Accessibility best practice consultation – plain English summary

Introduction

Ofcom is the regulator for communications services, including TV and on-demand services. We regulate a variety of video on-demand ("VoD") services, including catch-up services like ITV X and Channel 4, and subscription services like Now and Amazon Prime Video.

We try to make sure that disabled people can enjoy TV and VoD services. This means including features like subtitling, audio description and signing in programmes. These features are called access services.

Broadcasters must, by law, provide access services on a certain amount of their programming– we explain what they must do in our Access Services Code ("the Code"). There are not yet similar rules for VoD services, but we are working with Government to introduce them.

We also provide best practice guidelines ("the guidelines") which give advice to broadcasters on making access services which are high-quality and easy to use.

We are suggesting that changes be made to the Code and to the guidelines, including to offer new advice in the guidelines for video-on-demand services.

This document is a summary only. The full consultation is available on our website. In this document we use "providers" to mean broadcasters and providers of VoD services.

What's next?

We want to hear your views. Please send them to accessibility@ofcom.org.uk by 21 September 2023.

We will take your views into account when writing our new guidelines.

Changes to the Code

We are suggesting these changes to make some of the rules for broadcasters clearer.

Quality

We want to make clear that where broadcasters have to provide a certain amount of access services, they also have to be of good enough quality.

Awareness

We want to make sure that when something goes wrong with access services, broadcasters make every effort to tell their viewers what is going on and keep them up to date.

Other changes

We are making clear that these requirements apply no matter how a TV channel is viewed (as long as it is regulated by Ofcom). So, that means whether it is watched through Freesat or Virgin, for example.

The Government can tell broadcasters to make emergency announcements when there is a national emergency. We want to update the Code to remind broadcasters that any such announcements should be accessible to disabled people.

Changes to best practice guidelines

General guidance

Our guidelines include general guidance and also guidance on specific access services (subtitling, audio description and signing). We are looking to strengthen our general guidance in the following areas:

Audiences

Our current guidelines focus on making programmes accessible to people with sight and/or hearing loss. But Ofcom now has a duty to encourage providers to make programmes accessible to disabled people (and not only those with sight and hearing loss). So, we want to encourage providers to consider broader uses, including by people with cognitive and neurodevelopmental disabilities.

We also understand that different audiences may have different preferences (for example, people with sight and hearing loss may prefer larger subtitles). We aim to encourage providers to offer customisation options (for example in subtitle size/ colour/ font) and choice for viewers, where possible.

Strategies

We know that audiences want to see more access services on TV and on-demand programming, but that it can be very frustrating when these are of poor quality. So, we are looking to encourage providers to think not just about creating more access services for their programmes, but also about making sure these are of good quality.

Along with subtitling, audio description and signing, we encourage providers to consider different ways of making programmes accessible, for example making programmes in Makaton for people with learning disabilities.

Providers need to plan carefully how to improve the accessibility of their services, and so we aim to encourage them to make action plans, talking to audiences about what these should include.

Prioritising Programmes

Our current guidelines say that broadcasters should ask charities which programmes are most important to make accessible. We also say they should ensure that access services are included in all programmes in a series. We propose to add that:

- Providers should make sure that information about national and local emergencies is subtitled, signed and spoken
- Providers should make sure that they make occasions of national importance accessible (for example, events like the funeral of Her Majesty Queen Elizabeth II)

We also know that audiences are frustrated by access services being added late to on-demand programmes. So, we aim to encourage providers to make time to add access services to on-demand programmes before they are released.

Communicating about availability

We want to strengthen our advice to providers on making audiences aware about the availability of access services. This includes communicating with audiences quickly if something goes wrong and communicating in different ways, including making announcements both on television and online.

We also plan to add new advice for providers of on-demand services, including to make accessible programmes easy to find on these services, for example by adding categories for audio described and signed content.

Making accessible programmes

We want to encourage providers to consider accessibility not only when creating access services, but also when making programmes. For example, providers could make programmes more accessible for people with sight loss by having presenters read out on-screen text (such as scores in sports programmes or results in quiz shows).

Disabled people reflect the make-up of UK society with a range of experiences and backgrounds. We plan to encourage providers to make sure that teams involved in making accessible programmes, including audio describers and signers, reflect the diversity of their audiences. This will mean that accessible programmes better serve their audiences.

Monitoring for quality

Our guidelines say that broadcasters should monitor the quality of their access services. We want to add that providers should consider using specific tools to help monitor subtitling quality, for example tools that help to measure the accuracy of their subtitles.

We also plan to say that providers should seek feedback from audiences proactively on the quality of their programmes, rather than only relying on complaints. Ways of providing feedback should also be accessible (for example, by offering a variety of ways to complain such as email/ phone/ post/ video relay and responding in plain language).

Subtitling

Speed of subtitles

Our existing guidelines recommend a maximum speed for subtitles (160- 180 words per minute for programmes which are not live). Keeping to a speed limit means that the subtitles may not match the speech word-for-word when the speech is very fast. However, we understand that people with

hearing loss want to access all the information which is spoken. So, we are planning to replace the speed limits with advice that subtitles should generally match the speech as closely as possible. However, we also want to encourage providers to think about the likely audience for their programmes, as some people may find it more difficult to follow fast subtitles.

Delays in live subtitles

Subtitles on live programmes, such as news and sports, are usually more delayed than subtitles on pre-prepared programmes such as drama. Our existing guidelines say that the delay between the subtitles and speech should not be more than 3 seconds. However, broadcasters tell us that this is not possible to achieve with the technologies available for making live subtitles. We are planning to update our recommended delay to an average of 4.5 seconds across live programming. We think this is more realistic and so will be more effective in encouraging broadcasters to improve.

Subtitle presentation

Our current guidelines include specific advice on how subtitles are presented on television (for example on using specific font types and sizes). However, people now watch content in different ways, like on larger TVs and smaller mobile phone screens. This may suit different styles of subtitling (for example, subtitles which take up a larger proportion of the screen might be easier to see on mobile devices). So, we want to focus instead on what matters most to audiences by saying that subtitles should be easy to read without getting in the way of key information on screen. We also plan to encourage providers to consider customisation options to help address different needs.

Subscription on-demand services (such as Netflix and Amazon Prime) and UK broadcasters have different ways of presenting subtitles. For example, while UK broadcasters often use colours to indicate multiple speakers on their programmes (as recommended in our existing guidelines), subscription services generally use hyphens/ positioning. Or, while UK broadcasters use the # symbol to indicate music (which we currently recommend), subscription services often use a musical note symbol. We want to allow for different approaches in the new guidelines, but to make clear that non-speech information such as speakers, sounds and music should be clearly indicated.

Audio Description ("AD")

Style of AD

Our guidelines say that AD should be plain - 'unobtrusive and impersonal'. But we think that for certain kinds of programmes, some people prefer more creative AD which matches the mood of the programme. So, we want to ask providers to think about different styles of AD and make sure they ask their audiences what they want.

What should be described

Our guidelines say that AD should describe visual information that is relevant to the plot. We want to add that it can be important to describe other things as well, such as the diversity of characters

and presenters – things like race, disability and gender. Like everybody else, people with sight loss from different backgrounds might want to know when people like them are represented on screen.

What else can help

For some types of programmes AD is not so useful. For example, where there is a lot of talk, it is difficult to find space to describe what else is going on.

We want providers to think about other ways they can make sure that people with sight loss can follow programmes. For example:

- They could use 'audio introductions' which describe characters at the start of the programme.
- For VoD they could use 'extended audio description' where you can pause the video to fit in more AD before the programme starts up again.
- They could make sure that where there is a lot of talk, any on-screen text is also read out (for example, by the presenter in quiz shows).
- In news programmes, they could make sure that any foreign language subtitles are also read out.

Signing

Which sign language on which programmes?

For broadcasters who must provide sign language, our guidelines say they should normally use British Sign Language ("BSL"). But we also say that they can use Makaton or Sign-supported English if they know this is what their deaf viewers would want. We have been told that these are not usually used by deaf people, so we now want to make it clear that broadcasters should use just BSL for their legal requirements. We do still want to encourage them to provide other programmes with Makaton or Sign-supported English.

Smaller broadcasters can choose whether to interpret their programmes into BSL ("sign interpretation"), make their own programmes presented or acted in BSL ("sign presented") or different arrangements, for example funding the British Sign Language Broadcasting Trust which makes its own programmes.

We want broadcasters and VoD providers to ask their audiences which kind of BSL programmes they would prefer. Sign-interpretation lets deaf people enjoy popular programming made in other languages (including English) and might be especially useful for news and current affairs programmes. We understand that otherwise deaf people may prefer sign presented programmes, particularly young children who are learning BSL.

We think that providers should try to include BSL speakers in other programmes too, in addition to the signing they must provide. When they do this, the BSL users' hands and face should be kept in shot so that they can be understood.

Quality of signed programmes

Our guidelines say that BSL should be in time with the language being spoken as far as possible, and that the signer should show who is speaking and important sound effects. We want to add that the signing should be accurate, easy to understand and give a sense of the speaker's tone.

We want to keep our current guidance that the sign interpreter should take up at least $1/6^{th}$ of the screen – they should be large enough to see their hands and faces, but not so big they get in the way of the programme. But we also think providers should remember that their programmes might be viewed on different size screens (for example, on mobile phones or very large home screens).