

Consultation Response

2009 Access Services Review (Ofcom) 11 November 2009

About us

We're RNID, the charity working to create a world where deafness or hearing loss do not limit or determine opportunity and where people value their hearing. We work to ensure that people who are deaf or hard of hearing have the same rights and opportunities to lead a full and enriching life. We strive to break down stigma and create acceptance of deafness and hearing loss. We aim to promote hearing health, prevent hearing loss and cure deafness.

Our response will focus on key issues that relate to people with hearing loss. Throughout this response we use the term 'people with hearing loss' to refer to people who are deaf, deafened and hard of hearing. RNID is happy for the details of this response to be made public.

Comments

RNID welcomes the opportunity to comment on the 2009 Access Services Review.

1. Comments on Ofcom's conclusion that the existing method for determining access service provision remains fit for purpose.

RNID believes that the current limit on expenditure of 1% of relevant turnover should be reviewed. A broadcaster that spends 0.99% of its budget on access services must continue to provide them, and yet a broadcaster who spends 1.01% of their budget would either have to meet much reduced targets for subtitling or be released from their obligations to provide access services completely. We do not see this as a meaningful way of deciding which broadcasters should provide access services. RNID believes that broadcasters should only be released from providing access services when the cost is

judged to be an undue burden. We would therefore recommend Ofcom investigates a more effective way to determine what constitutes an undue burden.

2. Which of the three options do consultees favour, and why?

RNID strongly supports an increase in the amount of access services provided. We also believe that individual access services exist entirely on their own merits. We therefore welcome the extension of quotas for audio description however we do not however feel it is acceptable for Ofcom to consider a reduction in quantity for any of the access services as a result, including subtitles. Under the Communications Act 2003, Ofcom's general duties are to further the interests of citizens and of consumers. We therefore believe that Ofcom should be supporting the extension of all access services and pursue a long term strategy of increased provision across all access services. It is not appropriate to argue a reduction of provision of one service on the basis of increased provision of another service. If there needs to be a change in the regulatory framework (in particular the manner in which the burden is assessed) in order to achieve this, then Ofcom should do so.

Access services are a key accessibility feature for broadcasting content. The cost of providing them must be considered a normal cost of producing content where this burden represents only a small proportion of the overall programme cost.

According to Ofcom's research¹, around 7.5 million people had used subtitles to watch television. 67% of hearing impaired people agreed that TV is important to them, rising to 74% of people with a severe or profound hearing loss. People with hearing loss watch TV for 4.3 hours a day, compared with average viewing across the UK of 3.46 hours a day². It is therefore extremely important that the hours of subtitled programming continues to increase in order to improve access to television for people who are deaf or hard of hearing, as well as other people who may use subtitles, for example those for whom English is not their first language.

¹ Television Access Services: Review of the Code and Guidance (2006) Ofcom

² from Television Opinion Monitor (2005), cited in Television Access Services: Review of the Code and Guidance (2006) Ofcom

3. Do consultees have any further suggestions for future access service provision? If so please provide the rationale for these suggestions.

We would urge Ofcom to encourage broadcasters to amend their contractual arrangements and intellectual property rights frameworks so that access services are considered an integral part of programme content when they syndicate content or trade them with other channels or delivery platforms. For example, a television programme may be shown with subtitles on the originating channel, however, when it is sold to another channel, the subtitles are no longer present. We therefore believe that Ofcom needs to take action in this area in order to encourage and provide incentives for channels to share their access services content. This would enable an increase in the number of hours of television with subtitles and audio description with very little impact on costs for broadcasters.

In addition, there remain key challenges and a gap in provision of access services both on HDTV as well as on non-traditional, linear broadcasting platforms, such as IPTV and Video-on-Demand (VoD) services. Amongst the problems are rendering solutions (hardware and software) that do not recognise and/or render access service components and a lack of consistency in user control and presentation.

While we recognise the fact that the present regulatory framework limits Ofcom's scope, there are ways in which Ofcom can influence stakeholders to improve this situation considerable and catalyse voluntary action. Ofcom's position in this debate is further strengthened by the prospect of a new EU framework currently emerging from conciliation and which would introduce new regulatory powers in this area.

Where good practice exists already, Ofcom should help highlight it. For example, the BBC iplayer now provides subtitles on most of its content.

Ofcom should also give greater consideration to use of Digital Dividend spectrum for the purpose of increasing accessibility of existing and future standard and high definition television services. It seems incomprehensible that with such a large amount of spectrum to be made available, not even a small proportion is set aside and reserved for the purpose of improved access services provision.

4. Comments on Ofcom's decision to re-examine the current exemption of non UK facing licensees from providing access service provision.

We support Ofcom's recommendation that the current exemption for channels targeting areas outside the UK be re-examined. It is important that people who are deaf or hard of hearing are able to access television services, both in the UK and worldwide. We would therefore support Ofcom's decision to encourage broadcasters licensed in the UK to provide access services thereby improving access to people who are deaf, hard of hearing, blind or partially sighted.

Conclusion

We welcome the proposal to increase the quantity of access services. However, we urge Ofcom to ensure that the quantity of all access services continues to increase, rather than some access services increasing at the expense of others. RNID would also like to see the extension of access service targets to all broadcasting platforms, including VoD.

Finally, we would like to stress that RNID would welcome the opportunity to be involved in improving the provision of access services across all broadcasting platforms.

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