

Cover sheet for response to an Ofcom consultation

BASIC DETAILS

Consultation title: Signing on television - Proposed changes
 To (Ofcom contact): Peter Bourton
 Name of respondent: Malcolm Wright
 Representing (self or organisation/s): Managing Director, ITV SignPost
 Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing

☐

Name/contact details/job title

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Whole response

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Organisation

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Part of the response

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If there is no separate annex, which parts?

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

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☒

Name Malcolm Wright

Signed (if hard copy)



ITV SignPost

**Response to Ofcom's
Signing on television - Proposed Changes
consultation document**

July 27, 2007



OVERVIEW

ITV SignPost is one of the UK's main providers of on-screen sign language access. We also run BSL-accessible services for sign users on the worldwide web. Based in North East England, we employ both deaf and hearing people working in a bi-lingual environment. Our ratio of deaf to hearing staff is 1:2.4.

Our response addresses the questions posed in Ofcom's consultation document, in the order in which they occur. We address further issues, about the Impact Assessment and alternative acceptable arrangements, in a commercially confidential Annex.

Both the pace and timing of this consultation create significant and predictable problems for our business. The sudden extension to the consultation deadline means that we have to attempt to draw up coherent budgets for our signing business before Ofcom makes a policy decision on how television signing access will be delivered in 2008. This is impossible. The lack of clarity about when policy may change interferes with our ability to renegotiate existing or negotiate new contracts. It has introduced a large degree of paralysis into this business sector, which is both unnecessary and damaging.

Ofcom addresses the issue of proportionality, looking at the balance between corporate spend and communal benefit. Proportionality can only be measurable when there is an accurate understanding of the financial dynamic of the signing sector. The contentious estimated figures used by Ofcom in this consultation – and the extrapolations from them – do not allow for any reasonable judgement on what is proportional.

We do not believe that **Option 1 – Do nothing** is wrong in the medium term. It is unhelpful and contradictory when Ofcom says that it believes doing nothing is not an option. If options are to be included in consultation, they must all per se be viable. Nevertheless, we agree that Ofcom is right to address the increased provision of sign-presented entertainment, education and information in the longer term. Through increased sign presentation, particularly on the Internet, deaf sign language users will benefit from being able to access *useful everyday information* in BSL – something which the consultation paper does not address. Provision of such information is an important role for public service broadcasting in the digital age.

But the two other options proposed by Ofcom are currently inadequate. We do not believe that it is possible to comment adequately on them because of a continuing lack of detailed information.

We strongly believe that Ofcom's current proposed timescale for changes to sign regulation is arbitrary and too short, denying stakeholders the opportunity to make reasoned decisions based on reliable and statistically significant data and on in-depth consultation with the fullest spectrum of sign language users.



We raise in our response a series of concerns about the approach which is being taken, and urge Ofcom to implement any changes to sign regulation at the start of 2009.

This will give the Deaf community, deaf sign language users, broadcasters and service providers a reasonable opportunity to consider all viable options; and give Ofcom the opportunity to carry out market sizing and other research about deaf viewers' signing needs and preferences.

We are concerned that deaf children and young people have been largely excluded from this debate, with no Ofcom data commissioned to establish what kind of sign access they wish to see. An important stakeholder group is not being properly consulted.

We believe that – irrespective of any other decisions - children's channels should not be exempt from sign-interpretation. On this genre, it is beneficial and no evidence has been produced to show otherwise.

Finally, we request a meeting with Ofcom before it publishes any final statement, so that we can clarify and explore the concerns and issues raised in the main response and in confidential Annex 1.



RESPONSE TO QUESTIONS

Q1. Do consultees agree that these are appropriate policy objectives for Ofcom in considering possible alternative arrangements for signing of television?

No.

Q1.1. DECISIONS IGNORE EXPERT ADVICE AND RESEARCH

- Ofcom’s new policy objectives are prompted by its 2006 Review of Television Access Services. We do not believe that this research makes the case for the policy changes which are proposed, because the research is incomplete and its conclusions are contradictory. This point is explored in depth by the submission from ITV plc.
- We note that the researchers Ipsos-MORI concluded that a market-sizing exercise should be carried out because of the lack of accurate data about the sign-using deaf community.
- Ipsos-MORI were concerned about the validity of estimate trends where the baseline size of the deaf sign-using community was unknown. This market-sizing exercise has not been carried out.
- We remind Ofcom what else its independent research team said about data relating to sign language and television. Ipsos-MORI spelt out other concerns about the lack of information on which properly informed decisions could subsequently be made, some of which are listed below:
 - Lack of awareness may account for low usage of signing. It is Ofcom’s duty to ensure that stakeholders are being made aware of access services.
 - Research into the numbers of people who have used signing to watch television suffered from “misunderstanding”.
 - No research was identified on awareness, perception and use of signing.
 - No research was identified in relation to communications about signing.
 - No specific information was identified with regard to target audience use of signing on television.
 - No published research was identified with regard to the size of a signer on television.
 - No published research was identified with regard to current levels of satisfaction with the availability of signing.
 - No published research was identified with regard to current levels of satisfaction with the quality of signing.

- Ofcom maintains that sign-interpretation on smaller channels is “*of little or no benefit*” to the sign community. This is not supported by its own research. Of the 52 Ipsos-MORI respondents who had the strongest BSL skills (i.e. deaf people who are reliant on BSL for communication), 81% watched signing on all available programmes or at least used it occasionally. A larger cohort of people with strong BSL skills should be consulted to get a statistically significant response.
- We refer elsewhere in this response to other research which we believe demonstrates that sign-interpreted programmes are of clear benefit to a significant section of the sign community.

Q1.2. ERRORS IN CALCULATING AUDIENCE SIZE

- Ofcom’s policy objectives (3.4) are based in part on calculations about the audience size for sign-interpreted programmes.
- Sign language viewer numbers will necessarily be very small, because this is a minority of a minority. Ofcom’s access services review¹ noted that “*although the (sign using) proportion of the UK population was very small, this was not a reason why signed television should not be provided*”.
- Ofcom argues (1.4) that low-audience channels incur costs, but the target audience gains “*little or no benefit*”.
- There is a risk that Ofcom’s calculations on the size of the intended audience could be seriously inaccurate, particularly as it cannot accurately estimate the overall size of this niche group.
- Ofcom says that that viewing numbers for small channels “*are likely to be very small*”. But where its researchers have interviewed deaf BSL users, the cohort is not statistically reliable. The views of children and young people have not been taken into account. We believe that Ofcom should not set policy objectives without carrying out statistically coherent baseline research – as advised by Ipsos-MORI - to include not just more deaf adults who use sign language, but also young deaf people who use sign as an aid to communication.
- Paragraph 3.7b suggests that a cable/satellite channel with a 0.1% audience share might attract 37 sign language users; or 370 if they were ten times as likely as other viewers to watch such a programme.
- This extrapolated calculation is wrong. It ignores the fact that, according to Ofcom, programmes are on average ‘repeated’ six times – by our reckoning seven screenings in all. The repeat factor dramatically cuts the

¹ Provision of access services – research study conducted for Ofcom (Ipsos-MORI March 2006)

- cost to small channels of producing sign access, but potentially increases sign language user viewing numbers by a factor of seven.

Q1.3. REDUCTION IN AMOUNT OF SIGN-INTERPRETED PROGRAMMING

- Ofcom’s policy objectives in 3.4 are based, in part, on a contention that the interests and needs of sign language users would be better served by the provision of more sign-presented programmes *“even at the expense of a significant reduction in the amount of sign-interpreted programming”*.
- We believe that any change in policy should not go ahead without clearly quantified targets for any alternative arrangements which may be put in place. No such targets are either discussed or alluded to in the consultation paper.
- There is a real danger that the amount of sign-presented programming which replaces quantified and monitored amounts of sign-interpreted programming will be minute. There will not be enough money remaining for significant levels of new production after set-up and running costs.
- The consultation paper gives no information about how the success of the Sign Zone alternative would be benchmarked and monitored, or what interventions may be possible or considered.
- The policy objectives misquote and distort NDCS research (2.11.) Ofcom says the NDCS had feedback from families suggesting that “sign-interpreted programmes were “not meeting the needs of sign language users”. Unfortunately, this is seriously misleading. What NDCS reported in its response to last year’s access services review² was that sign-interpreted programmes were not meeting the needs of *“all sign language users”*. (Our underlining). They were meeting the needs of many – including families with young deaf children.
- Ofcom’s policy objectives appear to ignore the NDCS research feedback about sign-interpretation (quoted by Ofcom in paragraph 2.11a) from hearing-impaired children and their families who actually want *“more such programming”*.

Q1.4. PROTECTION OF CHOICE

- We believe that the protection of choice and diversity in sign-accessible programmes on all platforms should be a stated Ofcom policy objective in any final statement.

² Ofcom Review of the Code and Guidance on Access Services – a Response by the NDCS (June 2006)



- Ofcom policy can only meet the needs of its stakeholders when it has accurate and robust research – both quantitative and qualitative – about what sign language users watch and want to watch.

Q1.5. SCOPE OF DEAF COMMUNITY CONSULTATION

- Ofcom must – in setting its policy objectives – satisfy itself that it has consulted with a statistically significant cohort of all deaf stakeholders, including those who do not see themselves as part of the cultural “Deaf community”.
- We note that the Sign/Community Channel Working Group final report addresses throughout only what “Deaf people” want.
- There are many deaf, deafened and hard-of-hearing individuals who benefit from using sign language access with or without other forms of communication, who choose not to be members of the Deaf community. Their views should be taken into account.

Q2. Do consultees agree that Ofcom has identified appropriate options?

No.

Q2.1. We believe that the options identified by Ofcom can only be right if they are based on cogent policy objectives supported by robust data and accurate reporting of existing research. We note that:

- There has been no statistically significant research over what deaf sign language users watch and want to watch. Ofcom should not base decisions on the small cohorts interviewed last year. The potential for statistical error is far too high.
- Guidance from the working group deals only with the cultural minority Deaf community, not the sign community as a whole.
- The views of children and young people have not been adequately taken into account.
- The need to replace sign-interpretation with sign-presented programming is predicated on questionable estimates rather than accurately researched viewing figures.
- It is unclear how the voluntary ‘acceptable alternative’ system will function in the future should broadcasters wish to opt out of one alternative and in to another.

- The Sign Zone voluntary option is opaque and vague, lacks quantified and guaranteed output targets and is not supported by credible financial analysis.
- Ofcom’s intention to consider exempting channels on the basis of genre (eg. film channels) is not justifiable. It is based on anecdotal information and seems to ignore the existing published research on what deaf people say they want to watch.
- The impact assessment fails to take into account that broadcasters may be tied in to contractual arrangements with access service providers. This was brought to Ofcom’s attention at the signing debate last November but has not been addressed.

Q2.2. Ofcom implies that **Option 1 - Do Nothing** is not an option. It says: *“Following the analysis in paragraphs 3.7 and 3.8 above, it is doubtful whether the costs, though modest compared to the total costs of subtitling or audio description,(...) are proportionate.”* We do not believe that proportionality is measurable without accurate data on costs. We address below the justifications Ofcom uses in reaching this conclusion.

- Ofcom asserts that sign-interpretation confers *“very little benefit”* on sign language users. But this is not evident from existing research, and therefore should not be used to exclude Option 1.
 - We refer, for example, to the clear benefits which the NDCS says are enjoyed by the families of young deaf people, and the young people themselves.³ They want “more” sign-interpreted programmes.
 - Our own research⁴ (see response to Q4 below) shows that a very substantial number of deaf BSL users express a preference to see a wide range of programme genres with sign-interpretation.
 - Ofcom’s research⁵ - albeit from a small cohort – shows that between 26% and 54% of sign language users want sign-interpretation of every genre of programming. Its research did not specifically address music, which is one of the key interests of young people.

³ In their own words: Young people’s access to television (NDCS, November 2005)

⁴ Digital TV, On-screen Signing and “Simon the Signer”: Perspectives from the Deaf Community (Matthew Dye, Deaf Studies Trust, June 2000)

⁵ Provision of access services – research study conducted for Ofcom (Ipsos-MORI March 2006)

- Ofcom produces estimates of how many people may watch sign-interpreted programmes on a small channel. Even if Ofcom’s baseline potential audience figure of 66,000 were right (and this is a guess), the figures quoted are wrong by a factor of seven, because they fail to take into account the high repeat level which Ofcom sanctions. (See our response at Q1.2.) These figures cannot be relied on as a basis for excluding Option 1.
- Ofcom asserts that sign language users generally prefer subtitled programmes. Our own research – of 210 profoundly deaf sign users⁶ - gives an entirely different picture. Preference for subtitling cannot be relied on to exclude Option 1.

Q3. Do consultees agree with Ofcom’s reasons for rejecting the ideas described in paragraph 3.18?

Q3.1. We agree that the size of the UK sign population (2.12) - which is still not adequately researched and mapped – should not be a reason why signing should not be provided.

Q3.2. We agree that analogue viewers should continue to have access to the wide range of signed programmes currently available. But we also believe that cable and satellite viewers should have access to an equally wide range of programmes. The protection of choice and diversity of programme genres on all platforms should be a stated Ofcom policy objective in any final statement.

Q4. Do consultees agree with the proposals outlined in paragraph 3.32?

No.

Q4.1. SIGN-INTERPRETATION AND DEAF CHILDREN

Ofcom has not researched the views of at least one key stakeholder group – deaf children. We believe it must do so before any changes to current sign regulation are made.

- No views for young people below the age of 15 were canvassed by Ipsos-MORI in research commissioned by Ofcom.⁷ It is this research which prompted Ofcom to propose changes to signing on television.

⁶ See footnote 4

⁷ Provision of access services – research study conducted for Ofcom (Ipsos-MORI March 2006)

- No young people under the age of 18 were canvassed in research commissioned by Sky last year⁸.
- No young people under the age of 18 were invited to join the Sign/Community Channel working group.
- The truncated consultation period makes it even more difficult for deaf young people to express their views.
- It is vitally important, for reasons of personal development, independence and inclusion, that young deaf people have access to the programmes which are watched by their hearing peers. This necessarily means that they will need sign-interpretation.
- Ofcom should respond to advice from joint NDCS-BBC research⁹ that 65% of deaf children – and their families – benefit from watching programmes with sign interpretation and want more such programming. This report states that *“access to TV programmes is vital in supporting deaf young people to be part of everyday life and to join in discussions about TV programmes with their family and peers.”*
 - o The report says: *“BSL-using young people’s understanding of programmes is increased by having sign language interpretation, as it is their own language.”*
 - o The report says: *“Deaf young people who used sign language showed a clear preference for this type of access being available and wanted to see more programmes with it broadcast at suitable times for them.”*
 - o The report’s executive summary notes: *“Young deaf people could see the added benefit of having sign language instead of subtitles for young deaf children, who may not have good reading skills.”*
- In response to Paragraph 3.32c, we share the view of the Sign/Community Channel working group that children’s channels should continue to interpret at least the required percentage of programmes into BSL.

Q4.2. EXEMPTIONS FOR CERTAIN GENRES OF PROGRAMMING

- In 3.7a (Footnote 9) and 3.8 (Footnote 11) Ofcom says the sign working group suggested that it did *“not make sense”* for resources to be devoted to sign interpretation of sports, soaps, films and music

⁸ All About Access to Television Through Signing (Sky, May 2006)

⁹ In their own words: Young people’s access to television (NDCS, November 2005)

- programmes. We note that all these genres are popular with young people, who were not represented on the working group.
- The opinion of the working group is not supported by the statistical information produced either by Ofcom¹⁰ or by our own research¹¹. We reproduce below tables which demonstrate that a significant percentage of deaf people value all genres of television programming. We conclude that the working group's unsupported opinions do not reflect the broader views of sign language users on this issue and should be removed from the final statement.
- In response to Paragraph 3.7a (Footnote 9), the all-adult sign language working group is wrong to advise that resources should not be devoted to sign-interpretation of music programmes – which are particularly popular with young people. We quote NDCS research¹² which consulted young people about signing on music. Respondents said: “*It’s better to have her (the interpreter) there*” and “*I thought this was better with the interpreter. I preferred that to watching the music with just subtitles. With subtitles, it’s a bit kind of dry. ... With this (sign-interpretation) you can see the emotion and really get into it.*” We note that the opportunity to share contemporary culture with their peers is important to all children.
- Ofcom reports Sky’s anecdotal statement that it sold “*very few signed films in its pay-per-view service*” to sign users. Sky does not reach 44% of hearing-impaired viewers, who only have analogue access. Of the remaining 56%, not all are Sky subscribers. Of those who do subscribe to Sky, only a smaller number sign up to receive its pay-per-view channels. This subset of a subset of a subset of a minority group cannot be a useful indicator as to deaf people’s interest in sign-interpreted film. The reference should be removed from the final statement.
- Ofcom suggests that it may decide to exclude – for example - a film channel with an audience share of just above 1%. There is no justification for doing so. As far as we are aware, the only statistically significant research (which asked 210 native BSL users about what they wanted to watch on TV with sign-interpretation) was commissioned by ITV SignPost¹³. We reproduce one key table below.

¹⁰ Provision of access services – research study conducted for Ofcom (Ipsos-MORI March 2006)

¹¹ Digital TV, On-screen Signing and "Simon the Signer": Perspectives from the Deaf Community (Matthew Dye, Deaf Studies Trust, June 2000)

¹² Ibid

¹³ Digital TV, On-screen Signing and "Simon the Signer": Perspectives from the Deaf Community (Matthew Dye, Deaf Studies Trust, June 2000)

Table 2.5: Importance of on-screen signing for different programme types.

Programme	Not important	Important	N
National news	15%	85%	210
Local news	15%	85%	208
Educational programmes	17%	83%	210
Documentaries	26%	74%	210
Current affairs	32%	68%	209
Weather	35%	65%	210
Special interest	36%	64%	209
Comedy	38%	62%	209
Drama	40%	60%	209
Recent films	47%	53%	210
Soap operas	57%	43%	210
Sport	63%	37%	210

- This table shows that more than one in two deaf BSL users do want to watch films with sign-interpretation. ITV SignPost has in the past been commissioned to sign film by Becoming Visible, one of the organisations which endorse the working group report. Our duty log carries the thanks of a father who was able to watch Treasure Island on ITV1 with his deaf son because it was sign-interpreted.
- Looking at Ofcom’s own genre research, the table below¹⁴ makes it clear that sign language is used across all genres as an additional as well as a primary means of understanding. Ofcom’s figures here are not statistically reliable – the cohort is too small. But they appear to indicate that a significant minority of sign users benefit from sign access to ALL genres. More than a quarter of sign-using viewers would benefit from sign access for film, for example, and more than one-in-three use sign to access sport – both genres which the working group suggests there is “no sense” in making accessible.

¹⁴ Provision of access services – research study conducted for Ofcom (Ipsos-MORI March 2006)

N=46	Subtitling	Signing	Both
News & current affairs	46	13	24
Arts and music	35	-	15
Children's	26	4	26
Religious	22	2	20
Factual	28	4	24
Education	30	4	26
Drama	50	2	26
Films	67	2	22
Light entertainment	41	7	20
Sport	46	2	26
Regional programme	37	7	22

Q Please indicate if you would prefer to use subtitling or signing or if you would prefer them both together.

Genre	Benefit from Signing
News and current Affairs	45%
Arts and Music	30%
Children's	54%
Religious	50%
Factual	50%
Education	50%
Drama	36%
Films	26%
Light entertainment	40%
Sport	38%
Regional programmes	44%

- We conclude that Ofcom should not consider exempting any genre of programming from sign-interpretation until it has robust and reliable data to demonstrate that the sign community does not want access. This can only be done by consulting directly with viewers, not just with organisations which may or may not represent them. At present, the data shows that a significant percentage of deaf BSL users do want access to the widest range of genres.

Q5. Do consultees agree that the aim should be to put any new arrangements in place from the start of 2008?

No.

Q5.1. We do not agree that Ofcom should try to implement any changes to signing on television by the start of 2008.

Q5.2. This timescale threatens to deliver change to the status quo at a pace which is not widely supported by either broadcasters or those who benefit from sign language access.

Q5.3. When the concept of the Sign Zone was first mooted at a conference in November 2006, 22 of the 25 industry and deaf community representatives (88%) specifically rejected Ofcom's timetable for change. Only one out of 13 representatives of the UK deaf community favoured it. We remind Ofcom of just some of the very clear views recorded at that meeting¹⁵:

"The timescale does not even take into (account) the true consideration of the deaf community, and thus should be on hold until we get proper ideas. 2008 is way too early."

"2008 is too early, particularly as the full roll out of Digital will not happen until 2012..."

"There is a real concern that the views of the real consumers are not taken into account especially in the tight schedule..."

"2008 is too early given the logistical challenges for broadcasters and programme makers"

"Timescales should take into account the fact that some broadcasters will be tied within contractual arrangements with access service providers."

"2008 is too early to establish a really rich and valuable sign language channel – it is barely enough time to fill even the limited hours that the CC has available and the ambition should be far greater."

"No-one really knows how many sign-language users there are in the UK, we need to find out so that proper statistics are informing policy, this is a great opportunity to get it right..."

"If this were introduced in 2008 we might not be able to take part as we would have a 3 or 5 year contract to run out..."

Q5.4. The Sign/Community Channel Working Group report does not endorse a 2008 timescale, and makes no arguments in its favour. The report itself was completed in an imposed timescale of two months after its members were advised by Ofcom that they should take the opportunity of intervention rather than leaving decisions to chance.¹⁶

¹⁵ Sign Community Channel – Report back from the 9th November conference – Kay Allen (16.11.06)

¹⁶ Sign Community Channel – report back from the 9th November conference – Kay Allen (16.11.06)

- We note that Ofcom did not offer at the Sky meeting any opportunity for a longer, more measured period of debate which stakeholders had requested.
- The consultation document fails to justify – given the clear wishes of all stakeholders expressed at that meeting – why change needs to be implemented at the start of 2008.

Q5.5. We conclude that the 2008 timescale - criticised by all – is wrong. It has already been rejected by stakeholders. The opportunity to make better, more informed decisions by implementing changes in 2009 still exists, and should be taken.

Q6. Do consultees have any comments on the impact assessment? Where possible, it would be useful for arguments about the cost of different options to be supported by relevant data.

Q6.1. We note that Ofcom says it will consider *“all comments before deciding whether to implement our proposal”* as part of best practice policy-making.

- One reason for carrying out the impact assessment is where proposals would have *“a significant impact on persons carrying on businesses operating in markets Ofcom regulates”*¹⁷
- Our response relating to the impact on ITV SignPost as a bi-lingual deaf and hearing business based outside London is contained, for reasons of commercial confidentiality, in Annex 1.

Q6.2. ERRORS IN OFCOM’S FINANCIAL CALCULATIONS

- Ofcom has produced financial impact figures in its consultation document.
- Ofcom suggests that, on average, a channel pays £644 per hour for sign interpretation, and “generally” repeats programmes six times. While such a repeat level may exist with non-signed programming, we question why Ofcom believes this repeat rate is acceptable for signed access which will only ever reach a level of 5% of output. A channel regulated to sign 1% of its output could, under this formula, sign just 0.14% of its output without sanction. At 5% it could sign 0.71% of output. This is not the access which Parliament envisaged. We note that the Code on Access states:

¹⁷ Better Policy Making – Ofcom, July 2005

“Ofcom encourages broadcasters not to seek to fulfil their obligations by scheduling multiple repeats of programmes, as this will detract from the benefit of providing access services to users.”

- In Footnote 19 Ofcom states: *“A channel broadcasting 24 hours per day would transmit a total of 8,760 hours of programming a year. A 3% target for signing would equate to just over 175 hours a year. If there was a repeat rate of six times, this would imply around 29 hours of original sign-interpretation, which at £644 an hour, would equate to a cost of around £18,800 a year.”*
- It suggests level 2 and 3 channels could voluntarily pay £20,000 a year from 2008 under the new proposal, an increase of *“about £1000”* on what is being paid now.
- Ofcom’s own guidance on Impact Assessment says that in trying to quantify costs and benefits, it should *“avoid spurious accuracy”*.
- Unfortunately, Footnote 19 contains inaccuracies:
 - In 2008 level two and level three channels have a 2% target (not 3%)
 - If programmes are generally repeated *“about six times”* (making seven screenings in all) a 2% target would imply about 25 hours of original sign-interpretation, at a cost of £16,100 (not 29 hours at £18,800)
- The assumption that all small channels repeat programmes on average six times is spurious. We produce relevant data in confidential Annex 1 to demonstrate this.

Q7. Do consultees consider that the proposed revisions to the Code are sufficiently clear?

No.

Q7.1. The first section of Annex 7 10c is unclear, as it doesn’t make grammatical sense.

Q7.2. Annex 7 10d is unclear about *when* broadcasters may “propose alternatives to the arrangements set out in paragraph 10c”. If the Code on Television Access Services is to be changed in the intended July 2007 Ofcom statement on this consultation, will broadcasters be able to propose alternatives *at any time* from that point onwards? If broadcasters were to propose alternatives, what would be the timescale for their assessment and potential implementation?



Q7.3. The lack of clarity in Annex 7 10d also raises the possibility that broadcasters' contributions to an acceptable voluntary "alternative arrangement" could be diverted from one scheme to another, affecting those schemes' financial viability. Clear guidance is needed in the code about how a "voluntary" system is intended to function to the benefit of all stakeholders, and what powers Ofcom has to police a voluntary system.