

Sky's Response to Ofcom Consultation: The quality of live subtitling

This submission constitutes the response of British Sky Broadcasting Limited ("Sky") to Ofcom's Consultation on the quality of live subtitling dated 17 May 2013 ("the Consultation").

1 BACKGROUND

- 1.1 Sky welcomes the opportunity to respond to Ofcom's consultation on the quality of live subtitling. As a responsible broadcaster and communications provider Sky has long had a commitment to supporting all of its disabled customers to make the most of its services.
- 1.2 Ofcom will be aware of Sky's support for blind and partially-sighted customers and its voluntary commitment to deliver more than 20% audio description across a range of channels for which Sky has access service obligations. Sky also voluntarily offers subtitles and audio description on channels that are not subject to statutory targets. Sky does this on high profile programming where it believes it would be of particular benefit to customers with disabilities.
- 1.3 Sky has a dedicated team of over 80 customer service representatives who are highly trained and provide specific support for our disabled customers. Sky's disabled customers are also given the opportunity to receive any communications from Sky in a number of formats, including Braille, large print and audio, and it has built a dedicated website where information about all Sky's products, services and support for disabled customers is provided in an accessible format (see www.sky.com/accessibility).
- 1.4 Sky also enables its speech and hearing impaired customers to contact Sky through its direct, real-time service, TextPhone, whilst also supporting them via more traditional telephony channels by up-skilling all its customer-facing staff to ensure they know how to respond appropriately to these customers. To further expand on this offering Sky is currently investigating the feasibility of offering a Video Relay Service for customers who use British Sign Language to contact Sky's customer services teams via an intermediary.
- 1.5 Currently Sky provides live subtitling on its News, Sports and Sports News channels, which it outsources to Red Bee Media for all relevant channels, save in respect of Sky Sports F1, for which live subtitles are prepared by ITFC (part of Deluxe Entertainment Services Group). Sky does not provide live subtitling on its other channels as there is only a small proportion of content on these channels that contain live programming and Sky is able to meet its statutory targets without the need to live subtitle pre-recorded content.
- 1.6 Sky relies on regular feedback from customers to ensure that it is supporting them in the right way, and track any complaints it receives. Whilst Sky does receive complaints relating to subtitles they are typically related to an absence of subtitles on a given programme, rather than being about the quality of live subtitles.

2 INTRODUCTION

- 2.1 Sky recognises the importance of providing quality live subtitles and continually works with access service providers to deliver quality subtitling. However, the measurement of quality is complex as there are trade-offs that have to be made for each programme, for example,

ensuring a very high level of accuracy may require an increase in latency, and a balance has to be struck.

- 2.2 It is not clear from the Consultation how Ofcom's research and analysis has fully taken into account these unavoidable trade-offs and how they would be reflected in Ofcom's proposals should they be adopted.
- 2.3 Sky supports Ofcom in its endeavour to improve the quality of live subtitling and in principle is not against the provision of information to support this. However, for the following reasons, Sky does not believe that the introduction of mandatory reporting and publication would achieve Ofcom's goal of improving the quality of live subtitles:
- a. the consumer research disclosed by Ofcom does not support the case for intervention;
 - b. improvements in the quality of live subtitles are closely tied to the technical capabilities of access service providers, such that there is limited scope for improvements outside of technical innovation;
 - c. each of Ofcom's 'key dimensions' of quality are not determinative of the quality of live subtitles on their own; and
 - d. a significant number of the largest broadcasters whom Ofcom is addressing (including Sky) use the same third party access service providers, and therefore there is limited scope for individual improvements in broadcasters' performance against the key requirements.

Each of these is explored in further detail below, before the responses to Ofcom's consultation questions.

- 2.4 In Sky's experience, whilst reporting on the 'key requirements' of quality of live subtitling may help to ensure that quality standards are met and maintained, it is developments in the technology used to provide live subtitling that will provide significant improvements in the quality of live subtitling.

Consumer research

- 2.5 In the Consultation, Ofcom has provided some high level information on consumer research that it has commissioned. On the basis of the information available, Sky believes that this research is not sufficiently robust to use as a basis for the proposed intervention, in particular as it does not provide enough detail on what constitutes 'quality' for consumers. Whilst there is robust research relating to speed, this does not take into account the trade-offs that have to occur in order for the perceived optimum speed level to be achieved. Further research needs to be carried out that more comprehensively considers the complex matrix of trade-offs between speed, accuracy, latency and even presentation, as each of these elements will have an effect on the others. Sky would welcome the opportunity to contribute to the design of this research, and can help recruit relevant participants from across its base of registered subtitle users.
- 2.6 Based on research carried out by Sky with its accessibility customers and Sky's records of the very low numbers of complaints¹ relating to the inaccuracy and latency of live subtitles, Sky is of the view that it is not proportionate to require broadcasters to provide 6-monthly reports as suggested in the Consultation.

¹ Sky captures the complaints it receives concerning the provision access services and assigns a relevant filter code to determine the nature of a complaint. As complaints relating to live subtitling are so low and infrequent, if any, Sky does not have a filter code for this type of complaint.

Technology developments

- 2.7 As Ofcom notes in the Consultation, there are already technological developments that are improving the quality of live subtitling. In particular, Sky is aware that Red Bee Media, who provide access services for Sky, as well as other major broadcasters, have invested in technology that will improve the accuracy of voice recognition tools that produce live subtitles. This will be particularly useful for live subtitles on sports programming, for example, where a wide range of unusual terminology is used. Other developments will see newsroom data and scripts from iNews² becoming more seamlessly integrated into the creation of live subtitles on Sky News, for example. Both technological advancements will help to make live subtitles more accurate and will also help reduce latency.
- 2.8 Sky is of the view that improvements to technology, such as those noted above, will drive further improvements in the quality of live subtitling, and that there is a risk that the fast pace of these developments will mean any need for reporting on the various metrics associated with quality could quickly become outdated as standards will be higher. Sky therefore believes that the interests of consumers would be best served by focusing on helping to define what technical developments would provide the greatest direct benefit to consumers. Sky believes this would be a better use of broadcasters' collective resources, as opposed to supporting the systems necessary for the proposed reporting.

Key dimensions to subtitling quality

- 2.9 Based on evidence presented by Ofcom to date it is not clear whether the proposed measures will deliver a significant additional benefit to customers as suggested by Ofcom.
- 2.10 At paragraph 3.36 of the Consultation, Ofcom has highlighted the following factors that affect the quality of live subtitling³:
- Speed
 - Latency
 - Accuracy
 - Presentation
- 2.11 Sky agrees with Ofcom that latency, accuracy and presentation are the key dimensions to the quality of live subtitling. However, each of these must be considered in the context of the particular programme and each is meaningless as a measure of quality if taken alone.
- 2.12 Although Sky appreciates the importance of speed as a factor that contributes to overall quality, it is a problematic measure of quality as it is largely governed by the programme content rather than the subtitler and is subject to too many variables that are outside of the broadcaster's or access service provider's control. For example, crowd noise during a live sports event, a number of presenters talking at the same time at a rapid pace, people who mumble or have heavily accented speech, might all influence the speed of subtitles, particularly as a subtitler will be trying to ensure that the subtitles are accurate at the same time.
- 2.13 Ofcom also mentions in the Consultation that intermittent subtitles are another dimension which affects the quality of live subtitling. Sky is aware of the challenge of freezing or

² iNews is a newsroom management system that assists with the creation and distribution of news content.

³ It is not clear from the Consultation Document what Ofcom's key dimensions are as the dimensions listed at paragraph 1.7 are different to those listed at paragraph 3.36. In the absence of any further clarity, Sky has taken those provided at paragraph 3.36 as being the determinative key dimensions.

disappearing subtitles but this is often tied to ad hoc technical issues and Sky does not consider it to be a key dimension impacting the measuring quality of live subtitles.

- 2.14 Sky notes that Ofcom has proposed mandated reporting on the quality of live subtitling with a view to publishing the reports on the premise that broadcasters competing for the best results will drive up overall quality.
- 2.15 However, Ofcom has not provided information on precisely how broadcasters will be incentivised to improve their services when the majority of broadcasters use the same third party access service providers to provide live subtitling, and there are only a small number of providers available. The dependency by broadcasters on third party providers means that improvements are tied to the capabilities of that provider and as such the publication of reports may not create the incentives that Ofcom anticipates.
- 2.16 Competition between access service providers already stimulates improvements to the quality of live subtitling, as do broadcaster's desire to provide high quality services to consumers.

Late delivery of content

- 2.17 Sky notes Ofcom's concerns about late delivery of pre-recorded content that results in live subtitling. Sky only uses live subtitling on pre-recorded content on its Sports channels and it is only used for a small proportion of this content. For example, during the week commencing 3 June 2013, approximately 14% of live subtitled content across all four major Sports channels was a pre-recorded programme.
- 2.18 Sky also does not have particular concerns about the late delivery of pre-recorded content in the context of live subtitling. Where content is delivered at a late stage, for example, programming that is being broadcast one day after airing in the USA, Sky is able to pre-record subtitles for first transmission of the content.
- 2.19 As such Sky does not believe that Ofcom guidance on live-subtitling of late delivered content will assist broadcasters as, from our experience, the volume of relevant content is small and it would not be appropriate to provide a prescriptive set of guidelines on matters that might be outside a broadcaster's control, for example, technology failures.

3 RESPONSES TO CONSULTATION QUESTIONS

Question 1: Do consultees agree with the proposal to require broadcasters to measure and report every six months on the average speed of live subtitling in a variety of programmes, based on a sample of segments selected by Ofcom?

- 3.1 As mentioned at paragraph 2.12 above, Sky is of the view that speed is not a practical measurement for determining the quality of live subtitling and that additional public reporting is not currently necessary to stimulate improvements in quality.
- 3.2 Furthermore, Sky would be particularly concerned if Ofcom's suggestion meant that broadcasters should retain recordings of all relevant programmes for up to 6 months from transmission in order to provide the reports, or if measurements were required of every programme. If the former, this would be a substantial increase from the current broadcast licence obligation to retain recordings for a period of 60 days. Such additional requirements would substantially increase the cost to a broadcaster of providing access services on each channel, potentially diverting money away from increasing the volume of subtitled programmes

or otherwise improving the quality of access services.

Question 2: Do consultees consider that broadcasters should be asked to report separately on different types of live programming? If so, do they agree with the suggestions in paragraph 6.19, or would they suggest different categorisations, and if so, why?

- 3.3 Sky does not agree that broadcasters should be asked to report separately on different types of live programming on the basis that it does not consider reporting to be necessary or appropriate for the reasons given above.
- 3.4 Whilst it is correct that some elements of News programming contain pre-prepared scripts and pre-recorded segments, it is not clear how categorisation will add value. Not all news services within the news genre are the same. For example, Sky News is a rolling news service where the content can change at a moment's notice, compared to scheduled live news bulletins which might be wholly scripted. As highlighted at paragraphs 2.7 and 2.8 above, Sky is of the view that developments to technology will improve the quality of live subtitling as opposed to mandated reporting.

Question 3: Do consultees consider that the guidance on subtitling speeds should be reviewed? Do consultees agree that, for the time being, it would not be appropriate to set a maximum target for the speed of live subtitling? If not, please explain why.

- 3.5 As mentioned at paragraph 2.12 above, Sky does not believe that speed alone is a practical or meaningful measurement of quality for live subtitling and that Ofcom needs to conduct further consumer research on live subtitling generally (paragraph 2.5 above). Sky does not therefore consider that guidance on subtitling speeds needs to be reviewed.
- 3.6 Sky agrees that it is not appropriate to set maximum targets for the speed of live subtitling. The nature of live subtitling means that there are a number of variables that affect quality and a target set for one dimension of quality is not indicative of overall quality.

Question 4: Do consultees agree that it would not be appropriate at this stage to set a maximum target for latency? If not, please explain why.

- 3.7 Sky agrees that it would not be appropriate for Ofcom to set a maximum target for latency. As explained above, Sky is of the view that there are many variables that affect the quality of live subtitling, including the nature of programming. Each key dimension listed by Ofcom is not determinative of quality when considered in isolation. If Ofcom were to set maximum targets on latency, this could also potentially have an impact on other key requirements of quality such as accuracy.

Question 5: Do consultees agree with the proposal to require broadcasters to measure and report every six months on error rates, on the basis of excerpts selected by Ofcom from a range of programmes?

- 3.8 Sky does not agree with the proposal to require broadcasters to measure and report every six months on error rates. As explained at paragraphs 2.7 and 2.8 above, Sky is of the view that technology improvements will provide a more significant improvement on the quality of live subtitling as opposed to mandated reporting.

Question 6: Do consultees have any views on the advantages and disadvantages of scrolling versus block subtitles for live-subtitled programmes? Taking account of both the advantages and disadvantages, which approach would consultees prefer, and why?

- 3.9 Currently Sky uses scrolling format for its live subtitling and the main benefit of doing this is to avoid unnecessary latency. Scrolling live subtitles means that individual words can be displayed a word at a time without a need to wait for a two-line block of words to be filled, as required by block subtitles, before appearing on screen. Sky aims to provide an equivalent product to customers who rely on subtitles and those who do not, and it does not believe that the 10-15 second delay⁴ that would be required to deliver block subtitles would be acceptable, particularly in the context of live news and sports.

Question 7: What are the factors that might facilitate or hinder the insertion of a delay in live transmissions sufficient to improve the quality of subtitling? Ofcom would particularly welcome the views of broadcasters on this question.

- 3.10 Sky notes that Ofcom refers to potentially delaying the broadcast of programming by 15-20 seconds to allow for better quality subtitling⁵. Sky believes that in order to deliver significant improvements to quality (measured by reference to speed, accuracy, latency and presentation), which would effectively entail all subtitles being created as pre-recorded files, the requisite delay would have to be minutes rather than seconds, particularly in the context of live news and sports. Any delay, whether it is seconds or minutes, would have a serious impact on the integrity of our programming and potentially disadvantaging Sky's broadcast services versus other media outlets.
- 3.11 Currently Sky only delays one live programme (Soccer am, Sky Sports 1) by 7 seconds. This is a magazine programme rather than news or live events programme. To ensure that the schedule for the channel is not affected by the delay, filming is commenced 7 seconds before transmission so that a compliance filter can be applied. The delay was introduced as a result of a number of breaches of the Broadcasting Code due to offensive language being used by studio guests during the live programme. It is therefore delayed for content compliance reasons rather than to facilitate better subtitling and Sky absorbs this delay so that it is not experienced by the viewer. Sky does not delay any of its live content for sports, news or sports-related news programming.
- 3.12 Any delay in to the broadcast of sports and news events may also have an impact on in-play betting both from a viewer/customer point of view and an internal trading and bet settlement point of view where many betting operators settle live events based on the TV feed. It could create a major arbitrage/verification issue for both viewers and operators across the industry. Furthermore, it could have an effect on cheating and market manipulation where parties (customer and operators) may obtain results sooner through alternative sources (including social media and communications from people at the game) to the television broadcast.

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⁴ This information was provided to Sky by Red Bee Media

⁵ In its reasoning, Ofcom refers to a Dutch broadcaster who has decided to delay the broadcast of live programmes. Sky notes that the delay of live programmes in this context refers to a small number of international news events where translation from English to Dutch is required. As such it is not clear how the practice of this individual Dutch broadcaster is of relevance to the overall consideration for potentially delaying live broadcasts.