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20 December 2018

Dear Ben,

Proposed accessibility requirements on on-demand providers

Section 368BC of the Communications Act 2003 empowers the Secretary of State to introduce requirements on providers of video on-demand programme services to ensure they are accessible to people with hearing and/or sight impairments. In December 2017 you wrote to Ofcom formally requesting us to consult on those proposed requirements and to provide you with the outcome of the consultation and any other matters that should be taken into account for the regulations.

I am pleased to enclose our recommendations which we are also publishing today on our website, <https://www.ofcom.org.uk/consultations-and-statements/category-1/odps-accessibility>.

Recent years have seen a huge shift in our television viewing habits, with the introduction of catch-up television services and on-demand subscription services. However, our research has found that consumers with sight and/or hearing impairment are being left behind.

Our recommendations are intended to support a step change in the accessibility of on-demand content given this developing and diverse industry. We are proposing a system of stretching targets covering all services and across all the platforms they are available on. This would see targets of 80% subtitling, 10% audio description and 5% signing, broadly following the approach taken on broadcast television. There should also be flexible exemptions reflecting the affordability, audience benefit and technical difficulty of providing greater accessibility.

To ensure these targets are effective, we recommend regular reporting by providers. This should cover how they have met the requirements, their future plans, and the measures taken to ensure services are of sufficient quality and work for the intended audiences. Alongside regulations, Ofcom will develop a code of guidance in accordance with section 368CA setting out the steps providers should take to meet the requirements and to ensure that their services are made progressively more accessible. We will consult on our proposals before we publish our code.

Whilst our recommendations consider how regulations remain relevant in the face of future developments, Government should consider reviewing regulations at a suitable point following their full implementation. This would provide an opportunity to consider changes in audience expectations, the pace of technological change and market developments in this industry.

We will continue to work closely with officials to ensure this work delivers a positive impact for audiences as soon as possible.

Yours sincerely

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Tony Close

Director of Content Standards, Licensing & Enforcement