

# Ofcom's proposals for assistance to sign language users on non-domestic channels (plain English summary)

## Purpose of this summary

A2.1 This summary of Ofcom's proposals is intended mainly for people who use sign language to communicate. It has less detail than the main document, which is the definitive record of Ofcom's proposals and the reasons for them. Ofcom has prepared a translation of this summary into International Sign, which is available at the following link: <https://vimeo.com/143986162>.

## Ofcom's proposals

A2.2 Ofcom makes rules for channels broadcast in the UK (we call these domestic channels). We also make rules for some channels broadcast from the UK to other countries (we call these non-domestic channels). Ofcom has decided that some of these channels should provide assistance to people who cannot see or hear well. We have chosen those channels that we believe have large enough audiences to make this worthwhile, and earn enough money to pay for assistance. We call these 'qualifying channels'.

A2.3 Ofcom makes rules for both domestic and non-domestic channels on how they should help deaf people who use sign language to understand and enjoy television.

A2.4 In 2015, we told qualifying domestic channels that they should gradually increase the assistance they give to sign language users. They can do this by showing more programmes presented in sign language (like the BBC programme 'See Hear'). Or they can pay for different ways of making more sign-presented programmes available to sign language users on TV. One example is the British Sign Language Broadcasting Trust which makes sign-presented programmes shown on TV and on its website ([www.bslbt.co.uk](http://www.bslbt.co.uk)).

A2.5 So far, Ofcom has allowed broadcasters of qualifying non-domestic channels to provide subtitling instead of signing for two years ending in 2015. We called this a 'transitional period'. During this time, Ofcom, broadcasters and sign language users discussed what is the best way for non-domestic channels to give assistance to sign language users.

## We propose to extend the transitional period until the end of 2016

A2.6 As a result of these discussions, we are making the proposals presented in this document. We will decide on the proposals after we have considered what people think about them. We plan to make decisions in early 2016. Then it will take time to implement the decisions

*Q1. Do you agree that the new arrangements should start on 1 January 2017, and that, until then, broadcasters can carry on providing extra subtitling instead of signing?*

## **We propose that broadcasters should gradually increase their assistance for sign language users**

A2.7 Now, we think that qualifying non-domestic channels should also gradually increase the assistance they give to sign language users. As with domestic channels, we think the default rules should require broadcasters to show sign-presented programmes. But other kinds of assistance would be possible instead, if sign language users agreed.

*Q2. Do you agree that, as for domestic channels, the default rules should require broadcasters to show sign-presented programmes?*

A2.8 Depending on whether Ofcom agrees that broadcasters should provide sign-presented programmes, sign-interpreted programmes or subtitled programmes, and consistent with rules applying to domestic channels, we propose that the amount of assistance be as follows:

- a) a small amount of sign-presented programming. This would mean that, from 2017, TV channels would show a minimum of  $\frac{1}{2}$  hour a month from 2017, rising to  $\frac{3}{4}$  hour in 2018, 1 hour in 2020, and  $1\frac{1}{4}$  hours in 2023. The programmes would be shown between 7am and 11pm; or
- b) some sign-interpreted programming. This would mean that, from 2017, TV channels would show a minimum of 12 hours of sign-interpreted programming each month. This would rise to 17 hours in 2018, 23 hours in 2020, and 29 hours a month in 2023. It is likely that most of the programmes would be shown very late at night or early in the morning; or
- c) subtitled programming. This would mean that, from 2017, TV channels would show an extra 29 hours of subtitling programming each month, on top of the normal subtitling quota. This would rise to 44 hours in 2018, 58 hours in 2020, and 73 hours a month in 2023. It is likely that the programmes would be shown across the day, including in peak time. Ofcom would consider requests from sign language users to require that programmes produced in the local language are subtitled so far as possible.

*Q3. Do you agree that assistance provided by qualifying non-domestic channels should rise over time as shown in paragraph A2.8 above?*

## **We propose that broadcasters who wish to contribute to alternative arrangements instead of providing assistance on their own channels should pay more over time**

A2.9 In addition, we think that, just like broadcasters in the UK, qualifying non-domestic channels should be allowed to pay an annual contribution to fund the provision of the type of assistance on TV that sign language users prefer in the country concerned.

A2.10 This option is similar to what happens with qualifying channels in the UK. Qualifying domestic channels can propose alternative arrangements for providing more sign-presented programmes. So can non-domestic channels. If broadcasters of domestic channels choose to contribute to alternative arrangements, they must make a minimum annual contribution that will rise over time. The minimum contribution is protected from inflation through annual adjustments. For example, in the UK,

broadcasters proposed the alternative of paying for the British Sign Language Broadcasting Trust (BSLBT) to make sign-presented programmes that are shown on TV.

A2.11 This would mean that, from 2017, qualifying TV channels would pay a minimum contribution of £24,500 (about €33,500), rising to £36,800 (about €50,000) in 2018, £49,100 (about €67,000) in 2020, and £61,400 (about €84,000) in 2023. The minimum contribution would be protected from inflation through annual adjustments.

A2.12 We would like to know your views. But there are things that you may want to think about first:

- a) we could not ask broadcasters to contribute to assistance that is not made available on television. For example, we could not ask broadcasters to contribute to the cost of films made by deaf people for showing in cinemas or online;
- b) we could not make broadcasters propose alternative arrangements, even if deaf groups would like this;
- c) we could not make broadcasters spend more on access services (including signing, subtitling and audio description) than 1% of their total income; and
- d) we do not think it would be reasonable to make broadcasters provide sign-interpretation or sign-presentation on channels showing the same programmes at the same times in many different European countries.

*Q4. Do you agree that broadcasters should also be able to suggest alternative arrangements described under paragraph A2.9 above?*

*Q5. Do you agree that broadcasters that want to contribute to approved alternative arrangements should pay rising minimum contributions as shown in paragraph A2.11 above, and that these contributions should rise every year with inflation as measured by the UK Consumer Price Index?*

## **We propose to make changes to Ofcom's Code and Guidance in line with our proposals**

A2.13 Annexes 4 and 5 of this document show how the rules for signing would look like if we decided to go ahead with our proposals.

*Q6. Do you agree with the proposed changes to the rules shown in Annex 4 and Annex 5?*

A2.14 If, after this consultation, Ofcom decided that broadcasters should follow these rules, then we would encourage national deaf groups and broadcasters to discuss any possible substitute requirements or alternative arrangements, so that Ofcom has enough time to consider them well before 1 January 2017.

## **Signing requirements for channels shown in the Republic of Ireland**

A2.15 Some domestic channels are shown in the Republic of Ireland. They already show some programmes with British Sign Language on their channels, or contribute to

alternative requirements (BSLBT). If we asked them to provide programmes with Irish Sign Language as well, the channels would have less programming for people who do not know Irish Sign Language, who are the majority of viewers, or pay for satellite capacity to stream a special version of the channel to the Republic of Ireland.

A2.16 We do not think that this would be reasonable. We also think that, some sign language users in the Republic of Ireland have watched programmes with BSL, and still watch programmes with BSL on the BSLBT website. The reason for this is that, for many years, there was no little or alternative on Irish television.

*Q7. Do you agree that it would not be reasonable to require domestic channels shown in the Republic of Ireland to provide further assistance for deaf people if they already show some programmes with British Sign Language on their channels, or contribute to alternative requirements?*

## **Access services on non-domestic channels broadcast to Iceland, Liechtenstein and Norway**

A2.17 In 2013 there was a change to European Law. As a result, Ofcom must treat qualifying channels broadcast to Iceland, Liechtenstein and Norway in the same way as qualifying non-domestic channels broadcast to European Union Countries.

A2.18 Ofcom believes that only some channels broadcast to Norway will qualify. We believe that broadcasters will need time to prepare for access services to be delivered. We propose that they should begin to provide access services from 1 January 2017.

*Q8. Do you agree that qualifying non-domestic channels broadcast to Norway should begin to provide access services from 1 January 2017?*

## **Please let us have your views**

A2.19 We would like to know what kind of assistance sign language users would want. There are three main types of assistance:

- a) sign-presented programming, like the BBC programme *See Hear*, or
- b) sign-interpreted programming, where the signer appears at the side or corner of the screen; or
- c) subtitling.

*Q9. Are you a deaf sign language user? If so, which country do you live in? And which kind of assistance would you prefer?*

A2.20 We would welcome views from deaf sign language users, groups representing their interests, and broadcasters. Please let us have your views by **16 December 2015**. You do not have to answer all the questions, but it would help us if you could let us know what you think. We would also be happy to offer further explanations to national deaf groups that are members of the EUD on request. You can e-mail your responses to these questions to [jacopo.genovese@ofcom.org.uk](mailto:jacopo.genovese@ofcom.org.uk). Or you can complete the webform at <http://stakeholders.acmpub.intra.ofcom.local/consultations/nom->

[dom/howtorespond/form](#). The questions in the webform cover the same issues, but are worded slightly differently. Thank you.