



# **BBC response to Ofcom consultation on ensuring the quality of TV and on-demand access services**

---

Consultation response

September 2023

# 1. Introduction

The BBC welcomes the opportunity to respond to Ofcom's consultation on ensuring the quality of TV and on-demand access services. The BBC shapes its products, services and work environments to be accessible to all audiences and staff by removing barriers and facilitating inclusion.

The BBC's responses to the consultation questions are set out below.

We would welcome the opportunity to discuss our response with Ofcom in more detail, if it would be useful.

## 2. Responses to consultation questions

### 2.1 Proposed approach and additions to Code

***Question 1: Do you have any comments on our proposed approach to making these changes?***

The media landscape and consumption habits have changed significantly since the last update of the Access Services Guidelines. The BBC agrees that the current guidelines should be refreshed to reflect the evolving landscape and should remain under regular review.

We agree that a working group of relevant parties could provide useful support for the development of accessibility. It will be important for the working group's terms of reference to set out a clear role and responsibilities.

The BBC would find it valuable to see the commissioned research published alongside any other relevant research. This would be particularly useful to support the rationale for changes which will impose additional work on content providers and player implementers.

We note that the research into some areas covered by Ofcom's consultation has significant limitations, for example research carried out on film content should not be used as evidence for changes in broadcast standards due to the differences between the two media types.

***Question 2: Do you have any comments on our proposed additions to the TV Access Services Code?***

*Measurement*

The definition of the overall quality of a service can be difficult to establish as factors like accuracy and delay combine non-linearly and have different impacts for different users. In addition, for services such as Audio Description there is an element of subjectivity. Quality measures for the access services covered by the Access Services Code should be verified by user testing.

We have concerns around the proposed Code's ability to assess quality and to support the outcome-based approach that Ofcom has set out as its intention. The Guidelines (Annex 9) are likely to result in a significant worsening of access services quality, even if

it is accompanied by an increase in quantity, due to the fact that providers will be granted additional flexibility while promoting a change in the provisioning and exchange of access services resources.

### *Subtitling*

We consider that there are still improvements that need to be made to support people with visual impairment using translation subtitles. Audiences need these to be just as readable and clear in presentation as hard of hearing subtitles. We – and other parts of the industry – are working on such improvements and at the appropriate time it may be beneficial to update the code to reflect these developments.

### *Devices*

The proposed addition to cover all devices is currently too broad in scope. In some cases, broadcasters or content providers do not have the ability to control the presentation of access services on devices managed by third parties who effectively syndicate content. It is likely not feasible in those cases for the broadcaster to report on access services for those devices.

Additionally, we would welcome further information about how the proposed extension across all devices will affect the calculation of audience share as discussed in relation to the signing threshold exclusions in paragraph 5.7 of Annex 8.

### *Definitions*

In paragraph 4.7 of Annex 8, there is a need for tighter definition of the terms used. In particular, the term “presentation” is unclear. The identification of speakers and changes of speaker, as well as grammatical considerations when splitting text across lines both need to be included within “accuracy” but it is not clear whether this is the intent.

Ofcom proposes to update the definition of subtitling to clarify that the service is “primarily for people with hearing loss”. We presume that Ofcom means that this is the constituency for which subtitling is of most importance and the one that justifies regulatory intervention. We would agree with this position; however, we would note that our usage data suggests that the majority of the audience who uses subtitles does not have hearing loss, and this is to some extent supported by the information in 4.11 of Ofcom’s consultation.

### *Emergency Announcements*

Ofcom’s proposed addition to the Code and the Guidance will increase the burden on broadcasters. Signing is a specialist service and not necessarily available at very short notice. Furthermore, there can be technical difficulties in the provision of announcements which impact the ability to provide signing.

We would welcome further clarity over who carries the responsibility to provide sign interpretation. If this sits with the broadcaster, there is a disproportionate cost and operational burden for delivering potential zero-notice signing and this would be replicated across all broadcasters carrying the emergency announcement. We would like to see responsibility for signing emergency announcements to be assigned to those producing the announcements as they will be aware of the timing of the announcement

before any other party and this approach would be consistent for all audiences and more efficient.

These points also apply to Ofcom's guidelines in relation to national emergencies and important on-screen information below.

## **2.2 Overarching best practice guidelines**

***Question 3: Do you have any comments on any of the following proposed changes/additions? Please provide any additional evidence you think we should take into account.***

- ***Understanding audiences***
- ***Developing strategies***
- ***Programme selection and scheduling***
- ***National emergencies and important on-screen information***
- ***Promoting awareness***
- ***Accessibility and diversity in production***
- ***Training***
- ***Monitoring of quality***

### *Quality measurement*

The BBC already has robust measures in place to monitor all aspects of access service quality. The BBC's quality of service is contractually defined and among the highest in the UK.

### *Customisation*

In relation to the customisation discussed in paragraph 4.5 of the consultation document, we note that BBC research shows that departing from verbatim subtitling is disruptive for the viewing experience. Video on-demand services already provide variable speed playback, making it possible to slow content down and address this need. We would welcome the opportunity to see any evidence that supports proposals around additional customisation options.

We note that object-based media is at too early a stage to be included in the Access Services Guidelines. We would welcome Ofcom's consideration of privacy concerns about systems being able to exchange user preferences on accessibility and customisation that could be used for fingerprinting individuals.

### *Amounts of accessible programming*

The discussion around greater availability in the consultation document does not consider publication time. We suggest that the guidance should propose reducing any delay between the publication or broadcast of content and of its accessible equivalent.

We suggest that the proposed addition of access service files should be accompanied by guidance from Ofcom so that the hugely increased number of access services providers have clarity over the requirements to ensure consistency. Additionally, the technical formats used should be agreed at an industry level, and we would welcome Ofcom input to ensure that minimum requirements are specified and met.

### *New technologies*

With regard to new technologies, Ofcom should carefully consider the different circumstances (e.g. live, pre-recorded, etc.) and the suitability of different technological solutions in the context of those circumstances. For example, the BBC would make a clear distinction between “respeaking” and pure ASR. Respeaking involves using ASR plus human output and is widely used in broadcasting and results in high-quality subtitling. Pure ASR generally provides lower quality results but can be appropriate in the relevant circumstances. We suggest that Ofcom should provide greater clarity regarding the expectation of quality in different circumstances.

### *Types of accessible programming*

In relation to dialogue audibility, we note that the BBC carried out a study of speech audibility in television programmes in 2010 which led to new guidelines on programme production and a set of training materials which have been successful in improving speech audibility in terms of the style of mixing and general audio quality.

We are of the view that both object-based media and multiple paths for individualised access service are at too early a stage to be included in the Access Services Guidelines.

### *Accessibility Action Plans*

The BBC believes that consulting with disabled audiences is an important but not sufficient requirement for the development of accessibility action plans, and that these also be supported by user-testing to ensure that delivers for audiences in practice.

### *Accessibility in Production*

We consider that it would be valuable for Ofcom to publish industry-wide production requirements around accessible media production.

### ***Question 4: Do you have any views on how developments in technology may inform the production of access services in the coming years?***

We note that there is a high likelihood that vendors of automated tools for producing access services resources will successfully sell a “low cost, high volume” vision that does not meet the needs of audiences but that superficially enables broadcasters and content providers to meet Ofcom’s guidelines on access services. As such, we would welcome the publication of a set of tests that can be applied to any such solution to establish whether it does meet audience needs.

An example of this is already available by looking at the USA, where FCC requirements for providing subtitles can easily be met with text that is presented in white text at a constant location on the video image and whose accuracy is not measured. It needs to be clear that this approach would be a reduction in quality compared to the UK audience’s expectations, and that textual accuracy, appropriate blocking out into lines, timing accuracy, on-video positioning to avoid obscuring important parts of the image, and signalling of changes of speaker, non-speech sounds and off-screen dialogue and non-speech sounds etc. are all minimum requirements.

**Question 5: What do you think about the proposed list of external sources/ guidelines in Annex 3? Are there any additional sources which Ofcom should refer to?**

We consider that Ofcom maintaining a list of appropriate external sources and guidelines could be helpful. However, Ofcom will need to keep this up to date in order to reflect that broadcasters are continually developing their access services as audience expectations and technology develops. It is also important to note that individual broadcasters produce and publish guidance for their own purposes and will have their own views on how best to serve their audiences.

## **2.3 Subtitles**

**Question 6: Do you have any comments on the following suggested changes relating to subtitling? Please provide any additional evidence that you think we should take into account.**

- **Subtitling speeds**
- **Live programming**
- **Subtitling presentation**
- **Sound and music descriptions**
- **Language of subtitling**

### *Subtitling speeds*

We note that BBC research suggests that it is not appropriate to apply research based on translation subtitles to hard of hearing subtitles as there are key conceptual differences.

### *Subtitling presentation*

We broadly welcome the proposed changes relating to subtitling presentation and readability, noting that the precise wording will be important. We would value an Ofcom list of “known acceptable” fall-back fonts in case a broadcaster does not have the resources to generate their own font. It would also be helpful to recommend against use of popular “web safe” fonts like Arial that are known to have confusable glyphs e.g. capital letter I and lower case l, as well as mirror pairs such as b and d, or p and q.

### *Sound and music descriptions*

We agree that sound and music descriptions should not be overly generic, but note that it is essentially a matter of editorial judgement.

### *Subtitling language*

We think it would be useful for Ofcom to clarify that foreign language programmes should have hard of hearing subtitles in the audience’s expected language, rather than the language of the programme. Furthermore, head of hearing subtitles for non-speech sounds need to be considered when it comes to language choice.

**Question 7: Do you have any comments about the other proposed changes to the subtitling guidelines, as summarised in Table 1 (Annex 1)?**

The need for pre-transmission review for accuracy should not be removed. Quality monitoring is not an adequate substitute for this, since it is likely to consist of spot checks; however monitoring is useful for live-created subtitles. Pre-transmission review is especially important in the context of reduced accuracy associated with increased use of ASR.

The need to take into account shot change timings should be retained not removed. This remains important to viewers, and is an additional consideration as well as synchronisation with speech.

The need for live subtitles to flow should be retained. This requirement is additional to speech synchronisation, since sometimes live subtitles appear “bursty” which can make them difficult to follow, for example because software systems race through words much more quickly than they were in the original audio, in order to “catch up”. Given that maintaining synchronisation with audio is near impossible when creating live subtitles, this requirement remains important for viewers.

The use of “#” to indicate music is idiomatic within subtitles (and is not the only such idiom). Removing it from the guidelines also removes a source of information for viewers about what the symbol means. We suggest removing the normative requirement but retaining informatively a note that symbols like “#” or a musical note can be used for this purpose and should not be used for other purposes except where the context is clear, e.g. when describing a hashtag.

Removal of positioning for sound effects: there is no equivalent principle to guide subtitle authors to do this. We suggest retaining advice that the viewer needs to be able to deduce the direction of sound effects from the subtitles, particularly when the source is not visible in the video image.

Presentation: it would be useful for Ofcom to define the dimensions to assess when deciding if subtitles are “easy to read”. We suggest applying WCAG colour contrast requirements to the default (i.e. non-customised) presentation of text against the background, and applying a solid background in order to ensure that those requirements can be met regardless of the underlying video image - in other words, the use of transparency should be strongly discouraged if there is no user control over the foreground and background colours. This point about the default presentation is really important especially until providers successfully implement customisation options.

We would welcome an explanation of the change from “natural linguistic breaks” to “logical linguistic breaks”: what change of meaning is intended by the change of terminology?

The encouragement to provide controls to adjust dialogue or sound levels is welcome, however it is confusing in general to include that guidance within subtitle guidelines. Instead a new guidance section on audio intelligibility could be added, or this could be moved to the proposed new section on “Additional audio accessibility features”. Alternatively, and probably better, the guidelines could be restructured around barriers

to access rather than access service solutions. The sound adjustment would fit fine within a Hearing Barriers section, for example.

***Question 8: Is there anything additional that you think should be added to the revised guidelines on subtitling?***

We consider that there should be encouragement to explore editorially the potential provided by modern subtitle presentation systems, within the new relaxed guidelines. For example it may be possible to indicate emotion using emoji, or, as demonstrated by IRT a couple of years ago, when a character is speaking to someone else, and sometimes reading out from a letter, the ordinary speech can be e.g. white on black, whereas the text from the letter can appear as black text on white, possibly in a “typewriter” style font.

Providers should be discouraged from providing subtitles burned into the video image where possible. Particularly for online use, subtitles should be provided as timed text and rendered by the client player. They should also be exposed to assistive technology to accommodate the widest range of needs. When providers burn subtitles into video and therefore do not provide client-rendered subtitles they disenfranchise users of assistive technology who cannot read the text.

## **2.4 Audio description**

***Question 9: Do you have any comments on the following suggested changes relating to audio description? Please provide any additional evidence that you think we should take into account.***

- ***Approaches to/ styles of audio description***
- ***Describing visual features***
- ***Describing information about diversity characteristics***
- ***Additional audio accessibility features***

Audio Description is an evolving service and it is right that production techniques should evolve as user preference change. However, as Ofcom have noted users of access services are not one homogenous group and will have different preferences and providers are unable to meet the exact preferences of every user. The BBC attempts to strike a balanced approach on a programme by programme basis when producing audio description.

We think it is unlikely that we would consider it a good use of funds to offer two alternative Audio Description experiences, rather than creating Audio Description for an additional programme.

***Question 10: Do you have any comments about the other proposed changes to the audio description guidelines, as summarised in Table 2 (Annex 1)?***

Regarding AD being in the language used by the programme’s intended audience for its spoken language, we consider that the intended outcome is if the programme is in Swedish, but is being broadcast to an English speaking audience, perhaps with English translation subtitles, the AD should be in English not in Swedish; and conversely a Welsh language programme intended for a Welsh speaking audience should have AD in Welsh. Can Ofcom please confirm that this is their intention.

The BBC already has robust guidance relating to blind and partially sighted viewers. Due to the topical nature of our News output it is not always possible to provide dubbing on certain content. Where information is displayed on screen in captions, the key message of the caption must also be communicated orally. For foreign language contributions there may be exceptional occasions where it is necessary editorially for the voice to remain unchanged in these cases translation subtitles are used. However, we make consideration as to whether the essence of information in the contribution can be conveyed verbally or orally elsewhere in the programme, or in associated material.

***Question 11: Is there anything additional that you think should be added to the revised guidelines on audio description?***

Our view is that the addition of a recommendation to read out on-screen text should be bolstered by reminding content providers that they should subtitle that read-out version as well. For users of assistive technology, such as Braille displays, this allows the client player to expose the subtitle text to the assistive technology, assuming that it has access to the subtitles as text data rather than as bitmap images. Some providers might otherwise be tempted to note that the text is already visible on screen and therefore avoid subtitling it too.

Where possible, the timed text script of the Audio Description should be made available to the client player to allow the viewer to choose an alternative way to consume it, for example by sending it to their Braille display instead of hearing it. See for example <https://www.w3.org/TR/dapt/> for an example of work in progress to define a mechanism for doing this.

## **2.5 Signing**

***Question 12: Do you have any comments on the following suggested changes relating to signing?***

- ***Meeting the signing requirements***
- ***Selection/ scheduling of signed programmes***
- ***Use and preferences for different types of signed programmes among d/Deaf children***
- ***Ensuring the quality of sign-interpretation***
- ***Size of sign interpreter image***

With regard to size of sign interpreter image, the BBC considers how the output will look on a variety of devices and believes that the current approach strikes the appropriate balance.

We consider that broadcasters should use their best endeavours to make available online signed versions of programmes at the same time as their non-signed versions; however, there can be significant cost and logistical implications which also need to be taken into account.

***Question 13: Do you have any comments about the other proposed changes to the signing guidelines, as summarised in Table 3 (Annex 1)?***

No.

***Question 14: Is there anything additional that you think should be added to the revised guidelines on signing?***

No.