends to involve people with disabilities in the implementation, monitoring and review of the Action Plan. We named Disability Action as a body we want to engage with to help us implement this Plan and we will seek their guidance on our work throughout the period of this Plan.