

Organisation (if applicable):

Hearing Link

Additional comments:

Hearing Link is a national charity with the aim of enabling people with acquired hearing loss to participate fully in society. It is estimated that there are, of the order of, 9 million hearing impaired people in the UK with, in addition, an extensive network of families, friends and work/education colleagues. People with acquired hearing loss include those in the early stages of losing their hearing, hearing aid users through to those with a profound hearing loss. It covers all age groups although many will be older. In this note, we use the term "hearing impaired" to cover this wide range of people.

Whilst the consultation falls outside the territory typically covered by our membership, we recognise the opportunity to share our experiences in the UK for the benefit of fellow hearing impaired people outside the UK. We congratulate OFCOM for addressing the needs of hearing impaired people outside the domestic market who will no doubt benefit from being included in the enjoyment of broadcast. We believe the consultation provides an opportunity for Hearing Link to assist OFCOM is addressing some of the issues our membership has experienced and how these can be built into the introduction of accessible services for the non domestic market.

Hearing Link is a member of the European Foundation of Hard of Hearing people which we understand will be responding separately to this consultation. The Telecommunications Working Group of Hearing Link deals with access to telecommunications for people with acquired hearing loss and we welcome the opportunity to respond to the consultation.

Question 1:Do consultees agree with the proposed approach to setting audience share thresholds for other EU Member States? If not, do they have practicable alternatives that they would like to propose, which would be comparable with the approach taken to domestic channels:

Whilst we generally agree with the approach suggested we would like to see it extended such that where one company exceeds the minimum audience share in one country but falls below the minimum in another country that it is still required to provide accessibility services in both countries. This will ensure that hearing impaired people in smaller countries do not lose out on accessing these services. This would also encourage companies to consider accessibility when expanding their services to new domains and consider inclusion as part of their initial plans rather than an afterthought as their exposure increases. There should be significant cost savings where the broadcast is in the same language.

Question 2:Do consultees have any comments on whether the approach taken to assessing the costs faced by domestic licensees is also appropriate to non-domestic licensees? If so, what alternatives would they propose, and why:

We generally agree that the same approach should be adopted as in the domestic market. However, it should be recognised that there will be some commonality of broadcasts in different regions particularly where there is a common language and so cross border revenues

should be accumulated when evaluating whether the minimum requirement has been met.

Following on from our response to question 1 where conditions for access services have been met for any one country, we believe access services should be provided in all territories where broadcasts are made in the same language.

Question 3: Do consultees have any comments on how it is proposed to assess the cost of providing access services, including the provisional assessment of costs:

We believe that the cost of providing access will need to consider the language of the original broadcast. For example, it is likely that the costs for providing captions for translated versions of broadcasts which were originally in English should be significantly lower than a locally produced broadcast, due to the pre-existing script required for the translation.

Similarly with broadcasts originating in the US there should be a lower cost associated with providing subtitles since this content should be provided with captions as required under the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA).

We also believe there needs to be a differentiation between the costs associated with subtitles for live and pre recorded broadcasts to encourage broadcasters to provide live subtitles whilst ensuring that the quality of the subtitles is sufficient for the viewer to enjoy the broadcast in the same way as a non disabled person. Further we believe that the quality of subtitling for broadcasts is measured and monitored, and that the distinction between quality for pre recorded and live is made in these measures. These should include timing/delay, speed and accuracy.

Question 4: Do consultees agree that non-domestic channels required to provide access services with effect from January 2014 should be permitted to commence provision in accordance with the targets corresponding to the first anniversary of the notice date:

We agree that access services should be provided with effect from January 2014 where no current requirements are in place for that particular state. However where a member state has already set out requirements as required under the Audiovisual Media Services Directive then the starting point of implementation should be in line with current requirements in the state and an accelerated timescale for full implementation as set out in table should be adopted.

We believe that the timescales for fully adopting the requirement should be accelerated with more progress being made in the early years particularly given the full year for broadcasters before implementation which allows broadcasters time to update their technology. The capabilities of broadcasters and technologies to deliver subtitles and signing has developed considerably since 2003 and therefore we believe an accelerated timescale of 5 years would be easily achievable and cheaper to comply with than the 10 years adopted in 2003 for domestic channels.

It is worth noting that much of the content will have subtitles or captions delivered as part of the content package already particularly if it is sourced or destined for the US as a result of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA)

with regards content delivery. Similarly broadcasts obtained from the domestic channels are more likely to have subtitled content due to the more mature requirements. This will make it easier and cheaper for broadcasters to delivery subtitled content. Broadcasters can subsequently focus on delivery of sign language.

We also believe that the table should include a separate timescale for subtitling of live broadcasts to ensure that these are developed at a similar rate to subtitling of pre recorded broadcast. Otherwise subtitling of live broadcasts will suffer as broadcasters focus on the exceeding the subtitling requirements for pre recorded broadcasts alone.

Question 5:Do consultees agree that Ofcom should count language subtitling towards access service targets for subtitling:

No. Language subtitling is provided where the speech is in a different language and is available for both hearing impaired and hearing viewers. It is primarily provided as an alternative to dubbing the broadcast in the local language. Whilst it is an advantage for hearing impaired people to have subtitles of this form, it is not a specific access solution and therefore should not be counted towards the targets. In our view subtitles should be provided in the same language as the speech in the broadcast to be counted towards the target.

Question 6:Do consultees agree that, for a transitional period of two years from 1 January 2013, broadcasters should be allowed the alternative of providing additional subtitling in place of signing, in order that they can have the opportunity to devise alternative arrangements that may be more beneficial to sign language users:

No. Sign language is recognised as a language in its own right in the UK and in many cases is the deaf persons first language. Sign language therefore should not be replaced with subtitles.

Question 7:Do consultees have any comments on the proposed changes to the Code on Television Access Services, as set out in Annex 3:

It was not clear to us whether this question related to non domestic only or both domestic and non domestic. The main reason for this confusion relates to the fact that UK legislation is referred to yet there is no reference to domestic market in the introduction to the paper.

Whilst it may have become common practice for reporting to occur half yearly now compared to quarterly, we are concerned that broadcasters may have less incentive to ensure that the first broadcast is subtitled as a result of the longer monitoring period. This will be a particular problem around peak viewing times such as Christmas. Subsequent repeats of the same program with subtitles over the longer period could be used to manipulate the subtitling requirement. For example for a program shown at the start of the quarter and repeated with subtitles once in the same quarter and repeated twice in the subsequent quarter would show as 50% and 100% subtitling in respective quarters but 75% subtitling for half yearly.

To counter the impact we believe a greater weighting should be placed on subtitling the first broadcast if half yearly reporting is adopted to reward broadcasters who make the effort of ensuring deaf people are able to participate from the first showing.

We believe that the monitoring of subtitles needs to be updated to reflect the difference between live and pre recorded subtitling both in terms of quantity and quality. Therefore if half yearly monitoring is adopted then the distinction between live and pre recorded program's should be included in these requirements.

Question 8:Do consultees have any comments on the impact assessment (Annex 2)?:

In section 19 we would like the reduction in services due to costs to be applied across all access services rather than applied to subtitles only. In our view this would have a smaller impact on viewers as a significant number of people rely on subtitles.