

Ensuring the quality of TV and on-demand access services: RNIB response

About us

RNIB is the largest organisation of blind and partially sighted people in the UK and welcomes this opportunity to respond to the consultation. With blind and partially sighted people at the heart of everything we do, our community of over 33,000 people brings together anyone affected by sight loss. More than three quarters of our Board of Trustees are blind or partially sighted. We support, empower and involve thousands of people affected by sight loss to improve lives and challenge inequalities. We engage with a wide range of politicians, organisations and professionals to achieve full inclusion through improvements to services, incomes, rights and opportunities.

We campaign for the rights of blind and partially sighted people in each of the UK's countries. Our priorities are to:

1. Be there for people losing their sight.
2. Support independent living for blind and partially sighted people.
3. Create a society that is inclusive of blind and partially sighted people's interests and needs.
4. Stop people losing their sight unnecessarily.

Consultation Response

RNIB welcomes the opportunity to respond to this consultation.

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

RNIB welcome Ofcom's approach.

The proposed working group on access services quality will be a valuable opportunity to share research and ensure that access services continuously improve and don't stagnate. These meetings would also be

a good place to discuss normalised interface layouts for accessibility features, which events of national significance should be accessible and also for the industry to feed back any genuine barriers they have when trying to improve accessibility services.

Section 2.9 of the consultation document states “We think the guidelines will provide more constructive advice and are more likely to have an impact in practice, if we focus on key outcomes for audiences rather than the specific means by which these outcomes are achieved.” RNIB agree that regulation should focus on outcomes rather than practices but familiar interfaces and interaction methods can often be more accessible. This is especially true when the interface is already complicated by going through assistive technology such as a screenreader and is also likely to be true for a diverse group of people some of whom may not be as comfortable using technology and digital interfaces as others. This may include people from the older demographic and people with cognitive issues. Industry should be encouraged to agree on standardised interfaces and interaction methods for accessibility features. This could be discussed at the proposed biannual meetings.

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

Section 3.6 of the consultation document says “We are proposing to update our definition of subtitling in the Code to clarify that this service is primarily for people with hearing loss.” RNIB agree with this but would point out that many people with hearing loss also have some sight loss and so the advice about font size, font contrast and presentation are still important and should be highlighted. In services where subtitles are customisable the menu for customisation needs to be easily accessible for someone who is partially sighted and the default option would ideally match or exceed the accessibility of standard broadcast subtitles.

There is also a current issue with subtitles for language translation which often have poor contrast and transparent background. Broadcasters should be encouraged to ensure these are made accessible. For subtitle users who also have some sight loss, these are mostly inaccessible so broadcasters need to adhere to the standard subtitling guidelines to

ensure that these are accessible. Unless these subtitles include sound effects they would not meet the required accessibility standard anyway. This will be discussed further in our comments around on-screen text.

In terms of terminology section 3.7 of the consultation document states that Ofcom will use “sight/ hearing loss” instead of “hearing or visual impairments”. It is worth noting that no terminology has universal approval. Many blind and partially sighted people dislike the word impairment because they feel it suggests they are defective. People who were born without sight often feel “sight loss” does not represent them as they point out that they never had any sight to lose. Whilst it is important to select terminology to use based on compassionate and respectful logic it is worth remembering that when addressing people directly their preference in terminology needs to be respected.

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.

As Ofcom point out in the consultation document audio description (AD) that has been created for a programme is often not included in the purchase when that content is sold on. This can mean the AD tracks need to be recreated or content may not be accessible despite the accessibility asset being created. RNIB welcome Ofcom’s suggestion that AD tracks should be included in sales of content but note that if the main content has been recut to adhere to watershed rules or to insert adverts then the AD track is often not usable in its current form. Inclusion of the AD script and timings, potentially using a timed text file format similar to that used for subtitle tracks, would reduce the amount of duplicated work needed.

RNIB have spoken to broadcasters and content owners and there is also concern among some parties that after paying to produce access service tracks they would be asked to give them away for free. RNIB feel that Ofcom could advise that access service tracks, and scripts used for their creation, should be available on FRAND (Fair, Reasonable and Non-discriminatory) terms. This would help companies see access service tracks as assets with value while also encouraging their re-use.

RNIB agree with Ofcom's suggestion that the creation of access services needs to be built into the rights windows for negotiating content. Content could be sent to AD providers in advance of the date when broadcasters are allowed to broadcast it. If any previously created AD tracks and scripts were included in this then it should further help content be complete at the point of broadcast. If the access service tracks are not available then we agree that viewers should be told when they can expect to be able to enjoy the programme.

In general, the sooner accessibility is considered in the production process the more natural it can be made to feel in the final product. Integrated description can be built into scripts to reduce or remove the need for AD and, as is pointed out in the consultation document, content can be produced with better contrast for on screen text. When commissioning content, broadcasters and content providers should discuss with producers how to make content more accessible but can also set conditions for purchase when the route to making content accessible is clear. This includes open subtitles for language translation and on screen messages such as text messages that form part of the narrative. Content producers already comply to a set of requirements in terms of file format and file delivery so it should be possible to include accessibility measures in these rules as well.

Considering accessibility earlier in the creative process also enables accessibility through Enhanced Audio Description which uses spatialised audio and sound effects to reduce or remove the need for spoken AD. Traditional AD will still be required for users without the ability to playback spatialised audio but where viewers can make use of it, Enhanced Audio Description provides a much richer experience.

We note Ofcom's statement that it would be impractical to define an exhaustive list of occasions of national importance and welcome the suggestion that broadcasters consult with their audience. Since the UK has recently lagged behind other countries in making major sporting events accessible however, they may benefit from some guidance over the types of event that are likely to qualify. We would recommend that any of Ofcom's listed events [i] should be made accessible if possible. Any government broadcasts that will immediately affect people's daily

life, such as emergency broadcasts or the Covid briefings, should be made accessible. Any event that triggers a Bank holiday and is televised is likely to qualify, as will any televised life event, such as wedding or funeral of a politician, celebrity or member of the royal family. The working group may be able to suggest guidelines for what constitutes occasions of national importance.

It is important that the revisions to the new Code include a recognition that the provision of access services in some programming may be a requirement of the Equality Act. The case of *R v. Minister for the Cabinet Office ex parte Rowley 2021* held that the Cabinet office discriminated against Ms Rowley by not providing BSL interpretation to some of the Covid briefings. In particular, it held that the provision of information to the public about the Covid pandemic was a service for the purposes of section 29 of the Act, that there was a duty on the service provider, the cabinet office, to make reasonable adjustments and that the provision of BSL interpretation was a reasonable adjustment. In RNIB's view, this analysis is likely to be applicable to some of the situations outlined in the consultation document including the provision of access services for moments of national importance and emergency situations as well as to the provision of more traditional services such as concerts and sporting events.

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

The coronation of King Charles was accessible on both BBC and ITV. Both channels provided live accessibility services. The BBC used the red button to create a bespoke accessible commentary and ITV used new technology to insert traditional AD into a live stream. We could not have predicted this accessibility leap before the channels contacted us about their plans and we feel this highlights both the ingenuity of the UK broadcast sector and also that broadcasters need to retain the autonomy to try new creative approaches or treatments.

RNIB welcome the proposed change that "AD should be accessible through the same audio systems as the main soundtrack e.g. surround sound". Our members have been frustrated when the audio description soundtrack is of poorer quality than the standard soundtrack. Without AD

the sound will sometimes be a 5.1 mix whereas AD users, who are more reliant on sound anyway, will get a 2.1 mix. We agree that this is something that object-based media may be able to improve, especially for IP based services which have fewer technical constraints.

Subtitles for language translation are inaccessible to print disabled people. People who are print disabled find reading hard or impossible due to eye conditions or other conditions such as dyslexia. Not everyone with sight loss needs full AD and many print disabled people do not need audio description at all. Object based media could make it possible to switch between subtitles or dubbing by having separate audio objects for dialogue in different languages.

There are companies at the moment using artificial intelligence to separate dialogue from other audio in content. This is envisioned as a way to raise the level of dialogue compared to other sounds for the purpose of clear speech. It could also be used to remove dialogue from content to insert a dubbing track or to create separate language objects as above.

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.

Where services have the ability to change font sizes for subtitles they should aim to make the largest font option readable by partially sighted people. To be registered as sight impaired a person needs a visual acuity of 3/60 to 6/60 with a full field of vision or better acuity if part of their vision is obscured. Text which is just readable at 60 meters for someone with standard vision is just readable at 3 meters for someone with an acuity of 3/60. By making reasonable assumptions around screen size and viewing distance service providers should be able to estimate what size of text is readable by partially sighted people.

9: Do you have any comments on the following suggested changes relating to audio description?

Access services should aim to provide an experience of equivalence and should be designed to meet the requirements of their main target audience. This means AD should focus on what a blind user will want to

know and what a sighted user will notice and focus on. This will sometimes include ethnicity and diversity and sometimes not. If ethnicity stands out to a sighted audience such as in period dramas with a more diverse cast than would previously have been the case then AD users should be made aware of it. If an individual character's ethnicity is not relevant to the plot however then it should not take prevalence in an AD track over details that are. It may be better suited to asynchronous information streams such as audio introductions, companion websites or metadata objects such as the X-ray feature on Amazon Prime Video.

AD should be focused on the needs and preferences of AD users so RNIB welcomes Ofcom's plan to carry out user research in this area. Preferences change however and if creative decisions such as the diverse casting of Bridgerton become more commonplace then they will be less noticeable and less important in an AD track. RNIB advocates for broadcasters to be open and receptive to feedback from AD users and to tailor AD according to that feedback. They must not be hampered in improving AD for their audience by guidelines that are too rigid or out of date. Either the Ofcom guidance must be a living document that adapts to changing user needs and preferences or it must welcome broadcasters diverging from the guidelines if feedback they have received suggests it is the preference of AD users.

RNIB works across all the regions of the UK and some of our members feel that accessibility is focused on the preferences of England and even London. The choice of which programmes to describe should take into account shows that have regional significance or are particularly popular in a particular region of the UK. Also, having to switch to a London version of a channel to receive AD can be confusing and lead viewers to think that the programme doesn't carry AD when it does. It can also heighten the feeling that broadcasters only care about London and England and lead to people feeling ignored and disenfranchised.

RNIB have been working with the advertising industry to improve the accessibility of television adverts, either through AD or by integrating accessibility to the creative structure of the advert. Whilst efforts are underway to make all video adverts accessible, promotional material from broadcasters on websites and social media often just requires an alt

tag to make it accessible. Broadcasters and on demand service providers should be encouraged to consider the full user journey for blind and partially sighted people finding and watching their content. This includes hearing about a program they may want to watch (including in continuity announcements), deciding when and how to watch it, turning audio description on and any other menus relating to customisation of access services (such as selecting large, high-contrast subtitles). Ensuring that access services are highlighted at every opportunity will help access service users to plan their viewing but will also help broadcasters raise awareness of access services such as AD. Broadcasters currently fulfil their obligation to raise awareness for AD through the AD Awareness campaigns run every few years. Whilst RNIB applaud the enthusiasm and creativity displayed by broadcasters during the campaigns they are only required because the awareness of AD is low. By more regularly highlighting access services and other special accessibility arrangements (such as the synchronised accessible commentary on Radio Five Live) broadcasters could promote a better everyday awareness of these services.

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

The table says that “on-screen text in news programmes can be made more accessible, e.g. via dubbing or presenters reading out on-screen text”

The choice to subtitle or dub foreign language interviews in news programs is a stylistic choice. Dubbing is accessible to blind and partially sighted people whereas subtitling is not. RNIB feel that Ofcom’s advice could be weightier by saying that on-screen text, especially for foreign language interviews in news programs, ‘should’ or ‘must’ be made more accessible via dubbing or presenters reading out on-screen text.

The advice that AD should avoid describing over the main soundtrack raises two issues. Firstly, the Cambridge English Dictionary defines soundtrack as “the sounds, especially the music, of a film, or a separate recording of this”[ii]. Very little content includes genuine silences which AD could be inserted in so there is always a decision as to what can be obscured. Based on feedback from regular users of AD, RNIB would

argue that preserving dialogue should be prioritised, then sound effects relevant to the plot, and then other sound effects and background music. Secondly, RNIB worked with ITV to explore AD methods for reality television shows and found that audiences preferred AD to obscure 'superfluous dialogue' if that meant they could provide more description of elements that mattered to them [iii]. Any guidelines need to allow some autonomy for broadcasters and describers to deviate where they have found it is in the interest of viewers. In the past broadcasters have trialled new ways of delivering accessibility on a live stream and asked member organisations to ask our members to provide feedback. This has been a valuable method of seeking feedback which has felt natural but could be stifled if guidelines are too rigid.

Subtitles for language translation on foreign language content have been a particular cause for complaint from partially sighted people. Not every person with sight loss requires AD on every programme and some partially sighted viewers find the only thing stopping them from following a programme is that the open subtitles for translation have very little contrast against the background video. RNIB have seen examples of white subtitles with just a drop shadow overlaid on a picture of snow. We understand that these subtitles are usually overlaid before broadcasters purchase content but they should be re-subtitled with clearer text. The worst examples we have seen would disenfranchise even some people who would not consider that they had any sight loss or vision impairment.

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

RNIB recognise that the minimum legal requirement for AD is 10% and that BBC, ITV, Channel 4 and Sky have made a commitment to audio describing 20% of their content. We also recognise that some broadcasters regularly exceed this by a large margin. We would urge Ofcom and broadcasters to recognise that anything less than 100% accessible broadcasting means people who rely on these services will be missing out. We will continue to work with both Ofcom and the Broadcasters to ensure that blind and partially sighted people miss out on as little as possible but note that the voluntary commitment to describing 20% of content should be recognised and referenced in the

code and the importance of access services must be borne in mind at all points of the content creation and broadcasting process including when dealing with customer queries.

As previously mentioned, AD guidelines need to be flexible to keep up with changing views and preferences of their users. RNIB have worked with broadcasters to trial new ways of delivering access services, we have commissioned research into AD of different genres and we hold focus groups to gain insight into people's preferences. We explored treatments for AD and spoken subtitles with Channel 4 and methods of audio describing reality television with ITV. We commissioned research into AD treatments for documentaries [iv] and also for music videos [v]. We have been working with broadcasters to explore how to audio describe live sports [vi] and have welcomed novel accessibility solutions such as broadcasting Radio 5 Live on the red button.

The art and science of AD must not stand still if it is to best serve its users. RNIB welcome Ofcom's suggestion of a regular round table but audio describers should be encouraged to experiment with new treatments and make use of future learnings and research to enable AD to be the best service it can be for blind and partially sighted people.

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i <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/listed-events> last checked 05/09/2023

ii <https://dictionary.cambridge.org/dictionary/english/soundtrack> last checked 05/09/2023

iii <https://www.itvplc.com/socialpurpose/news/archive/itvbe-pioneers-new-enhanced-audio-description-service> last checked 05/09/2023

iv

https://drive.google.com/file/d/1dHHozSabZ1Ho3ft92OBEskQUdERu87sL/view?usp=drive_link

v

https://drive.google.com/file/d/1RvwwWkh6NkzRya_47fux658q2o8salJK/view?usp=drive_link

vi

https://drive.google.com/file/d/1RJTveIE9dbGUm3dwZ3ZQQFjwe_brR923/view?usp=drive_link