

Introduction:

Ofcom is the regulator for communications services, including TV and on-demand services. We regulate a variety of on-demand services, including catch-up services like ITV Hub and All 4, and subscription services like Now TV and Amazon Prime.

On-demand services are increasingly popular, but they are often not accessible to people with hearing and sight impairments, because they don't provide features like subtitles, audio description and signing. These features are called 'access services'.

Broadcasters must provide access services but there aren't yet any similar rules for providers of on-demand services. In 2018 we made recommendations to the Government on new rules for catch-up and on-demand services.

The Government asked us for more detail on how the rules should work. In July 2020, we published a further [consultation](#) to ask consumers and on-demand providers what they think. We have now published further recommendations so that Government can draft the regulations.

This document is a summary of our [2018](#) and 2020 recommendations. It is for consumers and does not cover areas of particular interest to on-demand providers (such as how Ofcom will tell them about the requirements each year).

Targets

We want on-demand services to be more accessible to all audiences.

We recommend that on-demand providers must provide subtitling on 40% of their programmes, audio description on 5% and signing on 2.5%, within two years of the rules being introduced.

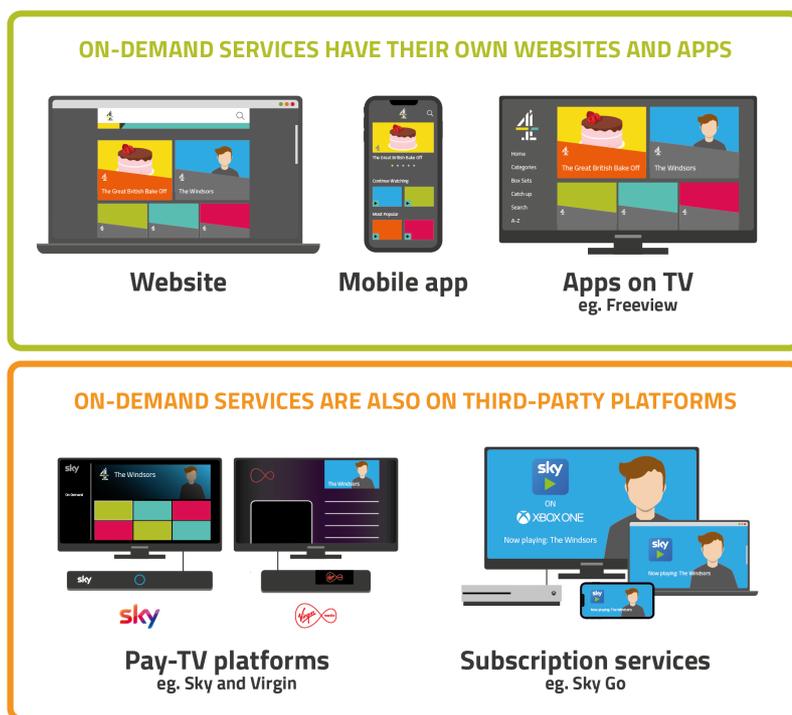
Within four years of the rules being introduced, we recommend they must provide subtitling on 80% of their programmes, audio description on 10% and signing on 5%.

Should there be any more targets?

We think Ofcom should set out optional targets for year 1 and year 3. This would help providers to meet the targets for year 2 and 4, which they would have to meet by law.

How do these targets work when on-demand programmes are available over more than one platform?

On-demand services are available across a large range of different platforms and devices. For example, their own websites and apps, along with third-party platforms like Amazon Prime and Sky On-Demand.



We think providers should choose how they meet the targets across their platforms, but they must consider how audiences will benefit. So, providers could make more programmes accessible on platforms with better accessibility features, and fewer programmes accessible on less popular platforms.

Signing requirements

We want to see a variety of types of signed programmes on on-demand services. We recommend that on-demand providers should have a choice between three options to meet the signing rules:

1. To provide 'sign-interpretation' on 5% of their programmes - this is when a signer in the corner of the screen translates the programmes into British Sign Language (BSL).
2. To provide a smaller amount of 'sign-presentation' on their own service – this is where programmes are presented entirely in sign-language. It is more expensive than sign-interpretation.
3. To fund a provider of sign-presented on-demand programming (for example, under the television rules, some broadcasters fund the British Sign Language Broadcasting Trust (BSLBT) which shows sign-presented programmes on the [BSL Zone](#)).

Providers could choose one of these options or a mixture, but they would need to show that they have considered our [best practice guidelines](#) on signing. We are planning to update these guidelines. To help us to do this, we carried out a survey among BSL users on their preferences, and plan to carry out further research with BSL users in future.

We also think that providers who already show programmes with sign-interpretation on television should usually put this sign-interpretation onto programmes which then appear on their catch-up services.

Best practice

True accessibility is about more than simply providing access services, which are of limited use if audiences don't know they're there or can't use them properly.

We think providers should tell people about which of their services are accessible, and on which platforms.

Providers should also have to take account of our best practice guidelines on the quality and usability of access services. We are currently revising these guidelines and will consult publicly on the changes.

Exemptions

We recommend that there should be some exemptions from the requirements, but only when it would be disproportionately difficult for providers to meet them. But how should this work in practice?

Are there significant technical difficulties?

We recommend exemptions where a provider has made a reasonable effort to provide access services but has not been able to do so because of significant technical difficulties.

Is there enough benefit to audiences?

We think on-demand providers should not have to provide access services on any platform where they have a very low audience. This could be measured as less than 0.5% of people who use on-demand services.

Are the requirements affordable?

We think there should be exemptions for providers which cannot afford to meet the targets. This means:

- any on-demand provider which is a 'small company' under the Companies Act; or
- when the cost of meeting requirements is more than 1% of a provider's turnover.

Is it all or nothing?

If providers can't afford the full requirements, we recommend that they should meet lower subtitling targets along with the full audio description and signing targets.

Should there be exemptions for particular types of programme?

Providers tell us it is more difficult to make certain types of programming accessible, such as catch-up versions of news. The regulations might need to describe which types of programme should be exempt. If so, we recommend that they should only include exemptions for audio description on music and news programmes. These programmes have a lot of speech, so there is not much room to add audio description. For other types of programme, Ofcom should be able to decide on the exemptions, looking at each particular situation.