



Reaching every BSL user with more of the BSL content that they love to watch

**RESPONSE TO THE OFCOM FURTHER CONSULTATION ON MAKING ON-DEMAND SERVICES ACCESSIBLE**

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

*We do not have a view on this.*

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

*We do not have a view on this.*

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

*We do not have a view on this.*

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

*We only have information about the costs of providing subtitling, sign-language interpretation and sign-presented programmes for small volumes, not contracts for bulk supply.*

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

*Almost all the programming that BSLBT has commissioned since 2009 is available on our ODPS service. The catalogue continues to grow each year, and we add more than 30 items (or 10%) annually.*

Question 6: If you 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?

*This is not applicable to BSLBT.*

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

*This is not applicable to BSLBT.*

Question 8: Can you provide any information on how much advertising/ subscription revenue you would expect to gain from providing access services on your content?

*This is not applicable to BSLBT.*

Question 9: If you have provided answers for any of Qs 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 (but not applicable)*

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

*We do not have a view on this.*

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

*We do not have a view on this.*

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)

*Yes, please see appendix to this submission.*

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

*We do not have a view on this.*

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?

*Yes, we accept the reasoning for this.*

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?

*Yes, we agree with this.*

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

*Sign Language Users and Limited Evidence Base*

*Access to television plays a vital role in almost everyone's life. The same is true for people who use sign-language. For Deaf people, however, English is at best a second language, and indeed written and spoken language is not part of their natural experience or culture. This means that subtitling on television is often a challenge - and real access to, and understanding of, many programmes may be limited. **This is why there are three Access Services recognised in primary legislation: Sign language, subtitling and audio-description.***

*Ofcom recognises that there is a lack of reliable evidence about the number of people who use sign language as a first or preferred language. This absence of data is acute and chronic, and over generations has had far-reaching implications for Deaf people in that it compromises their access to, and participation in, many aspects of life that most people take for granted: notably education, health, employment and wide social participation.*

*The legislation is therefore very important to sign-language users because it can make an important contribution to addressing the social exclusion they experience.*

*It is our understanding that sign-language users may appreciate sign interpretation on news and current affairs programming, but that it is of limited benefit on other genres. It would be regrettable if the limited money available was not spent to bring the maximum benefit and value to this specific audience.*

*Over the last 10 years BSLBT has built a strong foundation of contact and engagement with sign language users and now believes that it is in a good position to embark on research which will provide some robust and useful results. We believe it is vital that any research regarding sign-language on television must exclusively involve people whose first and preferred language is sign language and should not include hard-of-hearing people within the sample. Further the research should be carried out face-to-face, and the field-work researchers need to be BSL users themselves.*

Question 17: Do you prefer Option A or Option B for determining the levels of sign- presentation / funding for alternative arrangements and why?

*We think that Ofcom should be mindful of not undermining the very positive, and much appreciated, steps they took which resulted in the setting-up of BSLBT.*

*We see a risk to BSLBT's ability to thrive if, faced with requirements for both their television channels and their ODPS, some broadcasters might consider fulfilling their obligations themselves as it would be less costly overall and less demanding of their business processes and technology.*

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?

*BSLBT would be very pleased to support ODPS providers to meet their regulatory requirements, and to provide an ever better range of sign-presented programming which genuinely appeals to, and acknowledges the interests of, people who use British Sign Language as a first or preferred language.*

*In addition we would make the following comments:*

- *BSLBT's SignZone is the sole provider of television programmes made specifically for the Sign Language community.*
- *As well as providing vital information in their preferred language, here Deaf people can also see themselves and their lives reflected, and their experiences and culture shared and acknowledged.*
- *Deaf children and young deaf people at last have role models to identify with, while a geographically fragmented deaf population is brought together and validated as a community.*
- *The programmes provide visibility of the Deaf community to the mainstream world.*
- *BSLBT acquires VOD rights to all the programmes it commissions and this content is then freely available through our website and app.*

*Our current catalogue is high-quality, some of it award-winning, content specifically created for Deaf people who use BSL as a first or preferred language, and with the involvement of BSL users in commissioning and across all aspects of production.*

*That said, we are very conscious that our channel/broadcaster subscribers do not have access to the catalogue of sign-presented programmes to which they have made significant financial contributions. They do not therefore have a catalogue to repurpose for their ODPS services. This puts them at a disadvantage to the broadcasters/ODPS providers who have the catalogue of content they have produced, which is notably sign-interpreted.*

*We would very much like Ofcom to find a way of rewarding broadcasters who contribute to BSLBT for their part in supporting the charity, building its catalogue and making the programming widely available online. For example, could a channel subscription to BSLBT translate into a form of credit that counts towards the parent broadcaster meeting their regulatory ODPS requirements? This might mean that a channel subscription would be the equivalent of spending a certain amount of money on a set amount of sign-presented content. An alternative would be for ODPS providers to contribute to, or collaborate with, BSLBT to drive even greater awareness and viewing of BSL Zone programmes.*

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

*No. We do not agree that there should be an exemption for signing in favour of subtitling and/or audio description.*

*Providing access to television for sign-language users is one of the three Access Services enshrined in primary legislation. Signing caters for a different section of the television audience to both subtitling and, particularly, audio-description.*

*The sign-language community have precious little access to television through their first/preferred language and the very small amount that there is should not be put at any risk.*

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.

*Yes, we would be happy for Ofcom to share any information we provide with Government.*

Question 21: Do you agree with our suggested approach on how targets should be met across ODPS services and platforms?

*Please see our comments above.*

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

*Please see our comments above.*

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 2 years)?

*Yes, we can do this.*