



# Ofcom's Code on Television Access Services

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## Section 1

# Code on Television Access Services

1. This code sets out the requirements on subtitling, sign language and audio description ('television access services') that apply to television services licensed in accordance with the Communications Act 2003, the Broadcasting Act 1996, or the Broadcasting Act 1990. Guidance on practices to be followed in providing access services is set out in Appendix 4 to this code. Ofcom notes that some broadcasters already provide television access services on a voluntary basis, and encourages broadcasters to do so where possible, and to have regard to relevant parts of the code and guidance.
2. In this code:
  - a) 'average audience share' means the audience share over a year in each country where the service is received;
  - b) 'domestic broadcaster' means the provider of a television programme service which is primarily intended for reception by members of the public within the United Kingdom. We call these television programme services 'domestic channels';
  - c) 'non-domestic broadcaster' means the provider of a television programme service which is primarily intended for reception by members of the public in Member States of the European Union other than the United Kingdom, and of member states of the European Economic Area to which the Audiovisual Media Services ("AVMS") Directive has been extended<sup>1</sup>. We call these television programme services 'non-domestic channels';
  - d) 'channels with larger audience shares' means channels with audience shares above the 'signing threshold' as set out in Annex 2 to the Code;
  - e) 'channels with smaller audience shares' means channels subject to access services obligations with an audience share between the audience share and signing thresholds set out in Annex 2 to the Code, and which are excluded under section 303(9) of the Communications Act 2003 from the percentage targets for signing set out in Table 1 of this Code; and
  - f) the 'notice date' for the purpose of determining the access service obligations of non-domestic channels is 1 January 2013<sup>2</sup>.

## Statutory provisions

3. Under Sections 303 to 305 of the Communications Act 2003 ('the Act'), Ofcom is required to draw up, and from time to time review and revise, a code giving guidance as to the extent to which television services should promote the understanding and

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<sup>1</sup> Directive 2010/13/EU has been extended to cover Norway, Iceland and Lichtenstein, which are member states of the European Economic Area.

<sup>2</sup> Ofcom, *Access services on non-domestic channels*, 1 October 2012 ([http://stakeholders.ofcom.org.uk/binaries/consultations/access-services-non-domestic/statement/Non\\_dom\\_access\\_services.pdf](http://stakeholders.ofcom.org.uk/binaries/consultations/access-services-non-domestic/statement/Non_dom_access_services.pdf)) ('2012 Statement')

enjoyment by persons who are deaf or hard of hearing, as well as those who are blind or partially sighted, or who have a dual sensory impairment (deafblind).

4. The code is to apply to licensed public service channels, digital television programme services, television licensable content services (TLCS), and restricted television services, as well any digital television programme services (DPS) provided by the Welsh Authority (including S4C Digital). The BBC Agreement<sup>3</sup> also requires the BBC to observe the code in respect of its public television services subject to any exclusions agreed between Ofcom and the BBC having regard to the considerations set out in section 303(8). The code is not to apply to electronic programme guides provided under a TLCS or DPS licence, or to services comprising advertising (teleshopping), which is excluded from the definition of programme for the purpose of section 303.
5. Ofcom is required to set ten year targets for subtitling, signing and audio description, as well as five year targets for subtitling. It is also empowered to set other interim targets, and these are set out in Tables 1, 2 3 and 4 below. The targets apply to the anniversary of the relevant date or notice date for the service in question.
6. The 'relevant date' for the purpose of determining the tenth anniversary of domestic services is 1 January 1997 in the case of BBCs 1 and 2, 1 January 1998 for Channel 5, and 1 January 2000 for Channels 3 and 4 and S4C Digital. In the case of digital television programme services, the relevant date is the date of entry into force of the legislation, which is 29 December 2003. In the case of television services starting after 29 December 2003, the relevant date is the date on which provision of that service commenced unless Ofcom has determined by reference to the factors set out in paragraph 15 that all the programmes in a particular service should be excluded and has imposed a separate timetable for alternative requirements in relation to that service. Ofcom may determine that a television service should be treated as a continuation of a previous service in order to prevent broadcasters from avoiding the requirements of this code by replacing one service with another.
7. Ofcom is also empowered to exclude certain types of programme or service from the requirement to provide television access services, or apply different targets to excluded programmes.

## Targets

8. The statutory targets for broadcasters are expressed as percentages of the service, including all programmes<sup>4</sup> other than advertisements and programmes that have been excluded by reference to the factors summarised in paragraph 15. They rise from a low level to the ten-year targets prescribed by the Act, that is eighty per cent (80%) for subtitling, five per cent (5%) for signing and ten per cent (10%) for audio description. Different signing arrangements apply to channels with smaller audience shares. In the case of Channel 3 and Channel 4, the relevant target for subtitling is 90%. The targets reflect the statutory requirement for subtitling to be applied at the rate of sixty per cent (60%) of non-excluded programmes from the fifth anniversary.

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<sup>3</sup> The BBC Agreement can be found at the following link:

[http://www.bbc.co.uk/bbctrust/governance/regulatory\\_framework/charter\\_agreement.html](http://www.bbc.co.uk/bbctrust/governance/regulatory_framework/charter_agreement.html)

<sup>4</sup> Section 405 of the Communications Act provides that 'programme' includes an advertisement and, in relation to a service, anything included in that service. Section 303(13) excludes advertisements from the meaning of programme for the purpose of that section.

9. The targets represent minimum obligations and apply from each anniversary referred to in the case of Table 1 and Table 2, for each calendar year as referred to in Table 3, and from each anniversary referred to in the case of Table 4. In compliance with section 303(3) of the Communications Act, from the fifth anniversary, targets will apply on a rolling basis starting each week from one week after the date to which the previous annual average has been calculated.

### Public service broadcasters

10. Licensed public service broadcasters and S4C which are already under an obligation to provide television access services are required to continue meeting the interim targets set in Annex 1. The BBC is required to continue meeting the interim targets to which it has committed itself, also set out in Annex 1.

### Domestic and non-domestic channels with larger audience shares

11. Other channels (both domestic and non-domestic) with an average audience share higher than the signing threshold are required to meet the targets set out in Table 1 below.<sup>5</sup>

**Table 1: Access services targets<sup>6</sup> for channels with larger audience shares**

Anniversary of relevant date or notice date	Subtitling	Audio Description	Signing
First	10%	2%	1%
Second	10%	4%	1%
Third	35%	6%	2%
Fourth	35%	8%	2%
Fifth	60%	10%	3%
Sixth	60%	10%	3%
Seventh	70%	10%	4%
Eighth	70%	10%	4%
Ninth	70%	10%	4%
Tenth	80%	10%	5%

<sup>5</sup> A list of channels required to provide access services is available on Ofcom's website at [http://stakeholders.ofcom.org.uk/broadcasting/guidance/other-guidance/tv\\_access\\_serv/](http://stakeholders.ofcom.org.uk/broadcasting/guidance/other-guidance/tv_access_serv/). The targets applying to all these channels can be found in the most recent of the periodic reports published by Ofcom on its website at <http://stakeholders.ofcom.org.uk/market-data-research/market-data/tv-sector-data/tv-access-services-reports/>.

<sup>6</sup> Expressed as a percentage of total non-excluded programming in a year; see paragraphs 13-15 for the definition of excluded programming for the purpose of access services regime.

### Domestic channels with smaller audience shares

12. Access service targets for domestic channels with smaller audiences – higher than the audience share threshold, but below the signing threshold (so-called 'channels with smaller audience shares') - are set out in Table 2 below.

**Table 2: Access services targets for domestic channels with smaller audience shares**

Anniversary of relevant date	Subtitling	Audio Description	Sign-presented programmes
First	10%	2%	30 minutes per month
Second	10%	4%	30
Third	35%	6%	30
Fourth	35%	8%	30
Fifth	60%	10%	45
Sixth	60%	10%	45
Seventh	70%	10%	60
Eighth	70%	10%	60
Ninth	70%	10%	60
Tenth	80%	10%	75

13. Transitional arrangements for sign presentation requirements apply to all domestic channels with smaller audience shares that have reached the fourth (or later) anniversary of their relevant date by 1 January 2016 (i.e. channels with a relevant date earlier than 1 January 2012) as set out in Table 3 below.

**Table 3: Transitional arrangements for sign-presentation requirements (for channels that have reached the fourth [or later] anniversary of their relevant date by 1 January 2016)**

Year	2016	2017	2018	2019	2020	2021	2022
Minimum monthly sign-presentation requirements	30 minute s	35 minute s	45 minute s	50 minute s	60 minute s	65 minute s	75 minute s

### Non domestic channels with smaller audience shares

14. Access service targets for non-domestic channels with smaller audiences are set out in Table 4 below. As regards signing, the requirement is to provide the amount of sign-presented programming referring to the anniversary. However, Ofcom may impose substitute requirements for signing, if it considers that these would better meet the needs of sign language users in the country concerned.

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

Anniversary of notice date <sup>7</sup>	Subtitling	Audio Description	Sign-presented programmes	Substitute requirements for signing <sup>8</sup>	
				Annual quotas for sign-interpretation	or Annual quotas for additional subtitling
First	10%	2%	30 minutes per month	1%	5%
Second	10%	4%	30	1%	5%
Third	35%	6%	30	2%	7.5%
Fourth	35%	8%	30	2%	7.5%
Fifth	60%	10%	45	3%	10%
Sixth	60%	10%	45	3%	10%
Seventh	70%	10%	60	4%	12.5%
Eighth	70%	10%	60	4%	12.5%
Ninth	70%	10%	60	4%	12.5%
Tenth	80%	10%	75	5%	15%

**Excluded programmes**

15. Ofcom may exclude programmes and services having regard, in particular, to:
- the extent of the benefit which would be conferred by the provision of the assistance for disabled people in relation to the programmes;
  - the size of the intended audience for the programmes;
  - the number of persons who would be likely to benefit from the assistance and the extent of the likely benefit in each case;
  - the extent to which members of the intended audience for the programmes are resident in places outside the United Kingdom;
  - the technical difficulty of providing the assistance; and
  - the cost, in the context of the matters mentioned in paragraphs (a) to (e), of providing the assistance.

<sup>7</sup> The 'notice date' for the purpose of determining the access service obligations of non-domestic channels is 1 January 2013

<sup>8</sup> Subject to Ofcom's agreement to impose substitute requirements.

## Audience benefit

16. Having regard to these factors, television services are excluded from providing television access services if their share of viewing falls below the audience share threshold. The audience share threshold for:
  - a) domestic television services is an average audience share of all UK households over a 12 month period ('audience share') of 0.05% or less;
  - b) non-domestic television services is the average audience share in the relevant EU Member State or States where the service is received over a 12 month period indicated in Annex 2.
17. Ofcom would expect to exclude television services from providing signing if they do not meet the relevant signing threshold. The signing thresholds for:
  - a) domestic television services is an average audience share of 1% or less;
  - b) non-domestic television services is the average audience share indicated in Annex 2.
18. Ofcom will consider, in the light of the factors set out above, whether or not channels with an audience share of slightly more than or slightly less than the signing threshold should be excluded.
19. Section 303(10)(c) of the Act allows Ofcom to impose alternative requirements with respect to the provision of assistance for disabled people in relation to any programmes or services it has excluded. In considering whether alternative requirements should be imposed on individual channels, it is open to Ofcom to take into account any voluntary arrangements entered into by broadcasters that would also meet the needs of sign-language users more effectively.
20. Having regard to this, Ofcom requires that domestic channels with smaller audience shares (as defined in paragraphs 2(b) and (e) of this Code) should, from the first anniversary of the relevant date, broadcast each month no less than the minimum amounts of sign-presented<sup>9</sup> programming specified in Table 2, such programming to be shown between 7am and 11pm local time. Ofcom will keep this requirement under review.
21. Having regards to the matters set out in paragraph 19, Ofcom requires that non-domestic channels with smaller audience shares (as defined in paragraph 2(c) and (e) of this Code) should, from the first anniversary of the notice date, broadcast each month no less than the minimum amount of sign-presented<sup>10</sup> programming specified in the third column of Table 4, unless Ofcom has determined that the regulatory requirements (sign-interpretation and extra subtitling) summarised in the fourth and fifth columns of Table 4 would better meet the needs of sign language users in the country concerned. Ofcom will keep this requirement under review.
22. Broadcasters may, if they wish, propose alternatives to the arrangements set out in paragraphs 20 and 21, and Ofcom will consider these in the light of the factors set out in paragraph 15, the needs of people with hearing impairments and the guidance

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<sup>9</sup> Programming that, in Ofcom's opinion, contains a substantial proportion of sign-interpreted content will not fulfil this obligation.

<sup>10</sup> see footnote 25



set out in Annex 3 to the Code. Further guidance on this is set out in Annex 3 to the Code.

23. To aid planning for broadcasters not currently required by reason of audience share or revenue to provide television access services, Ofcom will carry out a mid-year review based on corresponding data for revenue and audience shares, and will publish a statement indicating which channels will be required to provide access services (see paragraph 33 below) in the following year<sup>11</sup>. In the event that the audience share of a television service currently required to provide television access services falls below the threshold in two successive quarters, Ofcom will notify the broadcaster that the obligation will discontinue at the end of the calendar year in question.
24. Television services intended for reception by members of the public outside the European Union and European Economic Area are exempt from television access service requirements.

### Technical difficulty

25. Television access services need not be provided if Ofcom is satisfied that this would be impracticable on grounds of technical difficulty, including the following cases:
  - a) audio description of music and news programmes and services, where there is little space within the dialogue/sound track to provide audio description, and less need. However, broadcasters are required to ensure that producers, editors and presenters are trained in techniques to describe the significance of images for the benefit of the blind and partially-sighted audience. Broadcasters are required to provide a statement of the training they are providing within 12 months of becoming subject to the code;
  - b) provision of subtitling that is not supported by commercially-available set top boxes (e.g. Chinese or Urdu); and
  - c) provision of access services where a service is broadcast with several different language feeds, making the choice of language for access services problematic.

### Cost

26. Ofcom has determined average costs per hour of providing programming with subtitling, signing and audio description, including any alternative requirements imposed in accordance with paragraphs 20 and 21. These have been used to calculate the costs of three levels of provision:
  - a) Level One equates to the full current annual targets for subtitling, signing and audio description, as well as any alternative requirements;
  - b) Level Two equates to 66% of the current annual target for subtitling, as well as 100% of the targets for signing and audio description, and any alternative requirements; and

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<sup>11</sup> Those channels whose relevant date falls before the end of a calendar year will be expected to start providing access services from the anniversary of that date, subject to meeting the audience threshold, unless they can demonstrate that they would be unable to meet the cost of Level 3 (or higher) obligations from 1% of their actual or projected relevant turnover.

- c) Level Three equates to 33% of the current annual target for subtitling, as well as 100% of the targets for signing and audio description and any alternative requirements.
27. In determining the applicable costs for each channel, Ofcom will have regard to the number of hours broadcast each day, the proportion of the schedule that is exempted from the provision of one or more access services, and the percentage of repeats.
28. Broadcasters whose services are not otherwise excluded will be required to achieve the highest Level of provision they can afford within a budget equating to 1% of their 'relevant turnover'<sup>12</sup>. Only broadcasters unable to afford Level Three costs will be exempt from provision altogether on grounds of cost.
29. In determining the applicable amount of relevant turnover, Ofcom will have regard to the most recent declarations of relevant turnover.
30. In the case of channels in common ownership<sup>13</sup>, Ofcom will determine which channels that are not otherwise excluded should provide television access services by averaging the total relevant turnover across all services in common ownership. If this means that each of the channels would have an average relevant turnover which would enable it to meet one of the three Levels at a cost of 1% or less of that average relevant turnover, those channels will be required to provide the relevant Level of television access services. If the averaging of relevant turnover would mean that none of the services would need to provide television access services, Ofcom will assess eligibility on the basis of the individual relevant turnover attributable to each service.
31. Services which meet the 1% threshold in the most recent declarations of relevant turnover before the start of the next calendar year will be required to provide television access services at the appropriate level for the whole of the next calendar year.

### Other exclusions

32. Other television services excluded by section 303 of the Communications Act 2003 from the requirement to provide television access services are:
- a) those comprising advertising only, for example, a shopping channel;
  - b) electronic programme guides; and
  - c) those licensed outside the United Kingdom.

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<sup>12</sup> As defined in Ofcom's Statement of Charging Principles, 8 February 2005.

[http://stakeholders.ofcom.org.uk/binaries/consultations/socp/statement/charging\\_principles.pdf](http://stakeholders.ofcom.org.uk/binaries/consultations/socp/statement/charging_principles.pdf)

<sup>13</sup> For the purpose of the Code, Ofcom will treat a channel as being in common ownership with one or more other channels if each channel is a subsidiary (within the meaning of the Companies Act 1985) of a common holding company or if they share a common parent at any point in the chain of ownership which has a majority interest in each. In determining whether channels are in common ownership, Ofcom will also have regard to other relevant factors of the kind set out in Ofcom's Guidance on the definition of control of media companies (<http://stakeholders.ofcom.org.uk/consultations/media2/statement/>).

### **Changes in audience share and relevant turnover**

33. Ofcom will conduct a mid-year review of the audience share and relevant turnover of channels licensed in the United Kingdom, based on the most recent four quarters for which corresponding data is available. Ofcom will notify the licensee, if on the basis of that review Ofcom considers that a channel is likely, in the following year, to become:
- a) subject to a requirement to provide television access services;
  - b) subject to a different Level of provision; or
  - c) excluded from the requirement to provide television access services.
34. If a mid-year review indicates that the audience share of a television service providing television access services has fallen below 0.05% but remains at 0.04% or above, and this is confirmed by figures for the subsequent quarter, the licensee will be required to maintain the existing level of provision in the following year, against the targets applying in the current year. In the event that the average audience share remains below 0.05% in the following year, the requirement to provide television access services will cease at the end of that year, or earlier if the licensee demonstrates to Ofcom's satisfaction that continuation of the obligation would threaten the viability of the service.
35. If a service that ceases to be required to provide television access services subsequently regains the levels of audience share and / or qualifying revenue that would subject it to the requirement once more, the licensee will be required to resume provision at the appropriate Level described in paragraph 26 above. Ofcom will determine which level of annual target should apply in consultation with the licensee.
36. If, at any time, a licensee demonstrates to Ofcom's satisfaction that continuation of access service obligations would threaten the viability of its service, Ofcom may reduce, suspend or terminate those obligations.

### **Presentational and technical standards**

37. Broadcasters are required to observe the standards set out in the Guidelines on Television Access Service Standards in Annex 4 to the code.
38. There are currently no technical standards for the means by which Television Access Services are to be made available to viewers. However, Ofcom expects television service providers to use reasonable endeavours to ensure that such television access services can be accessed by the greatest number of viewers in their homes (whether they receive their services by terrestrial signal, or by satellite or cable).

### **Promotion of awareness**

39. Ofcom requires television service providers to promote awareness of the availability of their television access services to potential users of the services by making available accurate and timely information to electronic programme guide (EPG) operators listing their services, and by providing similar information on their website. Ofcom has imposed corresponding obligations on EPG operators through the EPG code made under section 310 of the Act. Broadcasters who provide programme synopses for use in EPGs should indicate which programmes are accompanied by

television access services by including the standard upper-case acronyms for subtitling (S), audio description (AD) and signing (SL). Where broadcasters provide access services to other countries, they should endeavour to use the indicators for access services used in those countries.

40. Ofcom will also expect television service providers to demonstrate that they are taking effective steps to publicise awareness of their television access services through other means, including periodic on-air announcements and information in publications aimed at persons likely to benefit from television access services. Where the nature of the access service is not spelt out in full, the standard abbreviations referred to in paragraph 39 above should be used.

### **Programming and scheduling**

41. Ofcom expects that broadcasters will normally schedule programming with subtitling and audio description at peak viewing times for each channel. However, as signing is currently only provided in open format, it is accepted that signed programmes may need to be shown outside peak viewing hours (subject to paragraphs 20 and 21 above) and recorded by viewers with hearing impairments. In selecting programmes for which access services are to be provided, broadcasters should seek advice from disability groups about how best to maximise the benefits to the blind and those with visual impairments, to the deaf and hard of hearing, and to the deafblind. Ofcom encourages broadcasters not to seek to fulfil their obligations by scheduling multiple repeats of programmes, as this will detract from the benefit of providing access services to users.

### **Equal Opportunities legislation**

42. Broadcasters will need to have regard to their obligations under equal opportunities legislation, including the need to make reasonable adjustments in the delivery of services so as to make these accessible to disabled people, and should seek their own advice on this.

### **Monitoring and compliance**

43. Broadcasters to whom this code applies:
- a) are required to submit returns for each six month period covering quarters starting from 1 January 2005, in the form and format to be notified separately by Ofcom; and
  - b) shall make and retain a recording in sound and vision in a form acceptable to Ofcom of every programme included in the service for a period of 60 days from the date of its broadcast, and provide a copy of the recording for examination and reproduction on request by Ofcom.

### **Review**

44. This code is subject to periodic review.



## Annex 2

## Audience share and signing thresholds

EU or EEA Member State	Audience share threshold <sup>14</sup>	Signing threshold
Austria	0.47%	9.30%
Belgium	0.33%	6.51%
Bulgaria	0.38%	7.70%
Croatia	0.58%	11.52%
Cyprus	3.88%	77.52%
Czech Republic	0.31%	6.13%
Denmark	0.75%	15.08%
Estonia	2.30%	45.91%
Finland	0.70%	14.00%
France	0.05%	0.97%
Germany	0.04%	0.75%
Greece	0.23%	4.68%
Hungary	0.25%	5.03%
Iceland	23.37%	*
Ireland	0.82%	16.44%
Italy	0.04%	0.86%
Latvia	1.66%	33.16%
Liechtenstein	71.16%	*
Lithuania	1.01%	20.13%
Luxembourg	4.83%	96.60%
Malta	5.92%	*
Netherlands	0.22%	4.39%
Norway	0.87%	17.34%
Poland	0.07%	1.34%
Portugal	0.22%	4.43%
Romania	0.10%	2.01%
Slovakia	0.52%	10.32%
Slovenia	1.55%	30.97%
Spain	0.06%	1.21%
Sweden	0.45%	9.01%
United Kingdom	0.05%	1.00%

\*Where an asterisk appears instead of a signing threshold, the nominal threshold would exceed 100% of total viewing

<sup>14</sup> The audience share and signing thresholds for countries other than the United Kingdom were updated in July 2017 to reflect updated data on average daily viewing time and audience size.

## Annex 3

# Guidance to broadcasters of channels with smaller audiences on arrangements for signing

## Introduction

- A3.1 This Annex to the Code on Television Access Services ('the Code') sets out guidance for broadcasters of domestic and non-domestic channels with smaller audience shares on signing on television. Channels with smaller audience shares are those which:
- a) are required as a result of Ofcom's mid-year review to be subject to access service obligations in the following year;
  - b) are determined by Ofcom to have had an average audience share over the preceding year below the signing threshold as set out in Annex 2 to the Code; and
  - c) are excluded under section 303(9) of the Communications Act from the targets set out in paragraph 9 of the Code on Television Access Services ('the existing obligations').
- A3.2 Ofcom expects to notify broadcasters of channels with smaller audience shares (subject to the timely provision by them of information on relevant turnover<sup>15</sup>) by 31 May each year that, as a result of the mid-year review, they will be subject to the arrangements applying to channels with an audience share below the signing threshold. For advance planning purposes, broadcasters currently subject to obligations under the Code that spend less than 1% of the relevant turnover of channels with smaller audience shares on access services should work on the premise that they will be excluded from the existing obligations and will be required to meet the new requirements described below.

## Regulatory requirements

- A3.3 From 1 January 2016, and in accordance with section 303(10)(c) of the Communications Act 2003, domestic channels with smaller audience shares should, from the first anniversary of the relevant date, broadcast each month no less than the minimum amounts of sign-presented programming specified in Table 2 of the Code, such programming to be shown between 7am and 11pm local time. Ofcom will keep this requirement under review.

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<sup>15</sup> As part of their annual information return, non-PSB licensees are required to provide data on relevant turnover for the previous year by 31 March. In accordance with the Code on Television Access Services, Ofcom will use this data together with audience share data to assess which channels will be required to provide television access services in the following year. Ofcom will aim to notify relevant channels by 31 May. Broadcasters that do not provide information on their relevant turnover by the time requested may have less notice of whether or not some or all of their channels will be subject to access service requirements.

- A3.4 From 1 January 2018, and in accordance with section 303(10)(c) of the Communications Act 2003, non-domestic channels with smaller audience shares should, from the first anniversary of the notice date, broadcast each month no less than the minimum amounts of sign-presented programming specified in the third column of Table 4 of the Code, unless Ofcom has determined that regulatory requirements (sign-interpretation and extra subtitling) summarised in the fourth and fifth columns of Table 4 of the Code would better meet the needs of sign language users in the country concerned. Ofcom will keep this requirement under review.
- A3.5 Broadcasters of both domestic and non-domestic channels with smaller audience shares who wish to propose that the channels should not be subject to these regulatory requirements should follow the procedures below.

### Alternative arrangements

- A3.6 Ofcom will consider proposals from individual broadcasters or groups of broadcasters of both domestic and non-domestic channels with smaller audience shares for alternative ways of achieving the objective of making more accessible programming<sup>16</sup> available to deaf or hearing-impaired sign language users. Broadcasters are not obliged to propose alternative arrangements. Nor is Ofcom required to accept that the proposal by broadcasters of any alternative arrangements will result in Ofcom not imposing the regulatory requirements. In deciding whether or not to impose the regulatory requirements in A3.3 or A3.4 on broadcasters that have submitted alternative proposals, Ofcom will have regard to the matters set out in A3.7 (a)-(e) below.
- A3.7 Broadcasters may discuss possible alternative arrangements for channels with smaller audience shares with Ofcom in advance of a formal proposal, and Ofcom encourages them to do so. In any case, in order that broadcasters and / or third parties have sufficient time to plan for the implementation of alternative arrangements, they should submit proposals no later than 30 June in the year before they wish to implement them. If they do not submit proposals by this date, broadcasters are likely to be obliged to implement the regulatory requirements set out in A3.3 or A3.4, as appropriate. Provided the proposals contain sufficient information, Ofcom will endeavour to decide whether or not to impose the regulatory requirements by 31 July.
- A3.8 In determining whether the regulatory requirements should be imposed on broadcasters that have proposed alternative arrangements, Ofcom will consider whether the alternative arrangements would be likely to provide better assistance for deaf people using sign language, and in particular whether they would:
- a) contribute to a diversity of accessible programming broadcast between 7am and 11pm;
  - b) incorporate effective mechanisms for taking account of the views of deaf groups about the preferences of deaf people for accessible programming;

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<sup>16</sup> Accessible programming in this context means programming with the type of assistance that Ofcom has deemed appropriate, whether that is sign presentation, sign interpretation or subtitling. In the case of the UK, Ofcom has deemed sign presentation to be the form of accessible programming appropriate (see paragraph 1.21 of Ofcom's 2007 Statement).



- c) ensure that the terms of access to programming are no less favourable to sign language users than access to the channel in respect of which alternative arrangements are proposed;
- d) amount to, or be equivalent to, an annual financial contribution in respect of each relevant channel, as set out in Table 5. This amount is subject to review from time to time; and
- e) commit the broadcaster to implement the arrangements or to contract with an acceptable party to implement the arrangements for a period of not less than two years, subject to a provision allowing the channel to discontinue the arrangements if it ceases to be subject to access service obligations.

**Table 5: Minimum annual contributions to alternative arrangements**

<b>Anniversary of relevant date or notice date</b>	<b>Minimum annual contributions to alternative arrangements</b> (from 1 January 2016, <u>subject to annual adjustments for inflation<sup>17</sup></u> )
First	£24,500
Second	£24,500
Third	£24,500
Fourth	£24,500
Fifth	£36,800
Sixth	£36,800
Seventh	£49,100
Eighth	£49,100
Ninth	£49,100
Tenth <u>and after</u>	£61,400

A3.9 The minimum annual contribution levels provided in Table 5 above apply to all channels that have not yet reached the fourth (or later) anniversary of their relevant date (i.e. channels with a relevant date on or later than 1 January 2012). Ofcom will publish inflation-adjusted minimum contribution levels for the following year at the same time as it publishes the annual list of channels required to provide television access services in the following year.

A3.10 Domestic channels with a relevant date earlier than 1 January 2012 are subject to the transitional arrangements set out in Table 6 below. There are no equivalent transitional arrangements for non-domestic channels.

<sup>17</sup> The minimum annual contribution levels shown in this table are expressed in 2014 money; from 2016 onwards, Ofcom will publish inflation-adjusted minimum contribution levels for the following year at the same time it publishes the annual list of channels required to provide television access services in the following year.

**Table 6: Transitional arrangements for certain domestic channels: minimum annual contributions towards alternative arrangements (in lieu of monthly sign-presentation requirements) (for domestic channels that have reached the fourth<sup>18</sup> - or later - anniversary of their relevant date)**

<b>Anniversary of qualifying date</b>	<b>2016</b>	<b>2017<sup>19</sup></b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022 and after</b>
Minimum annual contributions	£24.5k	£28.6k	£36.8k	£40.9	£49.1k	£53.2	£61.4k

- A3.11 From 2022 onwards, the minimum annual contributions to approved alternative arrangements will be £61,400 (in 2014 money), adjusted annually to account for inflation from December 2014.
- A3.12 The level of minimum annual contribution is subject to review.
- A3.13 A broadcaster that has, in good faith and with Ofcom's agreement, contracted for the alternative arrangements – in lieu of the signing requirements imposed on one or more of its domestic or non-domestic channels – to be implemented by a third party shall not be required to resume the implementation of regulatory requirements set out in the Code for the duration of the paid-for period of the contract, even if the third party fails to fulfil the requirements of the contract.

<sup>18</sup> i.e. channels with a relevant date earlier than 1 January 2012

<sup>19</sup> From 2016 onwards, Ofcom will publish inflation-adjusted minimum contribution levels for the following year at the same time it publishes the annual list of channels required to provide television access services in the following year.

## Annex 4

# Guidelines on the provision of television access services

## General

A1.1 Broadcasters licensed in the United Kingdom that are providing television access services (subtitling, signing and audio description) should have regard to these Guidelines, whether or not they are subject to the Code on Television Access Services. All broadcasters are requested to have regard to paragraph A4.9.

## Users

A1.2 People using access services do not fall neatly into homogenous groups. For example, many people using audio description have visual impairments, but by no means all are completely blind, and most have had some vision at some time. By the same token, those using subtitles can range from those with normal hearing (using subtitles so that the television sound can be turned down), through those with relatively minor hearing loss, to those who are profoundly deaf. Some people (particularly the deafblind) may benefit from more than one access service – certain conditions that lead to the loss of one sense may also impair another<sup>20</sup>. Those using access services range from the very young to older people, but a significant proportion of viewers using access services are older people, as the incidence of hearing and sight loss increases with age.

## Selection and scheduling of programmes

A1.3 The Code on Television Access Services requires that, in selecting and scheduling signed programmes, broadcasters should seek advice from disability groups about how best to maximise the benefits to those with hearing impairments.

A1.4 When a series of programmes commences with access services, every effort should be made to ensure that all programmes in the series are accompanied by the relevant access services. If unforeseen problems prevent this, and a repeat is scheduled in the near future, a continuity announcement should be made (and subtitled) explaining when the repeat can be seen with the appropriate access services. An on-air apology should also be broadcast, preferably both before and after the programme. If this is not possible, because a technical fault does not come to light until after the programme has been broadcast, an apology should be broadcast at the beginning of the next programme in the series.

A1.5 Ofcom encourages broadcasters not to seek to fulfil their obligations by scheduling multiple repeats of programmes with access services, as this will detract from the benefit of providing access services to users.

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<sup>20</sup> People with Usher syndrome are born deaf or hard of hearing then start to have problems with their sight in adolescence, typically developing tunnel vision. However, many people with Usher have reasonably good central vision.

## Monitoring for consistency and quality

- A1.6 Broadcasters should monitor playout at regular intervals to ensure that scheduled access services are being provided correctly. The failure of access services is just as disruptive for those who rely upon them as a break in transmission would be for others. Where practicable, broadcasters should insert an apology (either spoken or subtitled, as appropriate) as soon as a problem has been identified, with a brief explanation of the cause.
- A1.7 Broadcasters should also regularly monitor the quality of their access services. Focus groups and feedback from individual viewers can be a helpful indicators of quality.

## Consultation and feedback

- A1.8 Broadcasters should ensure that they consult periodically with groups representing access services users on issue such as the quality of access services, and the selection and scheduling of programmes. To facilitate feedback from access service users, broadcasters should also provide contact details on their websites, including e-mail addresses and telephone and textphone numbers. Broadcasters should monitor and respond to this feedback.

## National emergencies

- A1.9 In order that access service users are kept informed about national and local emergencies, it is important that broadcast information, including relevant telephone numbers, is subtitled (preferably in open captions) leaving sufficient time to write the details down and spoken.

## Reference material

- A1.10 While Ofcom is not responsible for the content of external websites, broadcasters and access service providers may find it helpful to consult the following reference material:
- the former ITC guidelines, which provide examples of both good and bad practice ([http://www.ofcom.org.uk/tv/ifi/guidance/tv\\_access\\_serv/archive/](http://www.ofcom.org.uk/tv/ifi/guidance/tv_access_serv/archive/))
  - the RNIB's guidance on improving accessibility to programming for visually-impaired people, including audio description for children's programmes (<http://www.rnib.org.uk/information-everyday-living-home-and-leisure-television-radio-and-film/television>);
  - the BBC's Guidelines for visually-impaired television audiences (<http://www.bbc.co.uk/editorialguidelines/page/guidance-visually-impaired-full>);
  - Incidental music and effects – a note for broadcasters, Hearing Concern ([http://www.hearingconcern.org.uk/campaigns/camp\\_music.html](http://www.hearingconcern.org.uk/campaigns/camp_music.html));
  - A new font for digital television subtitles –Janet Silver, John Gill, Christopher Sharville, James Slater and Michael Martin. ([http://www.tiresias.org/fonts/screenfont/report\\_screen.htm](http://www.tiresias.org/fonts/screenfont/report_screen.htm)); and
  - Deaf children and television, National Deaf Children's Society (<http://www.ndcs.org.uk/document.rm?id=3180>)

## Subtitling

### What is subtitling?

- A1.11 Subtitling is text on screen representing speech and sound effects that may not be audible to people with hearing impairments, synchronised as closely as possible to the sound.

### Users

- A1.12 People using subtitling range from those who have become hard of hearing in later life, to those who have been profoundly deaf since birth. Many people with good hearing also use subtitles so that they can watch television with the sound muted (e.g. so that they can simultaneously talk on the telephone), or learn English, but they are not the target audience. For the deaf, and those suffering severe hearing loss, subtitles are likely to be the most important source of audio information. Viewers with a mild hearing loss to moderate hearing loss are likely to rely on subtitles to aid their hearing rather than as a substitute. But all are likely, consciously or subconsciously, to lip read to a degree. Subtitle users reflect the full range of proficiency in English; some profoundly deaf people regard BSL as their first language, and are less fluent in English. While the varying needs of subtitling users make it difficult to provide subtitling that suits everybody, the guidelines below reflect generally accepted practice.

### Selection and scheduling of programmes

- A1.13 Broadcasters with limited quotas (e.g. 10%) should give priority to the most popular programmes, as subtitling on these is likely to benefit most people. Broadcasters should also bear in mind subtitling programmes likely to be of more interest to older people, as these account for a large proportion of subtitle users, many of whom watch television a lot. As quotas grow, the emphasis of programme selection and scheduling should shift towards subtitling a broader range of programmes appealing to different types of viewer.

### Best practice

- A1.14 Presentation: subtitling should use the Tiresias Screenfont for all subtitles. Subtitles on standard definition DTT services should be no less than 20 television lines for the capital 'V', to include those lines at the top and bottom of each character containing pixels that are at least 50% illuminated. Although Ofcom does not regulate equipment used to render subtitles in cable and satellite services, Ofcom also recommends that cable and satellite platform providers adhere to the same standards. Broadcasters are encouraged to use antialiasing techniques to help make the appearance of subtitles clearer. Subtitles should be placed within the 'safe caption area' of a 14:9 display and should normally occupy the bottom of the screen, except where they would obscure the speaker's mouth or other vital information or activity. It is particularly important to avoid obscuring the face, as this conveys emotions and tone of voice, as well as being necessary for lip-reading.
- A1.15 Pre-recorded and live subtitles: pre-prepared block subtitles are the best approach to providing accurate, easily legible and well-synchronised subtitles and should be used for pre-recorded programmes. Recommended colours are white, yellow, cyan and green against a solid black background as these provide the best contrast. When scrolling subtitles need to be used, any scripted material should be used for

advance preparation. In addition to achieving the highest possible levels of accuracy and synchronisation, live subtitles should flow continuously and smoothly.

- A1.16 Lay-out: subtitles should normally comprise a single sentence occupying no more than two lines, unless three lines will not obscure the picture. If necessary, sentences should be broken or reformed into more than one sentence at natural linguistic breaks so that each subtitle forms an understandable segment. Where breaks occur, the split should be made in a way that makes clear that there is more to come. This can be achieved by ending the first subtitle with a conjunction, a colon or semi-colon as appropriate, or even a short run of dots. Line breaks within a word must be avoided.
- A1.17 Non-speech information: in addition to speech, subtitles should clearly describe relevant non-speech information, such as the mood of any music playing and the words of songs if possible (using the # sign to precede and conclude music), louder speech (using capital letters), inaudible mutterings or incoherent shouts etc. (which should be explained as such). Subtitles should be displayed horizontally in the direction of any sound effects, and where the source of speech is not immediately apparent the first subtitle should have a caption to label the source. Italics or punctuation marks may be used to indicate emphasis. Where long speechless pauses in programmes occur, an explanatory caption should be inserted. Different colours should be used to denote different speakers. Subtitles should be used to identify the source of off-screen/off-camera speech where this is not obvious from the visible context.
- A1.18 Synchronisation of speech and subtitling: the aim should be to synchronise speech and subtitling as closely as possible. Subtitle appearance should coincide with speech onset and disappearance should coincide roughly with the end of the corresponding speech segment. If necessary, subtitling may be edited conservatively if this is necessary to avoid long delays between speech and subtitling. In live programmes, the aim should be to keep the inevitable delay in subtitle presentation to the minimum (no more than 3 seconds) consistent with accurate presentation of what is being said. If possible, subtitles should not over run shot changes and should commence on a shot change when synchronous with the start of speech.
- A1.19 Speed of subtitling: the speed should not normally exceed 160 to 180 words per minutes for pre-recorded programmes. Although it may not be practicable to restrict the speed of subtitles for all live programmes, commissioning editors and producers should be aware that dialogue which would require subtitles faster than 200 wpm would be difficult for many viewers to follow. Consideration may be given to displaying three lines of subtitling rather than two, to allow longer for the subtitles to be read, provided that this does not obscure important parts of the picture. Slower speed and more heavily edited subtitles are appropriate for young children, though care should be taken to ensure that these are accurate and grammatical, as children and parents use subtitles in developing literacy skills.
- A1.20 Accuracy: subtitle users need to be able both to watch what is going on, and to read the subtitles, so it is important that these are as accurate as possible, so that viewers do not need to guess what is meant by an inaccurate subtitle. Broadcasters should ensure that subtitles for pre-recorded programmes are reviewed for accuracy before transmission. Where live subtitling is to be provided, advance preparation is vital – where possible, any scripted material should be obtained, and special vocabulary should be prepared. The subtitling for repeated programmes first broadcast live should be reviewed and edited if necessary.

- A1.21 Publicity: the word 'Subtitles' should be displayed legibly on the screen at the start of the programme.

## Audio description

### What is audio description?

- A1.22 Audio description is a service primarily aimed at blind or visually-impaired people. It comprises a commentary woven around the soundtrack, exploiting pauses to explain on screen action, describe characters, locations, costumes, body language and facial expressions to enhance meaning and enjoyment for blind or visually-impaired viewers.

### Users

- A1.23 While people with visual impairments are drawn from all age ranges, a majority will experience loss of some or all of their vision later in life, for example, as a result of macular generation. Accordingly, audio describers should take account of the fact that most potential users of audio description will have some sight, or will have had sight at some stage.

### Selection and scheduling of programmes

- A1.24 Although visually-impaired people like to watch the same sorts of programmes as everybody else, not all programmes lend themselves to audio description. Some programmes are too fast-moving, or offer little opportunity to insert audio description (e.g. news), or may not be significantly enhanced by the provision of audio description (e.g. quiz programmes).

### Best practice

- A1.25 What to describe: to the extent relevant to the storyline, audio description should describe characters, locations, time and circumstances, any sounds that are not readily identifiable, on-screen action, and on-screen information.
- A1.26 Characters: identifying and describing characters is vital to effective audio description. Key features should be identified as soon as practicable, to help identify the person in the listener's mind's eye and avoid the need for long-winded and confusing descriptions, e.g. 'the tall man', 'district attorney Lopez'. But do not give the name away if the plot requires the character's identity to be revealed at a later date. When describing characters, aspects such as dress, physical characteristics, facial expression, body language, ethnicity and age may be significant. Don't shy away from using colours or describing a character as pretty, or handsome, where relevant to the story. Generally names (rather than 'he' or 'she') are used more often than in normal speech, so as to avoid confusing the audience, particularly when there are several people taking part in a dialogue.
- A1.27 On-screen action: wherever possible try to describe at the same time as the action occurs. This is particularly important with regard to comic situations, where the audience, sighted and visually impaired, should be able to laugh at the same time. Where relevant, key back-references can be included. It may be necessary to set up the next scene during the current description.
- A1.28 Settings: when describing locations, try to cover scene changes where possible. the locations (including scene changes wherever possible); the time of day/season/date

setting where appropriate; any sounds that are not readily identifiable; and on-screen information (e.g. signs, hieroglyphics, open subtitles for foreign languages, captions, and opening and closing credits). The description should not censor what is on screen. However, it should not be necessary to use offensive language, unless (for example) when referring to content that is integral to understanding the programme, such as graffiti scrawled on a wall.

- A1.29 What not to describe: the description should only provide information about what can be seen on the screen. Information unavailable to the sighted viewer should not be added though discretion is always necessary. 'A turreted bridge over a city river' would fall short if the sighted audience sees London's Tower Bridge, even without an identifying caption. Generally, 'filmic' terms such as camera angles should not be used.
- A1.30 When to describe: audio description should not encroach on dialogue, important or complementary sound effects, or critical sound effects unless really necessary. Even then, audio description should only be used to impart relevant information when the dialogue or other sound is inconsequential, or to read subtitles or on-screen captions. To differentiate between subtitles and description the describer should do this by either the use of their voice (e.g. stating the obvious, 'He says in Russian...' or 'A caption reads...') or a second voice. During opening titles and end credits, care should be taken to avoid clumsy overlaps with song lyrics. During songs, audio description should ideally where there is a reprise of the lyrics and where the lyrics are not relevant to the storyline.
- A1.31 Language: audio description provides a real-time commentary, so should generally be in the present tense (he sits), the continuous present (he is sitting) or the present participle ('Standing at the window, he lets out a deep sigh'), as appropriate. Variety is important, particularly with verbs. 'She scuttles into the room' rather than the simple fact 'She enters the room' creates a clearer image for the viewer (a Thesaurus is always useful). Adverbs are a useful shorthand to describing emotions and actions, but should not be subjective. Vocabulary should be matched to the genre of the programme, and should be accurate, easily understood, and succinct.
- A1.32 Delivery: delivery should be steady, unobtrusive and impersonal in style (but not monotonous), so that the personality and views of the describer do not colour the programme. Avoid the term 'we see'. However, it can be important to add emotion, excitement, lightness of touch at different points in different programmes to suit the mood and the plot development – the style should be matched to the genre of the programme. Diction should be clear, and not hurried – every word should be clear, audible and timed carefully so that it does not overrun subsequent dialogue. The aim should be to enhance the enjoyment of a programme not to distract from it.
- A1.33 Balance: judgement is needed in striking an appropriate balance between the amount of detail that is conveyed, and the risk of overburdening the audience with detail and detracting from the enjoyment of the programme. Too much description, even where there is a lot of space for description, can make it difficult for viewers to absorb information. The programme should be allowed 'to breathe'. On the other hand, long gaps in the dialogue may need to be explained if the viewer is not to be left confused, e.g. 'the cowboy rides across the prairie into the distance'. If a slot available for audio description is short, it is better to focus on key moments and dynamics rather than rush the description or fill every available moment. For example, it may be distracting in dance or fight scenes to describe every piece of action. A consistent approach is important: if a description starts out as detailed, it should not suddenly become scant.



- A1.34 Describers: describers should be chosen to fit the genre, the nature of the programme and the intended audience. Ideally, the same people should be used to describe a series of programmes, both to ensure a consistent style (e.g. in terms of level of detail) and because the description forms a part of the programme for users.
- A1.35 Children's programmes: Language and pace of delivery for children's TV need particular care, having regard to the age and background of the target audience, as well as feedback from children and their parents. A more intimate style may be appropriate than would be the case for programmes aimed at adults.
- A1.36 Publicity: periodic announcements should be made about programmes with audio description.
- A1.37 Product placement: Where a programme is signalled on screen as containing product placement, the audio description should say "this programme contains product placement". However, this information should not intrude in the normal audio description; it is paramount that the audio description first and foremost fulfils its primary function of making the programme itself accessible.

## Signing

### What is sign language?

- A1.38 Sign language comprises the use of manual gestures, facial expression and body language to convey meaning. British Sign Language (BSL) is the most popular sign language in the United Kingdom. This is a distinct language (recognised as such by the Government) with different syntax and vocabulary from English. In addition to different forms of sign language in other countries, Sign Supported English (which tends to follow the syntax and vocabulary of English) and Makaton (a simplified form of sign language sometimes used with deaf children) are also used in the UK.

### Users

- A1.39 Some people who are deaf or have significant hearing impairments (usually those who are profoundly deaf, often from birth or early in life) use BSL as their preferred form of communication. Young deaf children who are not yet literate in English rely particularly on sign language to understand and enjoy children's programming.

### Best practice

- A1.40 Language: BSL should be the default language for signed programmes. However, broadcasters may also use other forms of sign language (e.g. Makaton for children's programmes, or Sign Supported English for programmes aimed primarily at people who have gone deaf in later life) where consultation with disability groups has indicated that this would be acceptable. So far as possible, interpretation and voice-overs of signed programmes should be synchronised with the original speech / sign language.
- A1.41 Presentation: Signed programmes may be presented or interpreted into sign language. Sign language users particularly appreciate programmes presented in sign language; young deaf children who are learning sign language find it easier to understand and enjoy programmes presented in sign language, than those interpreted into sign language. Signed programmes, whether presented or

interpreted in sign language, should be subtitled, to make it easier for people using both signing and subtitling to understand and enjoy them.

- A1.42 Signers: sign language presenters, reporters and interpreters should be appropriately qualified, both to use sign language of native competency, and to communicate effectively through television. Some latitude is allowed for guests and interviewees, though broadcasters should ensure that are understandable. The signer should use a style of interpretation and wear clothing that is appropriate to the style of the programme. For example, sober and business-like clothing should be worn for news and current affairs programming, while a more colourful and informal style of dress would be appropriate for children's programmes. It is important that signers' clothing allows them to be seen distinctly against the picture.
- A1.43 Size of image: the image of the signer superimposed upon the original programme should generally appear on the right hand of the screen and occupy a space no smaller than one sixth of the picture.
- A1.44 Techniques: the signer should use appropriate techniques to indicate whose speech he or she is interpreting, and to draw attention to significant sound effects.
- A1.45 Delivery: different methods of delivery are permissible, provided that the provision of sign language complies with the Guidelines, and that it is available in a form that is accessible to all viewers who want it, without the need to purchase special equipment or services. For example, broadcasters may choose to use interactive services to provide a signed version of a programme simultaneously with an unsigned version, provided the interactive option is publicised at the beginning of the programme, is full-screen and complies with the standards set out in these guidelines. Broadcasters may also use 'closed' signing should this become feasible. However, the requirement for accessibility would preclude the use of IPTV to provide signed programmes, unless viewers had the necessary equipment or were provided with it free-of-charge. In any case, broadcasters who wish to use new forms of delivery should consult Ofcom and disability groups first.