

## Communications Consumer Panel and ACOD response to Ofcom's consultation on access services targets for non-domestic channels

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### Introduction

The Communications Consumer Panel (the Panel) and the Advisory Committee for Older and Disabled People (ACOD) welcome the opportunity to respond to Ofcom's consultation on the provision of access services on channels licenced by Ofcom which transmit to Member States of the European Union (EU) other than the UK ('non-domestic channels').

The Panel works to protect and promote people's interests in the communications sector. We are an independent statutory body set up under the Communications Act 2003. The Panel carries out research, provides advice and encourages 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. There are four members of the Panel who 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.

In their ACOD capacity, Members provide advice to Ofcom on issues relating to older and disabled people including accessibility to television, radio and other services regulated by Ofcom.

### Response

The Panel and ACOD strongly support Ofcom's proposal to bring arrangements for signing on qualifying non-domestic channels in line with those for qualifying domestic channels.

We welcome Ofcom's announcement in May 2015 of the targets set for domestic channels<sup>1</sup>. Ofcom's recent report on progress in access services<sup>2</sup> shows that domestic

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<sup>1</sup> <http://stakeholders.ofcom.org.uk/consultations/review-signing-arrangements-tv/statement/>

<sup>2</sup> <http://stakeholders.ofcom.org.uk/market-data-research/market-data/tv-sector-data/tv-access-services-reports/tv-access-services-2015>

channels which are required to provide signing are meeting and exceeding their targets. We see no reason that the same targets should not apply to non-domestic channels licenced by Ofcom.

We note that the two-year transitional period - during which time non-domestic channels have been able to provide extra subtitling in lieu of meeting the 5% signing target - ends on 31<sup>st</sup> December 2015. During the transitional period Ofcom has been seeking the views of broadcasters and having completed this research, Ofcom proposes to extend the transitional period by 12 months to allow broadcasters time to put in place arrangements to provide increasing levels of assistance to deaf consumers over time. This extension is understandable, but we would encourage Ofcom to monitor progress to ensure that the deferred target is met. We also agree that extra subtitling should be provided in the intervening period.

### ***Needs and preferences of deaf consumers***

The Panel and ACOD recognise that for many deaf consumers in other EU Member States - as in the UK - their country or region's native sign language is their first language. Subtitling may not be a suitable substitute for some of those people, including children, and it is essential that the needs of deaf viewers are understood, so that the right measures can be put in place to assist them.

According to the European Broadcasting Union, which represents 73 public service broadcasters across Europe<sup>3</sup>, there are approximately 750,000 deaf people in the EU who communicate in sign language, not including hearing relatives and associates who have learnt the language to communicate with deaf people. However, it is widely recognised that there are no reliable statistics per Member State<sup>4</sup>, so the above is just an informed estimate. It is difficult to assess whether there is enough support for this unquantifiable number of consumers. We believe it is thus vital to consult with representatives of deaf consumers so that deaf consumers' preferred arrangements are taken into account and broadcasters' expenditure can be focused to achieve the greatest benefit. We welcome the knowledge that this consultation has been shared with deaf organisations and is available not only in Plain English, but also translated into International Sign - and that it explicitly invites the views of deaf consumers and not just broadcasters.

Individual Member States may be best placed to determine what is best for the consumers they represent, but at the moment we do not have a sufficient level of evidence to determine whether this is the case. Therefore, we would support the targets set out in the consultation document (copied below), unless there is a substantive response from deaf viewers of non-domestic channels to indicate that other arrangements are preferred, and/or independent research is provided by EU broadcasters or policy-makers, to show the preferences of deaf viewers in those countries. We would also encourage Ofcom to

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<sup>3</sup> <http://www3.ebu.ch/home>

<sup>4</sup> Approximately 15,000 people living in England and Wales listed BSL as their main language in the 2011 Census

consider the potential benefits of supporting the provision of sign-presented programming in other Member States.

**Table 4: Access services targets for non-domestic channels with smaller audience shares**

<u>Anniversary of notice date</u>	<u>Subtitling</u>	<u>Audio Description</u>	<u>Sign-presented programmes</u>	<u>Substitute requirements for signing<sup>52</sup></u>	
				<u>Annual quotas for sign-interpretation</u>	<u>or Annual quotas for additional subtitling</u>
<u>First</u>	<u>10%</u>	<u>2%</u>	<u>30 minutes per month</u>	<u>1%</u>	<u>5%</u>
<u>Second</u>	<u>10%</u>	<u>4%</u>	<u>30</u>	<u>1%</u>	<u>5%</u>
<u>Third</u>	<u>35%</u>	<u>6%</u>	<u>30</u>	<u>2%</u>	<u>7.5%</u>
<u>Fourth</u>	<u>35%</u>	<u>8%</u>	<u>30</u>	<u>2%</u>	<u>7.5%</u>
<u>Fifth</u>	<u>60%</u>	<u>10%</u>	<u>45</u>	<u>3%</u>	<u>10%</u>
<u>Sixth</u>	<u>60%</u>	<u>10%</u>	<u>45</u>	<u>3%</u>	<u>10%</u>
<u>Seventh</u>	<u>70%</u>	<u>10%</u>	<u>60</u>	<u>4%</u>	<u>12.5%</u>
<u>Eighth</u>	<u>70%</u>	<u>10%</u>	<u>60</u>	<u>4%</u>	<u>12.5%</u>
<u>Ninth</u>	<u>70%</u>	<u>10%</u>	<u>60</u>	<u>4%</u>	<u>12.5%</u>
<u>Tenth</u>	<u>80%</u>	<u>10%</u>	<u>75</u>	<u>5%</u>	<u>15%</u>

### **Recent developments**

In May 2015, the European Broadcasting Union and partners made history, with ‘*Eurovision Sign*’<sup>5</sup>, a collaborative project, which saw the Eurovision Song Contest transmitted to nine European countries (including Norway) in International Sign<sup>6</sup>. This may indicate that there is already some support for sign-presented coverage, from broadcasters across Europe, in both the EU and the EEA.

Collaborative projects in improving access services across Europe - using innovative technology to give consumers more choice - are also being undertaken by a group of European academics, broadcasters and technology providers, under the banner of ‘*Hybrid Broadcast Broadband for All*’ (HBB4All)<sup>7</sup>. We would encourage Ofcom to keep pace with advances in the provision of access services across Europe in future reviews of access services. The aim should be to ensure that all disabled consumers are able to benefit from innovation in the televisual field - with increased assistance and choice - and to ensure

<sup>5</sup> [http://www.eurovision.tv/page/news?id=eurovision\\_sign\\_project\\_-\\_we\\_write\\_history](http://www.eurovision.tv/page/news?id=eurovision_sign_project_-_we_write_history)

<sup>6</sup> [http://www.eud.eu/International\\_Sign\\_Disclaimer-i-206.html](http://www.eud.eu/International_Sign_Disclaimer-i-206.html)

<sup>7</sup> <http://www.hbb4all.eu/>

that this includes people who cannot afford to repeatedly upgrade to new technology, or are not online.

## Summary

- We understand the rationale behind - and agree with - Ofcom's proposed extension of the transitional period for qualifying non-domestic channels for another 12 months (with changes taking effect on 1 January 2017), **as long as the target date is met**. This may require tighter monitoring from Ofcom. Until then, extra subtitling should be provided.
- We agree that in line with domestic arrangements, the amount of signing provided by non-domestic channels should increase over time.
- We believe that Ofcom's signing targets as set out in the consultation document should apply, unless independent research or the weight of opinion from deaf organisations suggests that alternative measures would be preferred by deaf people.