



Making on-demand services accessible:
Further consultation to inform
requirements to make On Demand
Programme Services more accessible to
those with sight and/or hearing
difficulties

BBC Response

September 2020

Introduction

The BBC welcomes the opportunity to respond to Ofcom's further consultation on making on-demand services accessible. The BBC shapes its products, services and work environments to be accessible to all audiences and staff by removing barriers and facilitating inclusion. Given that catch-up and on-demand services are increasingly popular with audiences, we welcome this work from Ofcom to improve the accessibility of these services to people with hearing and sight impairments.

The BBC's responses to the consultation questions are set out in the annex of this document. Below, we highlight two points that we consider particularly important for Ofcom to consider.

The BBC strongly believes that if a service is exempt from access services for linear broadcast, then that exemption should carry across to BBC iPlayer. For example, some of the BBC's linear channels do not reach the required threshold to provide access services, and so programmes from these linear channels should be exempt from the provision of access services when made available on BBC iPlayer. This will ensure that access services resources are assigned to content that will benefit audiences the most.

There are also issues around which organisation controls and is editorially responsible for specific content on a given on-demand programme service. For example, BBC iPlayer hosts S4C content and the current proposals would lead to an imbalanced situation. The S4C Clic on-demand service would only have to provide access services on the basis of their broadcast regulatory requirements of 66% of the full quota. In contrast, the S4C content on BBC iPlayer would be required to meet the full quota. We believe that the requirements for S4C's on-demand service should apply to S4C's content on BBC iPlayer.

In addition, in response to paragraph 4.23 of Ofcom's consultation regarding the repurposing of sign-interpretation, we would note that there are limits to the BBC's ability to reuse its access services content. For example, we are not able to repurpose BSL if a programme gets a new editorial version on BBC iPlayer. There may also be rights issues with this, as some may not extend to the re-publishing of signing.

We would welcome the opportunity to discuss our response with Ofcom in more detail, if it would be useful.

Annex

Question 1: Do you agree with our suggested approach to assessing exemptions for affordability, i.e. using overall turnover?

N/A

Question 2: Do you agree with our suggestion that ‘small companies’ should be exempted from the requirements?

N/A

Question 3: Do you agree that a threshold level of 1% for the remaining ODPS providers is proportionate?

N/A

Question 4: If you are an ODPS provider, can you provide any information on the costs of providing access services, including in relation to the various platforms by which services are delivered?

The BBC does not have specific costs for providing access services by platform. The provision of access services are part of a managed service contract which covers the BBC’s broadcast services. There are significant costs involved in the development of accessible app on different platforms, such as for technology set-up, provision and maintenance costs. However, these are delivered in a way that cannot be split out per platform. As we discuss in further detail in response to question 13, we believe that a lack of adoption of standardised technical formats and player support for access services are a significant problem across the industry. This creates cost, and increases deployment complexity. As a developer we are limited in the actions we can take to adapt to the platform differences, without incurring significant deployment cost.

Question 5: If you are an ODPS provider, can you provide any information on the proportion of your ODPS catalogue which is replaced over a given month/ year (rather than archived)?

Content on BBC iPlayer is generally available for a 12 month period and includes a mix of broadcast content, BBC iPlayer exclusives and boxsets of returning content that is no longer available on the BBC’s linear channels. As a result, the available catalogue is continually refreshing.

Question 6: If you are an ODPS provider and have a broadcast television service, can you provide any information on the proportion of your ODPS catalogue which is repurposed from broadcast television over a given month/ year?

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The majority of content on BBC iPlayer is catch-up from broadcast television, with a smaller proportion of content being BBC iPlayer-only originations. The BBC's view is that, if a service is exempt from access services for linear broadcast, then that exemption should carry across to BBC iPlayer. For example, some of the BBC's linear channels do not reach the required threshold to provide access services, and so programmes from these linear channels should be exempt from the provision of access services when made available on BBC iPlayer. This will ensure that access services resources are assigned to content that will benefit audiences the most.

The BBC additionally makes available online a large number of videos that are not also broadcast across multiple services including News, Sport, and Bitesize. We would welcome a clear assessment from Ofcom on what it considers to fall within "programme-like" content to better understand the full scope.

Question 7: If you are an ODPS provider with more than one ODPS, can you provide any information on the hours of unique content provided across all your ODPS over a given year?

N/A

Question 8: If you are an ODPS provider, can you provide any information on how much advertising/ subscription revenue you would expect to gain from providing access services on your content?

N/A

Question 9: If you have provided answers for any of Question 4-8 above, would you be happy for Ofcom to share this information with Government on a confidential basis, for the purpose of their impact assessment to inform the drafting of regulations?

Yes.

Question 10: Do you agree with our suggested approach to making exemptions on the basis of audience size?

The BBC strongly believes that if a service is exempt from access services for linear broadcast, then that exemption should carry across to BBC iPlayer. For example, some of the BBC's linear channels do not reach the required threshold to provide access services. The provision of access services for content from these linear channels would likely cost approximately 10% of the current total costs. As a result, programmes from these linear channels should be exempt from the provision of access services when made available on BBC iPlayer. This will ensure that access services resources are assigned to content that will benefit audiences the most.

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Question 11: Do you agree with our suggested threshold for assessing audience size?

See response to Question 10.

Question 12: If you are an ODPS provider, do you have information on unique visitors to your service, including by the platforms through which your service is delivered? Would you be prepared to share estimated audience metrics with Ofcom on a confidential basis, for use in our impact analysis? (Please provide if so)

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Question 13: Do you agree with our suggested approach to assessing exemptions on the grounds of technical difficulty?

No. We believe that a lack of adoption of standardised technical formats and player support for access services are a significant problem across the industry. This creates cost, and increases deployment complexity. The result is an adverse impact on audiences who cannot receive all their access services consistently across platforms. As a developer we are limited in the actions we can take to adapt to the platform differences, without incurring significant deployment cost. To mitigate this, we propose that, for each access service, there should be at least one “safe harbour” mechanism defined, for example providing certain access services technical formats, which providers can adopt when stating that they have made “reasonable endeavours”. The expectation would be that platforms and service providers should at a minimum support those “safe harbour” mechanisms.

Question 14: If Ofcom is given discretion in this area, do you agree with our suggested approach to making exemptions for particular genres/ types of programmes?

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The BBC considers that, in relation to audio description, the regulation should be about ensuring that content is accessible to non-sighted audiences, rather than the provision of audio description itself. A number of individual programmes and programmes from specific genres themselves provide sufficient information for non-sighted viewers to understand the context, and so would be classed as accessible to a visually impaired audience in the absence of audio description.

Furthermore, for other programmes the provision of audio description is of limited benefit and difficult to provide. This includes coverage such as live sport or Parliament. The BBC believes that exemptions should therefore be agreed within a flexible regulatory context.

Question 15: If Government wants to specify which types of programming should be exempt in the regulations, do you agree with our provisional view that the exemptions should only be for audio description on news and music programmes?

Please see response to Question 14.

Question 16: Do you have any views on our proposed approach to determining applicable signing requirements?

We would need clarification on whether certain types of content are excluded. BBC 1 and BBC 2 Nations and English Regions output does not require sign language interpretation on our linear services. Additionally, due to the size of its audience, content previously broadcast on BBC Parliament and BBC Alba could be subject to a greater level of regulation on BBC iPlayer than broadcast.

Question 17: Do you prefer Option A or Option B for determining the levels of each signing requirement?

Option A is preferred.

Question 18: What alternative signing arrangements do you think should be in place for ODPS? Should this be an extension of the current arrangement with BSLBT?

N/A

Question 19: Do you believe there should be an exemption for signing in cases where it allows ODPS providers to offer subtitling and AD?

The BBC intends to continue providing all three access services on BBC iPlayer, though we do believe that exemptions should apply when considering content that's exempt on broadcast channels.

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We would welcome further clarification from Ofcom on the intention of this suggested exemption, and we would question the potential consequence of a weakening of signing requirements.

Question 20: Do you have any information on the relative costs of providing sign-interpreted or sign-presented programming? If so, please indicate whether you would be happy for Ofcom to share this information with Government on a confidential basis, for the purpose of their impact assessment to inform the drafting of regulations.

See response to Question 4.

Question 21: Do you agree with our suggested approach to setting targets across ODPS services and platforms?

It is not clear why the 2nd Anniversary Signing figure is set at 5% considering the expense of producing signing and the technical difficulty of repurposing the content. We would also note that the targets are out of step with broadcast regulations as the ODPS regulations would require a higher level of coverage on BBC iPlayer than is required for linear broadcast.

Additionally, BBC iPlayer also hosts S4C content, which will create an imbalanced situation whereby the S4C Clic OD service would only have to provide access services on the basis of their broadcast regulatory requirements of 66% of the full quota, whereas the S4C content on BBC iPlayer would be required to meet the full quota. We believe that the requirements for S4C's on-demand service should apply to S4C's content on BBC iPlayer.

In relation to the consultation's discussion of the refreshing of the provision of access services and of content, we would welcome clarification from Ofcom on how it would define this.

Question 22: Do you agree with our suggested approach to implementing the targets?

We consider that there are several legacy and new technical issues with implementation. As such, while we welcome Ofcom's ambition of encouraging industry players to work together to achieve greater technical standardisation across platforms, we believe that there should be an exemption when it is not technically possible to provide access services on a third-party platform, especially if the third party platform does not support a "safe harbour" contribution mechanism as proposed above (see answer to question 13). For example, there are currently no subtitles available on the BBC branded catch-up service on Sky.

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Furthermore, we do not believe that merely setting targets for content will encourage platform providers and other industry partners or competitors to align on common technical standards.

Question 23: If you are an ODPS provider, would you be able to provide Ofcom with the information outlined in 5.18 to 5.21 on a regular basis (e.g. every two years)?

The BBC will continue to publish data on BBC iPlayer in its Annual Report and Accounts. However, there are some significant challenges around data collection on BBC iPlayer and it differs from how broadcast data is reported. It is unlikely that the BBC would be able to provide lots of the detail in which Ofcom has expressed interest given that much of the functionality has been built incrementally over years, and so it is difficult to breakdown costs.

Where possible, the BBC's architectural approach is to share common infrastructure costs across different media types and delivery platforms in order to minimise costs. As a result, splitting out costs on a per platform basis is not feasible. This also means that any need to provide content to a single platform in a bespoke way drives up costs disproportionately.

Question 24: Do you have any comments on the cost assumptions included in Annex 2?

The BBC would expect that the costs are likely to be highly variable per provider depending on their technical architecture and approaching to provisioning, such as insourcing as opposed to outsourcing. We would also note that some of the assumptions around hours are incorrect, for example BBC iPlayer look at the number of programmes as opposed to the number of hours.

Question 25: Do you agree with our assessment of the impact of our proposals on the relevant equality groups? If not, please explain why you do not agree.

Yes.