



supporting blind and
partially sighted people

RNIB
105 Judd Street
London WC1H 9NE
020 7388 1266
rnib.org.uk

RNIB response to Ofcom's consultation "Digital Dividend Review: geographic interleaved awards 470-550MHz and 630-790MHz"

1. RNIB welcomes the opportunity to respond to Ofcom's consultation on the forthcoming auction of the geographic interleaved spectrum.
2. RNIB is the largest charity representing the needs and interests of the two million people with a sight problem in the UK. Following our 1991 Needs Survey, which showed that 94 per cent of blind and partially sighted people watch television, we have taken an active role in highlighting TV access issues and have been working to improve access to programmes, services and equipment, both by direct work with broadcasters and manufacturers and by influencing legislation.
3. Indeed, the broadcast media play a vital role in the lives of blind and partially sighted people in providing access to news, information and entertainment. However, in order to be able to watch TV independently, blind and partially sighted people need access to audio description (AD), an additional narration that uses the gaps in the dialogue to provide essential information about scenery, action, costumes etc.
4. Two recent developments reinforce the case for ensuring greater provision of audio description:
 - Firstly, the AudioVisual Media Services Directive 2007/65/EC which entered into force on 19 December 2007 and contains a new clause which states:
Article 3c
"Member States shall encourage media service providers under their jurisdiction to ensure that their services are gradually made accessible to people with a visual or hearing disability."
 - More recently, Ofcom facilitated a substantial communications campaign involving 16 broadcasters and the RNIB, aimed at raising awareness of audio description services. Subsequent research into awareness levels and demand for audio-description commissioned by Ofcom¹ found that this campaign did much to improve the level of awareness of the service among people with sight problems. The research also found that "increasing the amount of audio described programming would be the main way of increasing usage among the visually impaired community".
5. RNIB believes it is therefore time for Ofcom to recommend an increase of audio described programming to 20 per cent. However, spectrum will need to be set aside to make this increase possible, which is why we are responding to this

¹ Ofcom, *Access Services, Audio Description: Research into awareness levels*, published 2 July 2008.

consultation. Indeed, we are worried by the lack of public debate around the allocation of such a scarce and valuable resource.

6. At this point, we would like to remind Ofcom of its own statement that “under the Communications Act 2003, our duties are to further the interests of citizens and consumers and to secure the optimal use of spectrum. Our objective for the DDR is to award the digital dividend in a way that maximises the total value to society from its future use. This includes value both to citizens and to consumers. It is expressly not our aim to raise revenue for the Government.”² We would also like to remind Ofcom that it lists “new services for people with disabilities” as one of the potential uses of the spectrum it identified, but does not mention it in its consultations on the award of spectrum.
7. In this response, we therefore argue, as we have previously, that it is essential Ofcom reserves a part of the interleaved spectrum not only for an increase in the provision of existing TV access services but also for new inventions that would specifically benefit disabled people. We also argue Ofcom's auctioning needs to take account of developments at European level which could have binding effects in the UK.

Q1: The executive summary sets out our proposals for the digital dividend geographic interleaved award. Do you agree with these proposals?

8. No, we don't. As we have argued in the past and in line with what is said by other key stakeholders such as RNID and consumer organisations, the release of a significant portion of the spectrum is a once in a lifetime opportunity and its allocation will have repercussions for decades to come. RNIB is therefore concerned by the lack of public debate around this issue and the lack of consumer engagement on the best ways to use this spectrum.
9. We are particularly concerned that Ofcom has chosen an exclusive auction model for the allocation of the spectrum, which we strongly believe does not allow for a fair balance between commercial interests and consumer interests, including disabled people's interests. Ofcom's market research does not seem to have properly taken into account the need of excluded consumers and the need to achieve some public policy objectives when allocating the spectrum, such as delivering a greater proportion of access services.
10. Yet, several studies, at UK and European levels³, have highlighted the increasing digital divide between those people with effective access to digital and information technology and those without. In particular, they have highlighted that free markets alone do not bring benefits to all consumers and that regulation is needed to ensure the protection of vulnerable consumers.
11. We therefore strongly believe Ofcom's model of allocation of the spectrum should have taken this issue into account and be used, in part, for e-inclusion

² Ofcom, Digital Dividend Review, statement published on 13 December 2007.
<http://www.ofcom.org.uk/consult/condocs/ddr/statement/>

³ See the recent “Measuring the Progress of e-Accessibility in Europe Study”, published in November 2007 and Cabinet Office, PMSU, *Connecting the UK: the Digital Strategy*, March 2005.

purposes. Ofcom's strategy does not, at the moment, protect the interest of disabled consumers, for whom Ofcom has a key responsibility.

Q2: Do you have any comments on our assessment of the most likely uses of the geographic interleaved lots? Are there potential uses which should be considered that we have not mentioned?

12. As with the cleared spectrum, RNIB strongly believes that Ofcom needs to reserve some of the interleaved spectrum for good quality access services such as, though not limited to, audio-description and subtitling. Enough spectrum should be set aside for access services with both standard definition digital terrestrial television and high definition digital terrestrial television and for new technological developments in access services, such as being able to change the size of subtitles (such a change is currently available on analogue TV but not on digital TV). This should not require a large amount of spectrum but its impact on the lives of disabled people would be significant.
13. With specific regard to SD-DTT, it is important to note that the existing channels are only partially accessible to blind and partially sighted people, with only 13 per cent of programmes being accessible with audio-description. RNIB has therefore been calling for a doubling of the audio-description targets to 20 per cent of programmes, and spectrum will need to be set aside to make this increase possible.
14. With regard to HD-DTT, the situation is even more worrying as even fewer are available with audio-description. If HD-DTT is to be mainstreamed, spectrum will need to be set aside to allow for an increase in good quality access services.
15. With regard to local TV, there is a need to take the requirements of disabled people into account as the coverage of local TV channels can be significant (up to 80 per cent of the UK population). Reserving some interleaved spectrum for access services for local TV could therefore benefit a large part of the population. Technological progress may also allow for a national channel to be combined with local access services, which here again would require some spectrum to be set aside. This ought to be done in conjunction with allocation of the freed spectrum, which is the subject of another consultation and award process.

Q3: Are there any other types of DTT transmission that should be protected from potential cognitive devices or other factors that we should take into account?

In terms of "other factors", the allocation of spectrum should not jeopardise current or likely future provision of access services such as audio description that are broadcast in cinemas and theatres.

Q4: Are there any potential future PMSE applications, others than currently available wireless microphones, in-ear monitors and talkback systems, that you consider should be protected from potential cognitive devices?

16. There might be useful applications of cognitive technology for the delivery of localised voice equivalent output of important visual information for blind and partially sighted people or for text equivalents of spoken announcements for deaf and hard of hearing people. Where such technology would be deployed, technical and regulatory instruments should be available to protect it against other uses by less critical applications.

Q23: Do you have particular concerns about possibilities for award outcomes to fail to fully promote competition in downstream markets or to result in inefficient use of spectrum? If so, please explain what these are and provide supporting evidence.

17. As we argue in our response to the consultation on the allocation of the freed spectrum, we are concerned that Ofcom does not identify as market failure the failure to address the needs of vulnerable consumers, such as disabled people.

18. The DDA places an obligatory General Duty on public bodies, including Ofcom, to promote disability equality. In particular, Ofcom is under a number of duties designed to ensure disabled people have fair access to electronic communications, including embedding disability equality into its approach to impact assessment in order to improve policy decisions. We are therefore concerned that the impact assessment associated to this consultation does not mention the impact on disabled people.

19. A price-only system of allocation does not place any requirement on bidders to meet the accessibility requirements of disabled consumers, including blind and partially sighted people, and Ofcom has not put forward any evidence that the auction model would lead to more inclusive, more accessible, more user-friendly products and services.

20. We therefore believe that some spectrum should be set aside to achieve certain public policy objectives around e-Inclusion, such as audio-description and subtitling services, clean audio variants of PSB outputs, or even a signed channel or dedicated channels for closed signing, and we urge Ofcom to review its position in this matter. Accessibility issues cannot be, and have not been, resolved by market forces and Ofcom needs to ensure the market serves all consumers equally even if this means putting in place some degree of regulation

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Royal National Institute of Blind People

Chairman Lord Low of Dalston CBE • **Chief Executive** Lesley-Anne Alexander
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