

RESPONSE OF CHANNEL 5 BROADCASTING LTD (FIVE) TO OFCOM'S 2009 REVIEW OF TELEVISION ACCESS SERVICES

Five welcomes the opportunity to respond to Ofcom's review of aspects of its access services code. However, we believe Ofcom has missed an opportunity to research thoroughly the impediments to greater take-up of audio description, and is at risk of reaching a false policy prospectus as a result.

Five is proud of our role in making programmes more accessible to viewers with visual impairments. We have consistently exceeded the quotas for delivery of audio description on all three of our channels, and believe we deliver a professional, accessible and valued service.

Ofcom's research found that 82% of visually impaired respondents are satisfied with the quality of audio description on television¹ – which suggests that broadcasters generally are delivering a high-quality and appreciated service.

But we are concerned that Ofcom has failed to analyse the current impediments to greater uptake of audio description and instead is proposing both increased quotas on broadcasters and further awareness campaigns - without assessing whether these will result in either greater use of audio description or help for those with visual impairments to make any or more use of the service.

The implications of Ofcom's research

In spring 2008, all major broadcasters (including Five) took part in a major campaign to raise awareness of audio description. The broadcasters all devoted considerable airtime to promoting awareness and availability of audio description; this led to the heightened awareness of audio description recorded in the Ofcom research at the time. It is somewhat depressing to discover such a major campaign had little lasting benefit, and that one year after the campaign there was no clear increase in awareness of audio description among people with a visual impairment².

We were also struck by the research finding that while people with a visual impairment had relatively high awareness of audio description (43% in survey 1, 50% in survey 3), their usage of it remained low (28% in survey 1, 21% in survey 3)³. In other words, usage of the service has not increased in the last two years, in spite

¹ Ofcom, *2009 Review of Television Access Services*, paragraph 5.29

² *ibid.*, paragraph 5.15

³ *Ibid.*, Figures 4 and 7, pages 24 and 27

of both the major awareness campaign and the substantial increase in the number of programmes with audio description achieved over the last few years as broadcasters have increased provision in line with their quotas.

Of those with a severe or profound visual impairment - the people most likely to benefit from audio description - only 38% say they have used audio description and just 29% say they use it regularly⁴. Awareness of audio description among this group showed no long-term increase as a result of the on-air campaign.

We note that people who already use audio description say they would use it more and that people who do not use it say they would start using it if it was available on more programmes⁵. But despite the extensive awareness campaign and the considerable increase in the number of audio described programmes, there has been no corresponding take-up in audio description usage⁶.

We believe that, although Ofcom has done a considerable amount of work in preparing for this review, there are several weaknesses in the evidence base it has assembled. These include:

- insufficient understanding about why people who would clearly benefit from audio description do not make use of it
- lack of data on how many hours of audio description are actually accessed; and how this has changed over time
- lack of explanation as to why visually impaired people with access to audio description through Sky or Virgin do not make use of it even though they are interested in so doing⁷
- lack of data on how many DTT receivers are capable of providing access to audio description

Five believes that Ofcom's failure to address these issues adequately means it has an unreliable basis on which to build a case for increasing the obligations on broadcasters.

A key issue, highlighted but not explained by Ofcom's research, is how to facilitate the use of AD by those who would benefit from it but do not currently use it. It is far from clear that the answer is to increase quotas.

Ofcom's research states that 17% of visually impaired respondents who are aware of audio description but do not use it said this was "because they don't know how to access it", while 13% "cited not having the right equipment as the barrier to usage"⁸. Furthermore, the research report from Ipsos MORI states that having information about audio description "now appears to be less of an influence on usage of AD than knowing *how* to access the service"⁹. The report goes on to say "There are people who want to use the service and are already equipped to do so. Raising awareness of how to access AD could lead to an increase in overall usage". Ipsos MORI says its

⁴ Ipsos MORI, *2009 Research into the awareness and usage of Audio Description*, page 33

⁵ *ibid.*, page 43

⁶ *ibid.*, page 52

⁷ Ofcom, *op cit*, paragraph 5.34

⁸ *ibid.*, paragraph 5.35

⁹ Ipsos MORI, *op cit*, page 22

research suggests that for future campaigns “it is now just as important to focus on helping potential users to navigate to the service as to let them know that it is available”¹⁰.

In light of this, we believe Ofcom’s conclusion that “it appears that limited awareness remains the key barrier to use” is simplistic. Instead, Ofcom should consider how best it could help improve knowledge of how to access and make use of audio description among those most likely to benefit from it. This might include talking directly to BSkyB and Virgin Media about how to make their customers more aware of how to access the services they already receive.

Ofcom should also consider making greater efforts under s10 of the Communications Act to encourage manufacturers to provide equipment that facilitates easy and simple use of audio description. There is limited point in broadcasters providing hundreds of hours of audio described programmes every week if visually impaired people cannot appreciate them because of the complexity of their remote controls.

Options for change

Five not only believes there is insufficient evidence to support an increase in audio description quotas, we also think this is the wrong time to be considering it.

Like other advertiser-funded broadcasters, we have seen our revenues hit by massive falls in advertising budgets. The recession has had a particularly devastating effect on the finances of Five, which as the smallest of the PSBs is both more susceptible to advertiser pressure in a downturn and has the leanest operating margins. Earlier this year, we conducted a comprehensive business review that resulted in cutting our staff numbers by one quarter, substantially reducing other overheads and shrinking our programme budget by more than one quarter.

In this context, we view extremely seriously the prospect of increased regulation in the form of enhanced audio description targets. While we recognise Ofcom’s proposal is to phase in increases from 2011, there is a widespread view that TV advertising revenues will not have returned to pre-recession levels by then – and may never do so. In addition, the full effects of digital switchover and consequent audience fragmentation are not going to be felt fully until 2013.

So Ofcom may be proposing an increase in our cost base at the very time that our revenues are undergoing a major structural reduction.

Ofcom should be aware that it would cost proportionately more for Five to increase the hours of programmes we audio describe. We already audio describe our most popular programmes, which boosts our delivery of audio description as they are the programmes most likely to be repeated. Many programmes cannot be audio described – because they are live, delivered very close to transmission, or have insufficient gaps between contributors. So we would be obliged to audio describe

¹⁰Ibid., page 43

less popular programmes (which do not have the same repeat potential) or movies (for which we pay a considerably higher rate).

Five does not wish to argue against the provision of audio description to those of our viewers who value it. Indeed, we regularly exceed our present quota. But we do not wish to be saddled with increased obligations (the efficacy of which are unproven) at the very time we are having to keep our cost base under permanent review.

Therefore, Five supports Option 1 – full implementation of existing quotas, with no increase.

Five has some additional concerns about Option 3 (increasing the quota to 20% on PSB channels). This is the first time it has been proposed that PSB channels should have different obligations to other channels. (Ofcom is factually incorrect to state that the Communications Act 2003 “extended the previous requirement from the public service broadcasters...to many other broadcasters”¹¹. In fact, the Broadcasting Act 1996 required all services on the DTT platform to carry all three access services¹²)

Five is opposed to differential obligations for public service broadcasters, beyond the subtitling obligations on ITV and Channel 4 written into the 2003 Act. With that exception, the Act is quite explicit that the access services code must apply to all broadcasters; public service status is not a consideration.

If a separate level of regulation were to be introduced on public service channels, this would need to be weighed in any calculation of the costs and benefits of being a PSB. For example, Ofcom would need to take into account the extra costs involved when conducting its forthcoming review of the financial terms of the Channel 3 and Channel 5 licences. And Ofcom would need to weigh these costs when considering the terms for renewal of the Channel 3 and Channel 5 licences after 2014.

Five believes that if differential regulation is to be introduced, it should be based on an objectively verifiable measure that applies to all channels (such as audience share), not PSB status. So higher quotas might apply to channels with audience shares greater than five per cent, or two per cent, or one per cent. The principle of using audience share as a qualifying measure is already well established within the access services code: channels with shares below 0.05% are excluded from its provisions, while channels with shares between 0.05% and one per cent are subject to differential signing rules.

Conclusion

Five believes there is insufficient evidence to support an increase in audio description quotas. We believe Ofcom needs to carry out more work on how to promote access of audio description to those who would benefit from it, and to carry out detailed longitudinal research on the amount of audio description actually listened to.

¹¹ Ofcom, *op cit.*, paragraph 1.3

¹² Broadcast Act 1996, s20

We also believe that no further awareness campaigns should be planned until it is clear they will result in long-term benefits. Broadcasters' airtime is valuable, not just for commercial purposes but for matters of public interest such as digital switchover.

There is a risk that Ofcom focuses too much on those issues that it can affect directly (such as recommending increases in quotas), rather than on understanding why audio description is not more widely used and what measures can be taken to influence that.

Finally, we believe the current difficult economic circumstances are the wrong context in which to take decisions to impose further burdens on broadcasters, especially when there is no guarantee they will lead to significant public benefits.

Channel 5 Broadcasting Ltd

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