

Testimony by Janice Schacter Lintz

Hello, my name is Janice Schacter Lintz and I am the CEO of Hearing Access & Innovations, formerly known as the Hearing Access Program, where I have been an advocate for 12 years, spearheading most of the hearing induction loop projects around NYC, including loops for subway information booths, taxis, and museums. I am also the mother of a 22-year old daughter who is hard of hearing. The US Access Board relied on my expertise, which I also provided at the request of the VP of Ecuador (https://janiceslintz.wordpress.com/2015/06/05/inclusion-without-frontiers-efficient-access-for-persons-with-hearing-impairments/?iframe=true&theme_preview=true), but the City has dismissed my input.

While I previously testified for bill 882 (Ex A), the current version no longer bears a resemblance to its former incarnation, and a full public hearing should be held on it, since it restricts the federal ADA, which the City cannot do.

The comments on a draft version by two officials at MOPD and Martha Alfaro, Deputy Chief at the NYC Law Department (Ex B), are deeply concerning and indicate that the intent is not to provide access but to limit it. Although the City forwarded the bill to various vendors for their input, vendors sell equipment and do not necessarily install what is best for the end user.

My issues with the bill are as follows:

1-The public was not invited to comment.

Bill 882-A (Ex C) was drafted without public input despite being markedly different from the non-A bill or 882. The City has not included hearing access on recent bids for the courthouse at 71 Thomas Street and the new Hornblower ferries. The City cannot evade its responsibility to provide access nor the 504 complaints I filed.

2-The City's exceptions and dollar thresholds are inconsistent with the ADA Standards.

See the opinion of the US Access Board:

From: "Yanchulis, Dave" <yanchulis@Access-Board.gov>

Date: March 13, 2017 at 1:27:00 PM EDT

To: "Capozzi, David" <capozzi@Access-Board.gov>

Subject: RE: Is this bill legal?

Yes, the exceptions and dollar thresholds are inconsistent with the ADA Standards. On the other hand, city and state governments can implement design requirements that are less stringent than those of the ADA. The ADA Standards, as well as regulatory requirements for effective communication, must still be satisfied regardless of any state or local regulations or codes that are less stringent. In reply, I would say:

The ADA Standards, which apply in new construction, alterations, and additions, require provision of an assistive listening system (induction loop, FM system, infrared system, or direct-wired equipment) in all courtrooms as well as in each assembly area equipped with audio amplification where audible communication is integral to use of the space (see [section 219](#)). In addition, regulations issued under the ADA by the U.S. Department of Justice also require that covered entities furnish appropriate auxiliary aids and services as necessary to ensure effective communication with individuals with disabilities (sections 35.160 and 36.303).

The requirements in the ADA Standards for assistive listening systems apply without regard to construction costs and do not exempt specific categories of assembly areas, such as classrooms or courtrooms. They do allow other alternatives to induction loops, such as FM and infrared systems.

The ADA Standards and regulations must be satisfied in addition to any state or local laws, regulations, or codes. Where there is a difference, the more stringent requirement must be met.

Dave

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3-The number of loops.

Robert Piccolos's comment to limit the number of loops on the draft bill (Ex B) is troubling. MOPD's goal should not seek to limit loops but to expand them.

It is also disturbing that the City will not add loops in meeting rooms used for people to file complaints. The bill also seems to assume that people with hearing loss do not work for the City, since it does not include conference rooms or any loops in places of employment. Only access for visitors is covered. (Ex C)

4-The Mayor's involvement is unprecedented.

It is very odd that the Mayor will be personally responsible for overseeing the technology used, since he has no expertise in this area. Will he be equally involved in overseeing physical and visual access?

5-ADA Symbols

The symbols recommended in the bill beyond the induction loop symbol are not clear. Visual symbols should be included in the bill to provide clarity about which symbol to use and when. The signs should be both inside and outside the room, as per RNID n/k/a Action on Hearing Loss:

“In the case of a reception area, the sign must be placed at the point where the loop equipment is effective. In the case of a meeting room, the loop sign should be placed at the entrance of the room, inside the room and also clear indications should be made where the equipment can be switched on.” (Ex D)

6-Capital projects after January 1, 2018 exclude the new Hornblower ferries.

Using this start date excludes the new Hornblower ferries and the recently renovated courthouse at 71 Thomas Street. The ADA was enacted in 1990, 27 years ago, and there is no provision to change the ADA's start date. The City was aware of the need for hearing access for both projects, since I specifically notified the City prior to the start of both projects that hearing access should be implemented. It makes no sense that the access was not included, especially since I have email stating it will be.

7-Why are classrooms and courthouses being excluded?

The City cannot narrow the ADA. And shouldn't the City want to ensure that all students, including those with hearing loss, receive an appropriate education?

8-The City cannot recommend proprietary technology.

In the second bill, a micro loop is recommended. This is not a defined term but rather a proprietary term used by Oval Window. (<http://www.ovalwindowaudio.com/microloop.htm>) It is inappropriate to use a potential vendor's proprietary name in a bill. Bills should use generally accepted terms to provide clarity and avoid confusion.

The bill does not require periodic monitoring of the loops similar to the monitoring of elevators. Access is not effective if it does not work. (Ex D)

This bill is a starting point but needs the input of people who use the technology and/or their parents. A public hearing needs to be held prior to passage. Actually, a bill like this is not necessary, since the City merely needs to comply with the ADA unless it is expanding the ADA requirements, which would be the only reason to introduce a new bill, and that is not the case here.

I strongly urge the City Council not to pass this bill until the public's voice is heard and the above issues are corrected.

Janice S. Lintz. CEO, Hearing Access & Innovations, www.hearingaccess.com and JaniceSLintz@gmail.com, 917-975-5642

Testimony by Janice Schacter Lintz

Hello, my name is Janice Schacter Lintz and I am the CEO of Hearing Access & Innovations (formerly known as the Hearing Access Program), which spearheaded most of the hearing induction loop projects around NYC, including subway information booths, taxis and museums. I am also the mother of a 20-year old daughter who is hard of hearing.

These bills are desperately needed. For the last 13 years, I have personally struggled as an advocate to get this access provided despite the ADA requiring it. Just as the Federal Civil Rights Act needed to be followed up with the Voter's Rights Act, these bills are needed to ensure provision of effective communication. Without them, the burden is shifted to people like me to file complaints and sue.

- Intro 881: ADA Coordinator

Appointing an ADA coordinator is important for making sure that access is provided, and it is critical that a conscious effort be made to appoint someone who is hard of hearing. I would be hard pressed to name a single ADA coordinator who is hard of hearing, since ADA coordinators who have a hearing loss are usually, required to know sign language (ASL). This requirement doesn't exist if the person has a disability other than hearing loss. Since most people with hearing loss are hard of hearing and seldom know ASL, it is absurd to solely make knowledge of sign language a requirement for people with hearing loss. The requirement should either be for everyone or no one. The lack of ADA coordinators who are hard of hearing is one reason why hearing access is often not implemented.

- Intro 883: Information on Disabilities

The bill is excellent but needs the following modifications:

Section 8-132 #2-Persons who are deaf should be changed to persons who are deaf or hard of hearing. CART is not solely used by people who are deaf but by the full spectrum of people with hearing loss.

Section 8-132 #3- should include: "Neck loops must be available if an FM or infrared assistive listening system is provided instead of a hearing induction loop assistive listening system" to ensure that the full needs of the hearing loss

spectrum are met: <https://janiceslintz.files.wordpress.com/2015/05/effectiveaccess.pdf>.

The ADA and technical installation term is “induction loop”. Some lay people use the term, “hearing loop.” The NYC TLC adopted “hearing induction loop” so it is clear to installers and users. Audio loop is never correct. The bill uses the term “induction loops” and not hearing loops. It is critical that the terms are all consistent to avoid confusion.

Section 8-132 #5-Contact information should include an email address for people who cannot use a phone.

- Intro 882: Induction Loop Bill

The hearing induction loop signal strength needs to be mandated. The proposed international ANSI standards should be achieved throughout the room:https://janiceslintz.files.wordpress.com/2015/10/proposal-7-19-a117-car_march-2013-complete-2.pdf This federal legislation is pending but I recommend it be included to ensure the systems installed work. Without it, shoddy contractors will see this as a golden opportunity. They will enter the field and install systems that fail to work. Systems that do not work are not effective access which is also why periodic testing needs to be required. Elevators are routinely tested and so should hearing induction loop systems.

Without a requirement that the full room be looped, some places will only loop part of the room, thus creating a “ghetto.” This is inappropriate. People with hearing loss should not be required to sit in certain sections rather than where they or their friends and family want to sit. Separate but equal is not appropriate for race nor for people with disabilities.

Attached is a more thorough explanation of telecoils that I wrote for the State of NJ and the Hearing Loss Association of America:

<https://janiceslintz.files.wordpress.com/2014/11/telecoil-article-veryfinal-9-12.jpg>

My comments about these bills are minor tweaks. The bills are fantastic and will be transformative for people who are hard of hearing. Thank you for your time.

Janice S. Lintz. CEO, Hearing Access & Innovations, JaniceSLintz@gmail.com, 917-975-5642

Int. No. 882
(Alternative Proposal, 12.12.16)

By Council Members Rosenthal, Torres, Eugene, Koo, Koslowitz, Cabrera, Chin, Van Bramer, Crowley, Levin, Reynoso, Palma, Deutsch, Dromm and Menchaca

A Local Law amend the New York city charter, in relation to requiring the installation of induction loops systems for certain capital projects paid in whole or in part from the city treasury and requiring the publication of public locations where such systems are available.

Be it enacted by the Council as follows:

Section 1. Chapter 9 of the New York city charter is amended by adding a new section 224.3 to read as follows:

§ 224.3 Induction loop systems. a. As used in this section, the following terms have the following meanings:

Baseline construction cost. The term "baseline construction cost" means the total cost of a proposed capital project not including the cost of installing an assistive listening system.

Capital project. The term "capital project" means a capital project as defined in section 210 of this chapter that is paid for in whole or in part from the city treasury.

Meeting space. The term “meeting space” means any space designed to be used for conducting public meetings or for gatherings of X or more persons, including but not limited to auditoriums, cafeterias, assembly spaces, conference rooms, multipurpose spaces, recreation spaces, community halls, exhibition halls, lecture halls, libraries, office meeting rooms, board rooms, hearing rooms, and theaters. For purpose of this section meeting space does not include court rooms or ancillary spaces in courthouse buildings..

ALTERNATIVE DEFINITION SUGGESTED BY OLIVIA GOODMAN

The term “meeting space” means a space classified in occupancy group A pursuant to the New York city building code, or a space used for assembly purposes with an occupant load of

fewer than 75 persons classified in occupancy group B pursuant to such code. Such term shall not include (1) offices; or (2) classes or instructional rooms with 75 or more persons classified in occupancy group A3 pursuant to such code.

Occupancy group. The term "occupancy group" means occupancy group as classified in accordance with the New York city construction codes.

Shielding. The term "shielding" means material used to prevent the leakage of an induction loop signal outside of a meeting space or to prevent interference from an outside source that affects an induction loop signal within a meeting space.

b. Requirement for installation of assistive listening systems. Each capital project with an estimated baseline construction cost of \$500,000 or more involving the construction of a new meeting space or the reconstruction of an existing meeting space shall be designed and constructed to include the installation of an induction loop assistive listening system that complies with the performance requirements set forth in subdivision c of this section in at least one such meeting space. Any security, information, or reception desk used for the checking-in or screening of persons attending a meeting held in a meeting space in which an induction loop assistive listening system has been provided pursuant to this section shall also be equipped with an induction loop system that complies with the performance requirements set forth in subdivision c of this section. Upon completion of any such new construction or reconstruction, directional signage indicating the availability and location of an assistive listening system shall be provided pursuant to subdivision d of this section.

c. System performance requirements. Any induction loop system installed pursuant to this section shall meet or exceed the system performance requirements set forth in International

Electrotechnical Commission IEC 60118-4 Edition 3.0 2014-12 relating to induction-loop systems for hearing aid purposes.

d. Signage. 1. Directional signage that provides adequate guidance to the meeting space, including raised graphics and letters with Braille descriptors, must be provided in accordance with section 1110.2 of the 2014 New York city building code, and other signage indicating any special accessibility features must be provided in accordance with section 1110.3 of such code.

2. Any security, information, or reception desk used for the checking-in or screening of persons attending a meeting held in a meeting space required to have an assistive listening system pursuant to this section and equipped with an induction loop system shall display the international symbol of access for hearing loss pursuant to figure 703.6.3.3 of ICC A117.1-2009 and a “T” in the lower right-hand corner of such symbol indicating the availability of an induction loop system.

3. The international symbol for access for hearing loss pursuant to section 703.6.3.3 of ICC A117.1-2009 and a “T” in the lower right-hand corner of such symbol indicating the availability of an induction loop system shall be displayed at the entrance to any meeting space equipped with an assistive listening system pursuant to this section.

e. Annual report. No later than July 1, 2018, the mayor or such office or agency as the mayor may designate shall post on its website the locations of facilities owned or operated by the city at which an assistive listening system such as an induction loop, infrared, FM, or other type of system, is permanently available. The list shall be updated annually thereafter.

f. This section shall not apply to capital projects for facilities that are not city owned unless 50 percent or more of the estimated cost of such project is to be paid for out of the city treasury. This exemption shall not apply to any capital project that receives \$1,000,000 or more out of the city treasury.

g. This section shall not apply to capital projects that have received capital dollars from the city treasury before January 1, 2018.

§ 2. This local law takes effect on January 1, 2018, and shall apply to capital projects for which the final design is approved pursuant to section 223 of the New York city charter after such effective date, except that prior to such effective date the mayor or office or agency designated by the mayor shall take all actions necessary for the timely implementation of this local law, including the promulgation of rules.

Proposed Int. No. 882-A

By Council Members Rosenthal, Torres, Eugene, Koo, Koslowitz, Cabrera, Chin, Van Bramer, Crowley, Levin, Reynoso, Palma, Deutsch, Dromm, Menchaca and Cohen

A Local Law amend the New York city charter, in relation to requiring the installation of induction loops systems for certain capital projects paid in whole or in part from the city treasury and requiring the publication of public locations where such systems are available.

Be it enacted by the Council as follows:

Section 1. Chapter 9 of the New York city charter is amended by adding a new section 224.3 to read as follows:

§ 224.3 Induction loop systems. a. As used in this section, the following terms have the following meanings:

Assembly area. The term “assembly area” means an assembly area, as defined in section 106.5 of the 2010 Americans with Disabilities Act standards for accessible design, in which audible communication is integral to the use of the space, except that such term shall not include classrooms in schools; facilities primarily used to deploy first responders, courthouses and outdoor facilities such as athletic fields and stadiums.

Baseline construction cost. The term "baseline construction cost" means the total cost of a proposed capital project not including the cost of installing an assistive listening system.

Capital project. The term "capital project" means a capital project as defined in section 210 of this chapter that is paid for in whole or in part from the city treasury.

b. Each capital project with an estimated baseline construction cost of \$950,000 or more involving the construction or reconstruction of one or more assembly areas shall be designed and constructed to include in at least one assembly area the installation of an induction loop assistive listening system that complies with section N102 of appendix N of the New York city building

code, or an alternative assistive listening system that complies with appendix N of the New York city building code that has been determined by the mayor in accordance with subdivision i of this section to be significantly more effective for the hard of hearing than an induction loop system.

Each security, information, or reception desk used for the checking-in or screening of persons attending a meeting or event held in a looped assembly area shall be equipped with microloops.

This section shall not apply to a capital project involving the reconstruction of an assembly area if the estimated cost of installing an induction loop system or alternative system exceeds 5% of the baseline construction cost of the project.

c. Directional signage that includes guidance to an assistive listening assembly area, including raised graphics and letters with Braille descriptors, must be provided in accordance with section 1110.2 of the New York city building code, and other signage indicating any special accessibility features must be provided in accordance with section 1110.3 of such code.

d. The entrance to any building containing an assistive listening assembly area and any security, information, or reception area used for the checking-in or screening of persons attending a meeting or event held in such assembly area shall display the international symbol of access for hearing loss pursuant to figure 703.6.3.3 of ICC A117.1-2009 and a “T” in the lower right-hand corner of such symbol indicating the availability of an induction loop system or a symbol indicating an alternative system if applicable.

e. No later than July 1, 2018, the mayor or an office or agency designated by the mayor shall post on its website the locations of facilities owned or operated by the city at which an assistive listening system such as an induction loop, infrared, FM, or other type of system, is permanently available or in the process of being installed, as well as which type of assistive listening system is permanently available or in the process of being installed, including the cost

associated with installation of new assistive listening systems. The list shall be updated annually thereafter.

f. This section shall not apply to capital projects involving the construction or reconstruction of assembly areas that are not owned by the city unless 50 percent or more of the estimated cost of such project is to be paid for out of the city treasury, provided that this exemption shall not apply to any capital project that receives \$1,000,000 or more out of the city treasury.

g. The mayor may exempt from this section projects accounting for up to 20% of the capital dollars in each fiscal year subject to this section for the installation of assistive listening systems if in his or her sole judgment such exemption is necessary in the public interest. At the conclusion of each fiscal year the mayor shall report to the council the exemptions granted pursuant to this section, including the basis for such exemption.

h. The mayor or an office or agency designated by the mayor shall promulgate rules to carry out the provisions of this section.

i. Where the mayor determines, after consulting with experts in the field of hearing disabilities and assistive listening systems and advocates for people who are hard of hearing, that there is new technology with respect to an assistive listening system that makes such system significantly more effective than an induction loop system, the mayor may promulgate a rule allowing the use of such system as an alternative to an induction loop system in accordance with subdivision b.

§ 2. This local law takes effect on January 1, 2018, and applies to projects for which an application for construction document approval is filed with the department of buildings on and after such date, except that prior to such effective date the mayor or office or agency designated

by the mayor shall take all actions necessary for the timely implementation of this local law, including the promulgation of rules.

We're RNID, the charity working to change the world for the UK's 9 million deaf and hard of hearing people.

There are a number of ways to support us. To find out more:

Go to
www.rnid.org.uk

Contact our Information Line

Telephone 0808 808 0123

Textphone 0808 808 9000

Or write to us

informationline@rnid.org.uk

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Loop systems: A guide to best practice



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Background

About this guide

This is a guide for employers, service providers and businesses, which explains best practice in relation to induction loops.

Topics covered in this guide include how loop systems work, how to look after them and how to make your business more accessible to people who are deaf and hard of hearing.

Did you know?

There are around 9 million people in the UK who are deaf and hard of hearing, many of whom wear hearing aids. If you own, manage, or provide a service, you have a legal duty to ensure that your service is accessible to people with disabilities.

Financially, it also makes sense to be accessible – the one in seven people in the UK who are deaf and hard of hearing are your potential customers, worth around £4 billion a year.



What are induction loops?

An audio frequency induction loop (AFIL) is equipment that is used to make communication easier for hearing aid wearers. It provides a magnetic signal that is picked up by a hearing aid when this is set to its 'T' (Telecoil) setting.

How do induction loops work?

A loop system will have: a microphone/s, to capture the spoken word; an induction loop amplifier, to process the audio signal, which is then output through the final piece; the loop cable, around the perimeter of a specific area to act as an aerial to radiate the magnetic signal to the hearing aid.

When a hearing aid user selects the 'T' setting, he or she can pick up sounds spoken into the loop system microphone instead of the hearing aid's internal microphone.

Who benefits from induction loops?

People who are deaf and hard of hearing may find it difficult to hear the spoken word in places where there is high ambient noise or poor room acoustics. This can include: shops, supermarkets, banks, Post Offices, cinemas, theatres, meeting room and many other venues. A correctly installed loop system can help overcome these problems.



Best Practice

Why should I provide induction loops?

The Disability Discrimination Act (DDA) 1995 states that you must make 'reasonable adjustments' so that your service is accessible. Without making these changes, you may be discriminating against disabled people, and you could face legal action.



“Lloyds TSB is proud to provide a service accessible to hearing aid wearers. Having induction loops helps to ensure our customers get the most from our services and it's not only our existing customers who benefit. It also means we can promote our branch service with confidence to 9 million potential new customers.”

Ken Lamport, Retail Standards Manager at Lloyds TSB

Where can I buy induction loops?

You can buy induction loops from a number of suppliers in the UK, including RNID Products. When you select an installer, be sure to confirm that they will install the system to conform to the British Standard Code of Practice for Audio Frequency Loop Systems BS 7594. This will ensure that the most suitable loop system is installed and that it is designed to professional standards.

How will my loops be installed?

Before a loop system is installed, the installer will carry out a site survey. This will include testing the site for magnetic background noise, because electrical equipment and mains wiring can interfere with hearing aids on the T setting. The installer will also need to determine the area that needs to be covered and whether any surrounding metal surfaces might affect the looped area.

If you are installing more than one loop, you will need to ensure their signals don't overlap. Your installer will be able to advise on this.

Finally, the type and positioning of the microphone needs to be considered. If the microphone is too far away from the person speaking, this could adversely affect the overall performance of the loop system.



How many induction loops do I need?

This depends on the service you provide. Within an office or similar environment, you should have an induction loop in these locations.

- Reception.
- 25% of meeting rooms.
- 50% of booths or interview rooms.
- There should also be a portable loop for use in rooms without a built in system and for any outreach work you perform.
- Any other relevant points – for example, if an intercom is used to access your premises, an induction loop should be fitted here also.

Within a shop, supermarket, bank, Post Office or similar, there should be loops at these locations.

- Each customer-facing point – counters, customer service and information points, desks, etc.
- Between 50-100% of tills or checkouts (depending on the layout of the building). Where an 'above counter loop' is used, all points can be covered.
- There should also be a portable loop in other locations and for any outreach work you perform.

How do I let users know where induction loops are?

It is important to let hearing aid users know if a loop is installed and where it is located. As part of the installation, your installer will provide one or more standard 'T' loop signs. This should be set apart from other signage, and should be very visible.

In the case of a reception area, the sign must be placed at the point where the loop equipment is effective. In the case of a meeting room, the loop sign should be placed at the entrance of the room, inside the room and also clear indications should be made where the equipment can be switched on.

How do I look after induction loops?

Induction loop systems need regular maintenance to ensure they are functioning properly, just like any other electronic equipment. It is not acceptable to rely on customers reporting problems with loops – you must be proactive in ensuring systems are fully functioning at all times. To make sure you are providing an accessible service, induction loops should be checked monthly.

Your installer may provide you with a 'personal listener', which allows a non-hearing aid wearer to access the induction loop. This is useful for periodic testing of the equipment. The checks should be performed by an appropriate person, and the results should be recorded for audit purposes. An annual check should also be performed by your supplier, ensuring it is tested to IEC 60118-4 standard.

What else do I need to do?

As well as having induction loops fitted and regularly maintained, it is **vital that staff, including new employees, are aware that a loop system is fitted, its function and how to use it.** Without staff being trained in this way, customers and service users will find your service very difficult to use. This should also extend to deaf awareness training for all staff. A 'personal listener', for example, as mentioned earlier in this guide, will allow staff to experience the loop system in a similar way to a hearing aid wearer.



Next steps

How can I make my business even more accessible?

RNID's Louder than Words charter is an easy way to demonstrate that you provide the best possible service to customers and staff who are deaf and hard of hearing. You can achieve this charter by fulfilling 10 simple steps within your business.

For more information about Louder than Words, go to www.rnid.org.uk/ltw
telephone 0161 276 2312/2311
textphone 0161 276 2316
e-mail training.services@rnid.org.uk

or write to:
RNID Training Services
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5 Adair Street
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Summing up

In short, these are the important points to remember:

- Induction loops are vital to ensure accessibility for hearing aid wearers.
- Increasing access for people who are deaf or hard of hearing to your business or service can increase your revenue stream.
- Induction loops should be installed at all customer facing points, 25% of meeting rooms, 50% of booths or interview rooms, and portable loops should be provided for outreach work.
- Induction loops should be checked on a monthly basis, with annual checks by a qualified supplier.
- Train your staff about the need for, function and usage of induction loops.
- Show your commitment to best practice and accessibility by gaining RNID's Louder than Words charter.

Where can I find out more?

For more information or advice about induction loops, deaf awareness, or any issue relating to deaf and hard of hearing people, visit our website: www.rnid.org.uk

contact our Information Line on
telephone 0808 808 0123, textphone 0808 808 9000,

or write to us
informationline@rnid.org.uk

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