

# Code of practice on electronic programme guides

## Introduction

1. This Code sets out the practices to be followed by EPG providers<sup>1</sup>:
  - a) to give appropriate prominence for public service channels;
  - b) to provide the features and information needed to enable EPGs to be used by people with disabilities affecting their sight or hearing or both; and
  - c) to secure fair and effective competition.

## Appropriate prominence

2. Section 310(2) of the Communications Act 2003 ('the Act') provides that Ofcom's EPG code require EPG providers to follow practices giving the degree of prominence that Ofcom considers appropriate to:
  - a) the listing and promotion of the programmes included in each public service channel, for members of the intended audience; and
  - b) the facilities, in the case of each such channel, for members of its intended audience to select or access the programmes included in it.
3. The Secretary of State may add to, or subtract from, the list of relevant public service channels. Currently these channels are all BBC channels, Channel 3 services, Channel 4, Channel 5, S4C, local digital television programme services and simulcast local services (the "Designated Channels"<sup>2</sup>).
4. Ofcom has set out in this section of the EPG Code the practices that EPG providers are required to follow in order to give appropriate prominence to the Designated Channels.
5. It is a condition of EPG providers' broadcasting licences that they comply with this Code. If Ofcom has reason to believe that an EPG provider may not be complying with or may not have complied with the required practices, Ofcom will investigate in accordance with our *General procedures for investigating breaches of broadcast licences*<sup>3</sup> whether a breach of the EPG provider's licence has occurred.

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<sup>1</sup> The term 'EPG provider' means any organisation providing an electronic programme guide as defined by section 310 of the Communications Act under a Broadcasting Act licence.

<sup>2</sup> For the avoidance of doubt, these provisions do not impose any requirements on EPG providers in respect of the following channels: PSBs' commercial portfolio channels (such as CITV, E4 or 5USA); PSBs' +1 channels; PSBs' video-on-demand services; and PSBs' online only services (such as BBC Three).

<sup>3</sup> [https://www.ofcom.org.uk/data/assets/pdf\\_file/0019/31942/general-procedures.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0019/31942/general-procedures.pdf).

6. Currently all EPGs are a list of channels with allocated slots and accordingly we have set specific minimum requirements on the basis of slot position. However, these requirements do not prevent EPG providers from developing and offering different forms of EPGs. If an EPG provider offers a different form of EPG, Designated Channels must have an equivalent level of prominence to that set out in the requirements below.
7. EPG providers must enable viewers in a region to select the appropriate regional versions of Designated Channels through the primary listings for those channels, where the channel provider in question has secured services that enable this.
8. The prominence requirements in this section of the EPG Code may be satisfied in respect of an HD TV version of a Designated Channel instead of the SD TV version of that same channel, where the HD TV version is an exact simulcast of the SD TV version.
9. EPG providers must ensure that the five **national general entertainment PSB channels** (BBC1, BBC2, Channel 3 services, Channel 4 and Channel 5) are listed in the first 5 slots of the EPG, so that BBC1 is in the first slot, BBC2 is in the second slot, Channel 3 is in the third slot, Channel 4 is in the fourth slot (except where paragraph 10 applies), and Channel 5 is in the fifth slot.
10. In respect of EPGs that provide a **regionalised version for Wales**, EPG providers must ensure that S4C is listed in the fourth slot on the regionalised version. Accordingly, in such cases the requirement in paragraph 9 that Channel 4 is in the fourth slot does not apply. Instead, EPG providers must ensure that Channel 4 is listed in a slot that is no lower than the eighth slot of the regionalised version of the EPG.
11. EPG providers must ensure that the **nations' PSB channels** (S4C, BBC Alba and BBC Scotland) are listed in a slot that is no lower than the twenty fourth slot of the EPG. This requirement applies to the listing of S4C, BBC Alba and BBC Scotland on UK-wide EPGs, and to the listing of BBC Alba and BBC Scotland on EPGs providing a regionalised version for Scotland.<sup>4</sup>
12. EPG providers must ensure that the **other national channel** (BBC4) is listed in a slot that is no lower than the twenty fourth slot of the EPG.
13. EPG providers must ensure that the **news genre channels** (BBC News and BBC Parliament) are listed in a slot that is no lower than the eighth slot in the relevant genre section or relevant channel grouping of the EPG.
14. EPG providers must ensure that **children's genre channels** (CBBC and CBeebies) are listed in a slot that is no lower than the eighth slot in the relevant genre section or relevant channel grouping of the EPG.
15. EPG providers must ensure that **local digital television programme services** are listed in a slot that is no lower than the twenty fourth slot of the EPG. EPG providers must determine which slot to allocate to **simulcast local services** on its EPG in a way that gives an

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<sup>4</sup> For EPGs that provide a regionalised version in Wales, paragraph 10 applies in respect of S4C.

appropriate degree of prominence in light of these channels' nature and characteristics and their intended audience.

## **Assistance to people with hearing and/or visual disabilities**

16. Section 310(3) of the Act requires that Ofcom's EPG code obliges EPG providers to incorporate such features in their EPGs as are appropriate to enable, so far as practicable, people with disabilities affecting their sight or hearing to use the EPGs for the same purposes as people without such disabilities. EPGs are also to provide information about assistance in relation to programmes (e.g. how to navigate radio and television listings, and how to operate television access services such as subtitling, signing and audio description), as well as facilities for making use of that assistance. This section sets out the requirements that EPG providers should meet in order to comply with the Code.

### **General principles**

17. EPG providers are required to:
- a) make such adjustments to their EPGs as are practicable to secure that they can be used by people with disabilities affecting their sight or hearing for all the same purposes as they are used by other people; and
  - b) promote awareness of the scope of EPGs to provide information about programmes with access services, in conjunction with broadcasters and representatives of people with disabilities affecting their sight or hearing.
18. Ofcom expects the needs of people with disabilities affecting their sight or hearing to be an integral part of planning for the future development of EPGs. To this end, Ofcom expects EPG providers to consult disability groups about the way they meet their obligations under the code, and to work with disability groups, broadcasters and set top box manufacturers on ways of improving usability.

### **Adjustments to EPGs to facilitate their use by disabled people**

19. EPG providers should use reasonable endeavours to secure so far as practicable that their EPGs<sup>5</sup> include facilities for users to do all or as many as possible of the following, or to introduce accessibility features that would be equally effective:
- a) render text needed for EPG navigation and the provision of information on channels and programmes included in the EPG as speech;
  - b) highlight or list separately programmes with audio description, and with signing;
  - c) adjust the display of EPG information so that it can be magnified, or the text enlarged; and
  - d) select a 'high contrast' display<sup>6</sup>.

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<sup>5</sup> When accessed on new models of TV receivers beginning development after 27 July 2018 and any subsequent models.

<sup>6</sup> A display with a contrast ratio of no less than 7:1.

20. Ofcom recognises that the process of securing the accessibility features listed in paragraph 19 is likely to include development work and associated expenditure on the part of EPG providers and their manufacturing partners. We also recognise that the timeframe for such development work will depend on international product development cycles. However, given that each accessibility feature has already been provided in some TV receivers, Ofcom would normally expect EPG providers to work with the manufacturers of TV receivers to make all of these accessibility features available in new models of TV receivers beginning development after **27 July 2018** and any subsequent models, unless the associated estimated costs show that the adoption of any specific accessibility feature would be unduly burdensome.
21. EPG providers are required to produce an annual statement, by **30 November** each year, of the steps they have taken and plan to take to facilitate the use of their EPGs by disabled people, specifying which steps they have taken to comply with paragraph 19 above. If an EPG provider has been unable to secure all or any of the objectives set out in paragraph 19 on the grounds of practicability, this annual statement should outline the alternative steps they have taken to increase the accessibility of their EPGs. Ofcom will assess the adequacy of these statements in the light of the particular circumstances of each EPG.
22. EPG providers will need to have regard to their obligations under the Equality Act 2010 to make reasonable adjustments in the provision of facilities and the delivery of services so as to make these accessible to disabled people, and should seek their own advice on this.

## Provision of information

23. EPG providers are required to ensure that information included in relation to television programmes indicates which programmes are accompanied by television access services. A corresponding provision has been included in the Code on Television Access Services requiring broadcasters to make such information available to EPG providers. Programme information in the EPG should indicate by means of standard abbreviations the nature of the access service provided. Where applicable, the programme synopsis in the EPG should indicate which programmes are accompanied by television access services, using the following upper-case letters - subtitling (S), signing (SL) and audio description (AD). If non-standard terms are used in any part of the EPG, and removal or replacement by the standard abbreviations would require software or hardware updates, this should be done at the next reasonable opportunity.
24. EPG providers should provide on an easily accessible part of their EPGs (where practicable) or alternatively in other accessible ways (e.g. on websites or interactive services) information for people with disabilities on:
  - a) how to use the EPG;
  - b) how to use the access services accompanying the programmes;
  - c) what options exist for customising the appearance of the EPG to make it easier to use; and

- d) what additional sources of help and information are available in other places (e.g. on websites, or from telephone / textphone helplines), whether from the EPG operator, or television service providers.

## **Promotion of awareness**

- 25. EPG providers are required to work with broadcasters, platform providers and disability groups to publicise the information and facilities available on EPGs to assist disabled people.

## **Fair, reasonable and non-discriminatory treatment**

- 26. Ofcom has concluded that, in order to secure that the providers of EPGs licensed by Ofcom do not enter into or maintain any arrangements or engage in any practice that Ofcom considers would be prejudicial to fair and effective competition in the provision of the licensed radio or television services or of connected services as defined in section 316 of the Act, EPG providers should comply with the provisions set out in this section.
- 27. In particular, EPG licensees are required:
  - a) to ensure that any agreement with broadcasters for the provision of an EPG service is made on fair, reasonable and non-discriminatory terms;
  - b) to publish and comply with an objectively justifiable method of allocating listings. This does not preclude different methods – for example, objectively justifiable methods could include ‘first come, first served’, alphabetical listings, and those based on audience shares;
  - c) to refrain from giving undue prominence in any listing or display to a channel to which they are connected, except as required by the appropriate prominence provisions set out at paragraphs 2 to 15 above;
  - d) to carry out periodic reviews of their listing policy and of channel listings made in accordance with that policy, in consultation with channel providers. Consultations with channel providers should be transparent, have reasonable timeframes for comment and set reasonable implementation timeframes;
  - e) to ensure that viewers are able to access all television and radio services included in the EPG service on the same basis, provided that the viewers are equipped to use the EPG service and to receive the relevant programme services;
  - f) to ensure that free-to-air services are at least as accessible as pay TV services, and that reception does not require additional equipment or commercial agreements over and above those required for the acquisition of the receiving equipment; and
  - g) to refrain from imposing any condition in an agreement for EPG services between an EPG operator and a channel provider specifying exclusivity to one EPG for any service or feature, including the ability to brand services and access to interactivity.

28. EPG licensees that are channel providers or are connected to a channel provider must ensure that access to and from all television services included in the EPG service is easily available to all viewers equipped to use the EPG service and to receive the relevant programme services.

### **Code review**

29. Ofcom intends to review the Code as appropriate. As part of any such review, it will consult stakeholders, including EPG providers, broadcasters, and disability groups. In the interests of transparency Ofcom will also provide relevant information including its consultations and statements on its website. The issues it will consider may include whether:
- a) the guidance on appropriate prominence is adequate, or needs to be amended;
  - b) provisions on information and facilities need to be changed, having regard to technological and market developments, amongst other things; and
  - c) ex ante regulation requiring EPG providers to give channels on their EPGs fair, reasonable and non-discriminatory treatment so as to ensure fair and effective competition remains appropriate.
30. Where appropriate, Ofcom will consider whether competition would facilitate the achievements of the objectives in the Code, and so obviate or reduce the need for regulation, or whether the promotion of competition requires continuing regulation.