Your response

Question	Your response
Question 1: Do you have any comments on our proposed approach to making these changes?	*Is this response confidential? – N* **The proposed approach set out by Ofcom is welcome, particularly with regards to guidelines containing advice for VoD services, comments around quality standards and considering broadening the scope of the guidelines to support more disabled people.** **On terminology (per 2.17 and 3.7), reflecting the social model of disability is important, and the move away from the outdated and offensive term 'hearing impaired' is encouraging. However, in the spirit of adopting more positive language around disability, Ofcom should seek to use 'deaf and hard of hearing people' and 'deafness', rather than 'hearing loss', which still carries a negative connotation. The use of 'deafness' and 'deaf and hard of hearing people' would also bring Ofcom in line with terminology adopted by charitable organisations supporting this community.**
Question 2: Do you have any comments on our proposed additions to the TV Access Services Code?	*Is this response confidential? – N* **The proposal to require timely on-air information during any disruption to access services (3.3) is welcomed, in light of the Channel 4 subtitles outage noted in this section, as is the planned clarification on statutory targets to concern each delivery platform, addressing the circumstances which emerged in the Channel 4 investigation whereby Freesat was significantly impacted. It would have been unacceptable to neglect this serious incident due to the broadcaster's main target/quota being met, so this amendment (3.4) is a strong step to close a potential loophole.** **Given sign language interpretation of the UK Government's coronavirus briefings was mostly confined to the BBC News Channel's broadcasts,**

| | it is excellent to see Ofcom proposing to emphasise the importance of emergency broadcasts being accessible to disabled people (3.5).

The proposed clarification on subtitles transcribing audio and dialogue being for deaf and hard of hearing people (3.6) is important, but to suggest translation subtitles in foreign language films is only for "hearing audiences" is incorrect, as they serve the same purpose as standard subtitles. This is recognised later in the consultation document (4.5). |
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| **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** | *Is this response confidential? – N*

It is positive to see Ofcom recognise initial research providing evidence for wider usage of subtitles (4.3 and 4.4). In addition to benefiting deaf and hard of hearing people, subtitles have also been proven to be helpful for those with auditory processing disorders (as an alternative medium), autistic people and those with ADHD (to aid processing). Any further research and investigation into this issue by Ofcom is welcomed.

It may also be useful for Ofcom to note that hearing devices are already available which allow deaf people (primarily hearing aid and cochlear implant users) to access their own audio set-up for TV shows in a way which allows for other hearing individuals watching to watch a programme at a different volume (in relation to paragraph 4.8 of the consultation document). The ReSound TV Streamer 2 is one popular example of this technology in practice.

The recognition of subtitles' benefits for a wider audience (4.10 to 4.12) is welcomed, as is the proposal to encourage providers to include access service files as part of the content acquisition process (4.14). I agree with representations from charities that an increase in access provision should not sacrifice quality (4.13).

It is important for Ofcom to underscore the issues with accuracy and quality when it comes to automatic subtitling (4.16), but it must also be emphasised that in addition to errors in terms of indicating speakers and adding |

punctuation, typos and spelling errors can also occur – not least in terms of the technology failing to recognise specialist terminology.

While I agree that 'moments of national importance' warrants further, specific clarification (4.23 and 4.24), I do believe there is sufficient clarity in what would constitute such an event when one considers the 'public interest' principle adopted by broadcasters in their news coverage. The concept is also emphasised and defined at several points in Ofcom's own Broadcasting Code. The example provided by the Royal National Institute for Deaf people (RNID) about the funeral of Queen Elizabeth II is a fine example of an event in the public interest which should warrant sign language interpretation, but it can easily be extended to cover press conferences from politicians and the emergency services, at the very minimum. I believe the framework is there, via the public interest principle, to establish what constitutes 'national importance'.

I support proposals for VoD services to make clear when accessible versions of programmes will be made available online, to reduce the likelihood of viewers having to seek out contact information for the relevant department to find out directly. This of course benefits broadcasters and their customer services departments too by presenting one simple, easily accessible message (4.26). Further consultation between charities and VoD providers is also welcomed (4.27) while we await the implementation of VoD quotas in legislation.

It is excellent to see Ofcom proposing an amendment to its guidelines to ensure national and local emergency broadcasts come with British Sign Language (BSL) interpretation, in recognition of the important campaigning work carried out by Lynn Stewart-Taylor and her Where Is The Interpreter campaign (4.29 and 4.30). As previously stated, a signed version of the UK Goverrnment's coronavirus press briefings which was available for TV viewers was mostly confined to the BBC News Channel, and so encouraging other broadcasters to

	implement sign language interpretation for emergency broadcasts is to be welcomed. I believe this proposed amendment could also go further, in making it explicitly clear that when a 'pool' sign language feed is offered by a broadcaster, company etc., these should be taken up by other broadcasters. In the case of the coronavirus briefings, it was reported that the BBC had made its sign language feed available to other broadcasters, but no other provider utilised this to make their coverage accessible. An update to guidelines to mandate take-up would be welcomed. I support the proposal to ensure relevant warnings and disclaimers are accessible to disabled people (4.31). I agree with all proposals outlined in the Promoting Awareness and Accessibility and Diversity in Production sections of the consultation document (4.32-4.35). I agree that a combination of qualitative and quantitative research is necessary to monitor and assess the quality of access services (4.43) and support measures to make routes to provide feedback to providers more accessible and more proactive (4.45-4.47). Naturally, ways in which audiences can contact providers should not just be limited to one or two methods (i.e. not just a phone number or email, but SignVideo for BSL signers, etc.).
Question 4: Do you have any views on how developments in technology may inform the production of access services in the coming years?	*Is this response confidential? – N* Artificial intelligence (AI) continues to become an important topic in the field of technology, not least in respect to the extent in which it can automate our lives. In the deaf and hard of hearing communities, there are already conversations being had about the role AI interpreting could play in the interpreting profession. Tech companies have noted the way in which it could open up access for deaf and hard of hearing people, but the National Union for British Sign Language Interpreters (NUBSLI) has voiced concerns over the impact this would have on the viability of the profession. There is also the issue around just how expressive and capable AI is in capturing nuance in comparison

	to human BSL interpreters. Multiple stakeholders must be consulted before the implementation of any AI access technologies in the future. Related link: https://limpingchicken.com/2022/09/28/a-bot-topic-debate-continues-over-the-role-ai-interpreting-has-in-bsl-access-industry/
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?	*Is this response confidential? – N* **I support the current list of organisations and guidelines provided.**
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**	*Is this response confidential? – N* **I support the proposed change to have subtitles be as close/synchronised with the dialogue or sound effect in question as possible (5.4 and 5.5), as this also allows for greater parity in the viewer experience between deaf and hearing audiences, which is the very definition of accessibility.** **I do not support plans to replace the 3-second latency delay with an average latency of 4.5 seconds (5.8-5.11), as I believe the arguments made by Ofcom in this section of the consultation document does not fully take into account all the available data. It states the proposed delay is "also broadly in line with the *best* achieved latencies for individual broadcasters measured in samples of broadcast programming" from 2014-5, but the "best" latency recorded is not what Ofcom plans to measure going forward.** **It instead plans to measure the *average* latency, and the fourth and final report on live subtitling from 2015 revealed the four averages over the four reports were, respectively: 5.4 seconds, 5.6 seconds, 5.1 seconds and 5.6 seconds. Putting aside the fact that the data upon which Ofcom relies is almost a decade old (and therefore there is not a more up-to-date dataset on live subtitling latency to help inform this decision), if we are to look at past data on latency averages and assess it against that very same metric proposed here by Ofcom, it shows broadcasters were unable to meet the average**

target across four separate reporting periods. It is therefore inaccurate, selective and potentially misleading to suggest broadcasters could meet the 4.5 seconds target based on their 'best' performance, if their average performance has shown they have consistently failed to meet the 4.5 seconds target proposed.

As such, it would be more appropriate to maintain a maximum threshold, even if this is to be revised beyond the existing 3-second threshold. It is my view that this would allow for a more cohesive measurement of performance, as opposed to a metric based on averages, which would allow for the more egregious delays to be negated by better performances, rather than identified fully. This can be supported by the fact that a similar loophole in the subtitling quota – whereby it was argued Channel 4 met its 2021 quota on the whole, as opposed to every platform - was cited as a negating factor for its outage on Freesat. There is a risk that a similar issue could occur with the new target proposed.

I support Ofcom's proposals around subtitle positioning (5.12 and 5.13), and suggest guidance should make clear that subtitles should be located at the lower third of the screen, unless important information is obscured. This is in line with a resource provided by **3PlayMedia**.

I also agree with the proposed methods with which to denote multiple speakers (5.14) and comments made around specific sound and music descriptions in subtitles (5.19). I believe it should be made clear that songs with lyrics should first be introduced with the name and artist (not only to allow for recognition, but also, for the additional benefit of viewers being able to listen to the song again if interested) before transcribing the lyrics, and that soundtracks/instrumentals should denote the feel of the music beyond simply 'music'.

Question 7: Do you have any comments about the other proposed changes to the subtitling guidelines, as summarised in Table 1 (Annex 1)?	*Is this response confidential? – N* **I support a note in the guidelines emphasising that subtitlers should not censor subtitles. It could also go one further by emphasising that subtitles must be transcribed verbatim, as a common issue reported by subtitles users isn't just censorship, but also paraphrasing subtitles for 'ease'.** **I also welcome the removal of guidance around subtitles being displayed horizontally in the direction of sound effects. Subtitles are commonly centred in the lower third of the screen, and occasionally sound effects and other subtitles move position to the left or right of the screen. Any guidance which suggests subtitles should deviate from the centre of the screen should be removed.** **I disagree that the guidance around displaying the text 'subtitles' at the start of the programme should be removed purely based on the assumption that the viewer will have noticed this on the EPG in the case of TV shows as broadcast (as not everyone will have checked this). There is no detriment to broadcasters in having greater publicity around the availability of access services at the start of the programme through text displays, and it should be noted that Ofcom is not proposing the removal of the 'AD' symbol at the start of programming in this consultation document.**
Question 8: Is there anything additional that you think should be added to the revised guidelines on subtitling?	*Is this response confidential? – N* **No.**
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**	*Is this response confidential? – Y / N (delete as appropriate)* **N/A.**

Question 10: Do you have any comments about the other proposed changes to the audio description guidelines, as summarised in Table 2 (Annex 1)?	*Is this response confidential? – N* **N/A.**
Question 11: Is there anything additional that you think should be added to the revised guidelines on audio description?	*Is this response confidential? – N* **N/A.**
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**	*Is this response confidential? – Y / N (delete as appropriate)* **I support the proposal to have BSL be the default language to contribute to sign language quotas, removing references to Makaton and sign-supported English (7.2-7.5), which are not the main communication methods used by the Deaf community, which Ofcom itself recognises in this document.** **It is also right to emphasise that signed programming should be broadcast at times where sign language users are most likely to be watching/avoiding early hours of the morning (7.10).**
Question 13: Do you have any comments about the other proposed changes to the signing guidelines, as summarised in Table 3 (Annex 1)?	*Is this response confidential? – N* **I welcome the proposed changes to stress that subtitles are not a substitute for sign language, and provide further clarity around appropriate clothing.**
Question 14: Is there anything additional that you think should be added to the revised guidelines on signing?	*Is this response confidential? – N* Organisations such as [the Interpreters of Colour Network (IoCN)](#) have drawn attention to the benefits which come from sign language interpreters of colour interpreting content concerning people of colour – namely adding "religion, culture and language". Ofcom should emphasise this point in its guidelines.

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