

## **Additional comments:**

Action on Hearing Loss is the charity formerly known as RNID. Our vision is of a world where deafness, hearing loss and tinnitus do not limit or label people and where people value and look after their hearing. We help people confronting deafness, tinnitus and hearing loss to live the life they choose. We enable them to take control of their lives and remove the barriers in their way. We give people support and care, develop technology and treatments and campaign for equality.

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 with all levels of hearing loss, including people who are profoundly deaf. We are happy for the details of this response to be made public.

Action on Hearing Loss welcomes the opportunity to comment on the future regulation of on-demand programme services by Ofcom. We agree that there is significant overlap between on-demand programme services (ODPS) and linear television, and we look toward a future where the provision of access services is similarly aligned.

### **Question 1: Do you agree with Ofcom's proposal substantively to align procedures for investigating breaches of rules for ODPS with established procedures for linear television broadcasting, and do you have any specific comments on any aspect of the draft Procedures at Annex 5?:**

We share Ofcom's view that there is a growing convergence between linear television broadcasting and ODPS, and we agree with the AVMS Directive that "[it] is characteristic of on-demand audiovisual media services that they are 'television-like'". In light of this convergence, it is frustrating for our members that the availability of subtitles and other access services varies so greatly.

We welcome Ofcom's acknowledgement of concerns surrounding the provision of access services. Subtitling, audio-description, and signing are often unavailable through on-demand platforms, even where they have been previously shown through the linear-broadcast of the same content. 76% of the UK's 90 on-demand providers offer no subtitles and this does not serve the interests of consumers, particularly for the 11 million people with hearing loss in the UK (ATVOD, Provision of Video on Demand Access Services 2015 Report).

The lack of accessible content through ODPS is a real and on-going concern, especially for people with hearing loss. We welcome Ofcom's acknowledgement of this issue and the indication that Ofcom will be consulting in 2016 to explore what they can do to encourage accessibility.

We look toward a future in which the overlap between services is matched by an alignment in the provision of access services, and we urge Ofcom to prioritise accessibility, and the monitoring of access services, as a key part of future OPDS regulation.

### **Question 2: Do you agree with Ofcom's proposal not to charge fees under section 368NA of the Act, and specifically to cover the small incremental cost involved in becoming sole regulator (rather than co-regulator) of ODPS**

**within the existing fees structure for television broadcasting licensees? If not, which alternative option do you consider would provide a proportionate, fair and pragmatic basis for apportioning these costs?:**