



Communications Consumer Panel and ACOD response to Ofcom's consultation: 'How should On-demand Programme Services be made accessible?'

The Communications Consumer Panel, established by the Communications Act 2003, is a group of independent experts with direct sectoral experience. We ensure the citizen and consumer voice is represented in communications policy development.

The Panel's job is to ensure that the sector works for consumers, citizens and micro businesses - and in particular people who may be in a more vulnerable position in society. We carry out research, provide advice and encourage Ofcom, governments, 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 have many of the same problems as individual consumers.

Four members of the Panel also represent the interests of consumers in England, Northern Ireland, Scotland and Wales respectively. They liaise with the key stakeholders in the Nations to understand the perspectives of consumers in all parts of the UK and input these perspectives to the Panel's consideration of issues. Following the alignment of ACOD (the Advisory Committee for Older and Disabled people) with the Panel, the Panel is more alert than ever to the interests of older and disabled consumers and citizens.

Response

The Panel welcomes the opportunity to help Ofcom answer the question: *"How should on-demand programme services be made accessible?"*

There are a number of ways of answering this question. First - legislation. We have for some time called for the legislative route as a way of helping ensure that viewers of on demand programming can enjoy equivalent access services as they do on linear TV. We were therefore pleased to see this call being heeded, and that Ofcom have been given relevant powers under the Digital Economy Act to set targets for on-demand programmes. We urge Ofcom to move as quickly as possible on this to establish parity with linear programming. We also urge regular monitoring and reporting so that progress can be assessed.

Second - awareness. Accessibility and awareness go hand-in-hand - services of which viewers are unaware might just as well not be there in the first place. They are, by definition, not accessible. So collaboration between all agencies, stakeholders and

providers is essential to help on-demand services become accessible. This may need some level of coordination by Ofcom, which would need to be built into the legislation.

Third - investment. Broadcasters and platform and content providers must show greater commitment by investing in making on-demand programming accessible to a much greater extent than at present. We appreciate that there are technical challenges when it comes to providing good quality subtitling, audio description and signing for on-demand programmes. But this is not a poor industry, and it is one that has access to technical innovation and capability. This year, over £4.464 billion has so far been invested in Premier League football rights by two broadcasters alone. Just one tenth of 1% of that sum - about £4.4 million - could, we feel, if invested in on-demand access services, make a massive difference to the lives of the millions of people in the UK who have sight or hearing impairments. So one answer to the question posed is: by the industry investing money in access services. We urge all industry players to do so.

Television is vital to consumers' and citizens' participation and inclusion in daily life and society; it helps people to keep up with news and current affairs, but also to share experiences with friends and family. The way audiences consume television content has changed fundamentally in recent years - but whether it is accessed as linear or on-demand content, television should be equally accessible to all.

We commissioned quantitative and qualitative research to help inform the case for legislation, which looked at the availability, awareness, use of, and satisfaction with, access services (*'Access to broadcast and on-demand content: Time to Catch Up!'*¹, published 2017). Our findings from the research have enabled us to make evidence-based recommendations to Ofcom and industry.

A stark figure that emerged from Ofcom's recent research was that 62% of on-demand programme services providers did not offer any access services with their programmes². We find this unacceptable. It unnecessarily deprives a huge number of people from something that is generally available to others; it militates against an inclusive and diverse society.

The research is referred to throughout this response, to highlight the needs of viewers and listeners of television services. Our full list of recommendations can be found in Annex 1. We have engaged with Action on Hearing Loss and the RNIB to ensure that the recommendations we made aligned with the experiences of the hearing and vision-impaired people their organisations represent.

¹ <https://www.communicationsconsumerpanel.org.uk/access-to-broadcast-and-on-demand-content-time-to-catch-up/access-to-broadcast-and-on-demand-content-time-to-catch-up>

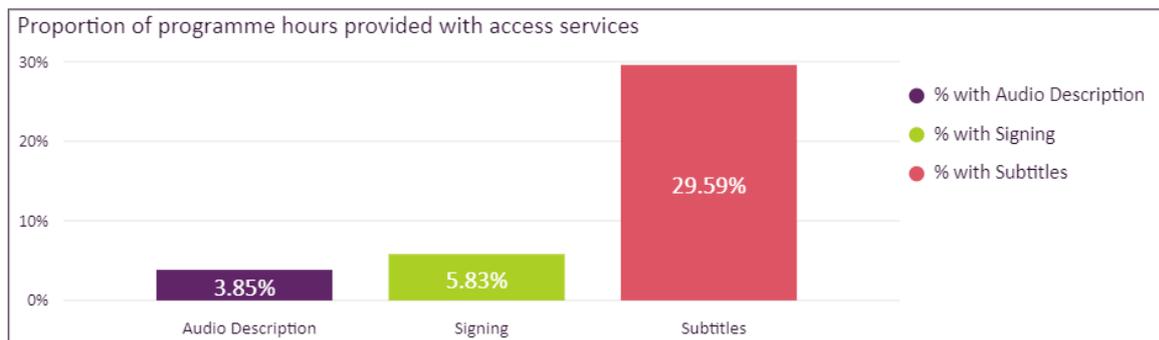
² https://www.ofcom.org.uk/__data/assets/pdf_file/0024/108672/report-odps-accessibility.pdf

Availability needs to be improved as a matter of priority

Access services (including subtitling, audio description and signing) need to be much more available on all on-demand services.

While some providers have made moves to build accessibility into their processes, on-demand programme services are by no means accessible across the board, or to all who would benefit from them. There are stark differences between provision of access services on linear programme services (which need to comply with Ofcom’s Code on Television Access Services³) and provision on on-demand programme services (which do not currently need to comply with any Code).

The quotas imposed on linear television are 80-100% (subtitling), 10% (audio description) and 5% (signing) and are largely being met, according to Ofcom’s latest Access Services report⁴. However, Ofcom’s interactive report on on-demand programme services⁵ illustrates that the provision of access services on on-demand programme services - which currently relies on providers voluntarily taking action - is lagging far behind:



Our research and recommendations

Based on our research we recommended increased availability of access services by all providers, an awareness campaign to draw attention to this, improvements in quality, and clearer routes for people to give complaints and feedback, so that Ofcom and providers can focus their efforts on improvements that fulfil the needs of audiences. Our recommendations are listed in full in Annex 1.

³ https://www.ofcom.org.uk/__data/assets/pdf_file/0020/97040/Access-service-code-Jan-2017.pdf

⁴ <https://www.ofcom.org.uk/research-and-data/multi-sector-research/accessibility-research/tv-access-services-2017>

⁵ <https://www.ofcom.org.uk/research-and-data/multi-sector-research/accessibility-research/odps-accessibility-report/interactive-report>

Awareness

We found that there were differences by age group, with younger people being more aware of access services generally:

Service	Any impairment	Any impairment aged 16-34	Any impairment aged 35-64	Any impairment aged 65+
Subtitles	47%	62%	54%	43%
Signing	28%	37%	35%	24%
Audio Description	22%	39%	31%	16%
Any service	54%	70%	60%	48%

Unweighted base: Total impairment sample (n= 893): 16-34 with impairment (n=79), 35-64 with impairment (n=248), 65+ with impairment (n=566)*

Audience size and other data

As the consultation document suggests, it is difficult to measure the size of the on-demand audience, due to the way consumers interact with it. On-demand services can be quickly opted-into and out of by consumers; some offer a promotional free month; some may be taken alongside others by the same household.

Ofcom's Communications Market Report 2017⁶ found that 63% of adults and 54% of teenagers used iPlayer and 40% and 32% respectively used ITV Hub, while 31% of adults and 46% of teenagers watched Netflix.

Our research looked at the differences in usage of non-linear services between the general population and people with a hearing or visual impairment. Among those with a hearing and/or visual impairment, 28% said they used any of the free non-linear services and 19% said they used a paid service. These usage levels were significantly lower than the general UK population where 44% said they used any free non-linear service and 41% any paid non-linear service.

We are not aware of additional evidence showing the size of the on-demand audience that uses, or would like to use, access services. Other data would be useful in assessing demand: for example, where a consumer subscribes to a service for a short period and opts out again because there were no access services for the programmes that he or she would like to watch; or where a consumer does not chose to take a service, because he or she is not aware that access services are available on that platform.

⁶ https://www.ofcom.org.uk/__data/assets/pdf_file/0016/105442/uk-television-audio-visual.pdf

The choice of television programme services for consumers would be improved by there being higher standards across the board in the availability of access services, so that consumers know what they can expect. A robust and effective feedback mechanism, that is known to consumers and easy to use, would be a way of submitting complaints and opportunities for improvements to providers.

Action on Hearing Loss provides a helpful page on its website, listing contact details so that consumers can make complaints to providers. However, some viewers or listeners have sensory impairments that have not yet been diagnosed, so might not necessarily self-identify and therefore seek information from a relevant source. It would be helpful to these people and to those using access services with no hearing or visual impairment, if easy access to a complaints route was provided by the service provider/broadcaster. One provider told us that they include an email address at the end of television programmes, so that consumers can report errors or faults.

Access services should be straightforward to switch on and off, so that hearing or vision-impaired people have easy access to the service they need, and family or friends can simply switch them off when they need to, without fear that they will be leaving their friend or family member unable to switch services back on. Some of our participants were unable to locate access services on their own and had had to develop alternative coping mechanisms, such as moving furniture closer to the screen. Some people said they discovered access services only by accident - and could not always remember how they had done so.

Quality

The Panel attended Ofcom's recent Quality of Subtitling roundtable, where providers, academics and those representing subtitle users were able to discuss priorities, including looking at technical solutions to latency.

We believe quality needs to be improved across access services, so that improvements to those on on-demand keep up with the improvements being made to those on linear programming. Quality and availability across on-demand programme services should, in our view, be at least as high as that on linear programme services.

We also believe it is vital that signing and subtitling on on-demand services enables UK audiences to engage with the content - for example, it may be necessary to specify that signing means BSL.

Electronic Programme Guides (EPGs) accessibility

Having pushed for improved accessibility in EPGs previously, we replied to Ofcom's consultation on EPG accessibility in February, strongly supporting Ofcom's core aims in amending the EPG Code: to make it easier for people with limited or no useful vision to use EPGs; and to make it easier for people with some useful vision to read the text of



EPGs. Improvements in the accessibility of EPGs would also benefit users with low dexterity or neurodiversity, regardless of their level of visual acuity.

Ofcom's amended proposals to the EPG Code, taking into account technological and market developments since 2015, appear proportionate and should be implemented without further delay. We agreed that on the basis of industry action so far, this is unlikely to happen without regulatory intervention.

Alongside improvements to their EPGs, we would encourage broadcasters and on-demand providers to promote access services widely, so that audience members beyond those who need to use access services are aware how they can access them and can help relatives and friends.

Summary

- We believe that subtitling, audio description and signing should be available and easily accessible on on-demand programme services, to at least the same levels required of linear broadcasters;
- We urge Ofcom to set targets for access services on on-demand programming as soon as possible and to monitor progress;
- We strongly urge industry to invest in improving access services;
- A collaborative awareness campaign is needed;
- A robust and effective complaints and feedback mechanism is needed, across all providers of programme services, so that consumers can easily give feedback on the quality and availability of access services;
- We have provided a series of recommendations as a result of our research and these are included in Annex 1.

Annex 1: Recommendations

Availability

- On-demand programme service providers should be required to have an equivalently high percentage of subtitling as their associated scheduled TV channels, or be given equivalent targets to broadcasters providing similar content on scheduled TV, if a standalone channel;
- All paid-for services should disclose at or before the point of sale the percentage of programming that has: a) signing; b) subtitling; and, c) audio description;
- Consideration should be given to increasing the requirement on audio description and signed content;
- Broadcasters and providers should make clear to consumers their criteria for providing access services, when and on what platforms they are available, to assist users in understanding availability and making viewing decisions; and
- If for any reason audio description or subtitling is not available when previously advertised or in a continuous series, broadcasters should explain why and apologise clearly, and in an appropriate format.

Awareness

- All stakeholders, including Ofcom, communications providers, broadcasters, retailers, platform providers and charities should work together to promote access services and adaptive technology to the general public, not just to those with visual or hearing impairment; and all stakeholders should work together to make guidance and support available for users in how to activate and use on-screen and voice menus and access services across devices;
- When subscribing to a service or registering on a platform provider should ask about any sensory impairment requirements during the registration process and supply help guides and advice as appropriate - and enable users to update their information;
- Broadcasters and platform providers should promote the personalisation options of EPGs, where available;
- Providers should better promote access services available for programmes online, through programme guides and at the start of transmissions;
- Retailers should train staff regarding the access service options of hardware they sell; and
- Broadcasters should consider the development of independent audio description streams, similar to that available in cinemas.

Quality

- Broadcasters and Ofcom should give top priority to providing a technical solution to the problem of latency in live subtitling as soon as possible;
- Broadcasters and programme makers should improve the accuracy of subtitles; and
- Providers should focus on greater pre-transmission review of subtitles, to ensure they don't obscure important information, and consider the placement of on-screen captions and graphics to lessen the need for subtitles to be raised and lowered around them.

Technology

- Ofcom should pursue the Panel's previous recommendations⁷ on improvements to EPGs;
- Industry should design technology that allows access services to work on all platforms;
- Providers should add an 'accessibility' filtering option on EPGs;
- Hardware providers should work together with broadcasters to agree standardised locations and designs for access service tools such as buttons on remotes, menus on screen, speech capability and compatibility with screen readers; and
- Broadcasters should consider developing imagery to represent sounds to avoid lengthy subtitles; for example, an icon for 'phone ringing' or 'the sound of footsteps'. Broadcasters should continue to develop technology so that viewers can personalise the way subtitles and audio description appear, especially online or with on-demand services and work to standardise this technology.

Complaints/feedback:

- Broadcasters should make clear to viewers how to report any errors in access service provision; and
- Broadcasters should proactively seek the views of sensory-impaired audience members on quality and regularly review feedback, utilising the feedback to ensure they meet audience needs.

⁷ https://www.communicationsconsumerpanel.org.uk/access-to-broadcast-and-on-demand-content-time-to-catch-up/access-to-broadcast-and-on-demand-content-time-to-catch-up#_ftn1