Television access services

Review of the Code and guidance

Contents

Section 1

Summary

Background

1.1   Television access services (subtitling, signing and audio description) help people with hearing and / or visual impairments to understand and enjoy television. Subtitling for hearing impaired viewers consists of the display of dialogue and sound effects in text form at the bottom of the television screen; users have the option to turn it on or off. Audio description comprises a separate audio track in which a narrator uses spaces in the original sound track to describe what is going on for the benefit of people with visual impairments; like subtitling, it can be turned on or off. Signed television programmes incorporate the image of a signer translating dialogue and sound effects into sign language for the benefit of those who use it to communicate.

1.2   On 29 December 2003, that part of the Communications Act 2003 dealing with the provision of subtitling, signing and audio description (television access services) on television came into force. The Act says that Ofcom must publish and from time to time review a code setting out how applicable television services should promote the understanding and enjoyment of television by people who are deaf or hard of hearing, or blind or partially-sighted, or who have a dual sensory impairment (deafblind). The Act prescribes quotas for the subtitling (80%), signing (5%) and audio description (10%) of programmes to be reached by the tenth anniversary of the relevant date for each channel, as well as a subtitling quota to be reached by the fifth anniversary (60%). The Code is also to set out the types of programmes to be exempted from access service obligations (which may include all the programmes included in a channel). The detailed obligations were set out in Ofcom's Code on Television Access Service[1], which we published in July 2004.

1.3   At that time, we explained that we would review the Code within two years in order to take account of research into how many people were benefiting from access services, how many more could do so, and why they were not using them. We also wanted to see whether changes would be appropriate in the light of experience. In addition, we said that we would take the opportunity to look again at the guidance to providers of access services on how to subtitle, sign and audio describe television programmes.

Research and analysis

1.4   Ofcom began planning the research in early 2004. Before commissioning further research, we talked to organisations representing the interests of sensory impaired people, to broadcasters and to access service providers about the type of questions that we should aim to answer. While it was not feasible within the framework of the research to deal with all the questions that were raised, these discussions proved very helpful to finalising the research brief. We would like to thank all those organisations who took part.

1.5   Our objectives, established after discussion with disability groups, broadcasters and access service providers, were to establish how many people stood to benefit from the different access services, to measure usage and barriers to use, and to understand the needs and preferences of users and potential users.

[1] Code on Television Access Services, July 2004, http://www.ofcom.org.uk/tv/ifi/codes/ctas/ .

1.6   The first step was to commission a review of existing literature to establish what relevant research had been carried out in recent years, so that we could examine the extent to which further original research was required. The review found that, while there had been a significant amount of research in the field of hearing and visual impairments, it was understandably patchy in relation to its significance for television access services, and that there were a number of areas where further research was required in order to meet Ofcom's objectives. The full report can be seen on Ofcom's website[2], and the key findings are summarised in section 2.

1.7   In the light of the literature review, Ofcom commissioned some additional independent research. There were two components to the research. The first consisted of quantitative research into the numbers of people across the UK with sensory impairments, their awareness of television access services, and the extent to which they used them. The second comprised qualitative case studies with people with sensory impairments, in order to gain a better understanding of their experiences in using access services, and to shed light on why some of them did not use such services.

1.8   The results from the qualitative research are indicative rather than representative, as respondents were deliberately weighted towards those with more significant sensory impairments in order to understand their experiences better. Moreover, while the results from this research shed a great deal of useful light on the potential for television access services, the results are not intended to have wider significance. For example, the measurement of how many people had relevant sensory impairments was focused mainly on the extent to which impairments affected people's ability to watch television without making adjustments or relying on television access services. The qualitative research had a similar emphasis. Accordingly, the results should be read in the context of the provision of television access services, rather than more widely.

1.9   On the basis of the quantative research, the researchers concluded that most people were aware of subtitles, and about 7.5 million people had used them to watch television, of whom about 6 million did not have a hearing impairment. Of the 4 million or so people with hearing impairments, about three quarters had mild hearing impairments, and many of them simply turned up the volume of their TV in order to hear better. About 1.4 million had used subtitles. Results from the qualitative case studies suggested that subtitles were regarded as generally very effective in making programmes understood, although there was some concern that live subtitling in particular was too fast, and suffered from delay and inaccuracies.

1.10   The researchers found that there are about 1 million people who claimed to have used audio description, of whom about 220,000 had visual impairments. However, as section 2 explains, there is some doubt about these figures due to the evident misunderstanding of some respondents about what audio description was. Only about 30% of visually-impaired people were aware of audio description. Of the 2.7 million people with visual impairments, about three quarters had mild visual impairments, and adopted techniques such as moving closer to the television or adjusting lighting. Results from the case studies found that those who had used audio description regarded it as very helpful in understanding programmes better, and that a significant proportion of respondents who had not used audio description were keen to try it.

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[2] *Television Access Services – Literature Review*, i2 media, March 2006, http://www.ofcom.org.uk/consult/condocs/accessservs/litreview.pdf.

1.11 Research into the numbers of people who had used signing to watch television also suffered from misunderstanding; it was evident from their comments that many respondents equated having watched signed programmes with using signing to watch television, even though many did not understand enough signing to use it. About a million people claimed to have used signing to watch television, but of these, only about 66,000 had a reasonable understanding of sign language. More significantly, two thirds of hearing impaired people in the case studies with the strongest signing skills preferred expressed a preference for subtitling over signing. It is difficult to be sure how many people actually rely upon signing to watch television, but there is a distinct possibility that the number is significantly smaller than those who understand signing well enough to use it.

1.12 The research produced a great deal of useful and interesting data, of which the key findings are summarised in section 2, and more detail is given in the report on Ofcom's website[3]. Perhaps the most important finding is that, in general, television is just as important to people with sensory impairments as to those without. Indeed, people with hearing and / or visual impairments watch rather more television than the average viewer. Access services are highly valued by users, and help viewers with sensory impairments to continue to understand and enjoy a wide range of television programmes.

Current situation

1.13 Since the Code was published, there has been a step change in the number of channels providing television access services. 70 channels were required to provide access services in 2005, and the number required to do so rose to 76 for 2006, though two of these channels have since closed. All of the channels exceeded (in many cases substantially) their obligations to provide one or other of the access services, and a large majority met their obligations in full. Many channels chose to provide a higher level of access services than required under the Code (particularly subtitling), which Ofcom welcomes. We have accepted undertakings from broadcasters which missed targets for audio description and signing, that they will make up the shortfall this year, on top of their targets for 2006.

1.14 Ofcom is pleased to note that all channels subject to the Code now provide subtitling and signing on the digital terrestrial, cable and satellite platforms, that audio description is available on almost all satellite versions of these channels (and will be made available on the remainder during 2006), and that audio description is also being enabled on cable services, thanks to work carried out by ntl and Telewest in co-operation with broadcasters.

1.15 Before the Code came into force, not all electronic programme guides (EPGs)[4] provided information on whether a programme had subtitling, signing and audio description and those that did used different ways to describe the access services. Following a consultation with interested parties, Ofcom amended both the Code on Television Access Services and the EPG Code to require that EPGs provide accurate information using standard acronyms. We are pleased that all the major

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[3] *Provision of television access services – research study for Ofcom*, Ipsos MORI, March 2006, http://www.ofcom.org.uk/consult/condocs/accessservs/provision.pdf.
[4] EPGs are on-screen programme guides that providing listings of television channels and programmes to help viewers select which programmes they would like to watch. They are a feature of all digital services (Freeview, satellite and cable), but are not available on analogue services (conventional terrestrial services and analogue cable services).

television listings magazines have agreed to use the same acronyms, and that most national and many regional newspapers have followed suit.

1.16   EPG providers are required to make an annual statement of the steps they have taken and are taking to improve ease of use for viewers with visual and / or hearing impairments. Significant improvements made over the last two years include the ability to highlight programmes with subtitling or audio description in the Sky EPG, while new 'Help' features make it easier to switch subtitling and audio description on and off during programmes. ntl's EPG has been redesigned to improve ease of use for visually-impaired viewers and to make it easier for digital subtitles to be turned on and off.

1.17   Many deaf and hard of hearing youngsters can enjoy music as a result of residual hearing or sensing the underlying rhythms, but their appreciation could be significantly enhanced by the ability to see the lyrics. For some years, copyright issues have prevented the subtitling of most music programmes. Ofcom has worked with the Music Publishers' Association (MPA) and music channels to find a way around these difficulties and is pleased that the MPA and its members have agreed to devise a licence that will allow music channels to subtitle music videos copyrighted by its members. Ofcom looks forward to the provision of much more subtitling on music programmes than has been possible to date.

1.18   Despite the substantial increase in the number of subtitled channels, the number of complaints about subtitling problems remains relatively modest. Some of these problems stem from the fact that digital broadcasting remains a relatively new technology – as the technology matures, such problems are likely to diminish. Nonetheless, any problems that interfere with the enjoyment and understanding of a television programme can be frustrating. As section 3 explains in more detail, Ofcom has worked closely with broadcasters and others to identify and resolve any systematic problems, and will continue to monitor the situation closely.

Review of the Code

1.19   In the statement we published in July 2004[5], we committed to reviewing several aspects of the Code within 18-24 months of publication. In particular, we said that we would look at the mechanism for selecting channels to provide access services. We have also looked at the costs to broadcasters of providing access services given the significant increase in obligations that many will face from 2007.

1.20   Having reviewed the use of audience share as the general basis for selecting the channels which would provide the greatest audience benefit, Ofcom remains of the view that it is an appropriate method. Feedback from access service users suggests that there is no great divergence in viewing preferences between people with hearing and / or visual impairments and those without. In any case, many such people share households with viewers who do not have impairments. Audience share also has the merits of transparency, of using information that is already collected and of incorporating a mechanism to reflect changing viewing patterns.

1.21   Against the background of Code targets that require a substantial increase in subtitling (from 10% to 35%) from the beginning of 2007, we asked broadcasters to provide information on the costs incurred in providing television access services. It is clear from their responses that there has been a significant drop in the price of

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[5] *Code on Television Access Services – Statement by Ofcom*, 26 July 2004,
http://www.ofcom.org.uk/consult/condocs/tv_access_services/statement2/statement.pdf

subtitling, and lesser reductions in the price of signing and audio description services. Using an average price derived from broadcasters' returns and modelling the impact of the quotas that will apply from 2007 onwards, we concluded that the net effect is that most broadcasters will be able to sustain the cost of meeting these targets within the 1% cap on relevant turnover. Having regard to this, we also concluded that it was not necessary to raise the audience threshold of 0.05%, and that it would not be appropriate to lower it, as it would deliver little benefit to viewers, while being burdensome for broadcasters.

1.22   In the light of evidence indicating that the current approach to signing on TV may not be meeting the needs of sign language users, and that it imposes costs on smaller broadcasters that do not give rise to any significant benefits, Ofcom considers that further discussion is required with sign language users and broadcasters about whether continuing with the current arrangements is sensible, or whether there are alternatives that might better meet the needs of sign language users. At the same time, Ofcom would need to think carefully how best to balance the statutory requirements to ensure that broadcasters meet sign language requirements with its obligation to have regard to the number of persons likely to benefit from such assistance, and the extent of the likely benefit to them. To this end, Ofcom will consult with disability organisations representing the interests of the hearing impaired and those with dual sensory impairments, as well as broadcasters, to identify and examine possible options. None of these is likely to be without both advantages and disadvantages, and these need to be thoroughly aired before any alternatives to the current arrangements are proposed. In the light of these discussions and feedback from interested parties, Ofcom would expect to carry out a further consultation on alternatives before taking any decisions.

1.23   We have not reviewed the interim targets set out in the Code; these were established after extensive public debate, including clear indications that it was Parliament's expectation that interim targets should be set rising gradually towards the statutory targets. As regards the statutory target for audio description, we believe that it would be better to review this when the scale of take-up is clearer.

1.24   We have also taken the opportunity of the review to propose a few changes to the Code, which on the whole are relatively minor. In the light of discussions with broadcasters, one change we propose is to make clear that for the purposes of the Code, channels should be regarded as being in common ownership with one or more other channels if each channel is a subsidiary (within the meaning of the Companies Act 1985) of a common holding company or if they share a common parent at any point in the chain of ownership which has a majority interest in each. More detail on this and other proposed changes is given in section 4.

Review of standards

1.25   When Ofcom published the code, we said that at the first review, we would look again at the guidance on standards for access services which has not been reviewed for several years. In reviewing the guidelines, we talked to people with hearing and / or visual impairments, as well as organisations representing the interests of deaf people, and access service providers. We also took account of feedback from users about programmes with access services over the course of the last 18 months.

1.26   The standards enshrined in the original guidance are clearly valued by users – feedback suggested that many see the standards as a guarantee of quality. Accordingly, we have retained the essence of these standards in the draft guidance. However, there was general agreement that the original guidelines for audio

description and subtitling were very detailed, and resembled training manuals for what were then relatively new services. We have therefore taken the opportunity to simplify the draft guidance, while providing links to more detailed reference material.

1.27   The main substantive changes that are proposed are the endorsement of current font sizes for subtitles as appropriate, notwithstanding that they are smaller than current guidance would suggest and the proposal to allow faster subtitling for pre-recorded programmes; we also propose to dispense with limits on the speed of live subtitling, on grounds of practicability. In addition, we also seek views on whether, on signed TV programmes, the image of the signer should occupy a large proportion of the screen than is currently suggested.

The consultation

1.28   We would welcome views on all aspects of the Code and the Guidance before the consultation closes on 8 June 2006. More details of how to respond are given in Annex 1, and Ofcom's consultation principles are set out in Annex 2. The specific questions on which we are seeking views are set out in the consultation document, and repeated in Annex 4.

1.29   A copy of this document in a format suitable for use by screen readers has been posted on Ofcom's website. Ofcom can also provide documents to individuals in alternative formats (e.g. Braille, audiotape or large print) on request. We may also provide translations of documents into languages other than English. To request non-standard versions of documents, please contact the Ofcom Contact Centre at contact@ofcom.org.uk, by phone at 0845 456 3000 or 020 7981 3040, or by textphone at 0845 456 3003. Please note that the time needed to produce an alternative format document will depend on the length of the document.

Research and analysis

Introduction

2.1　When we published the Code on Television Access Services in July 2004, we relied on published estimates of the numbers of people who could benefit from access services, but acknowledged that there would be merit in researching other ways of gauging these numbers. In order not to delay the coming into force of the Code, we said that we would conduct some research in time to inform the first review, which we expected to undertake within 18-24 months of publication.

2.2　In the first quarter of 2004, we began a series of meetings with broadcasters, disability organisations and access service providers to explain our objectives for the research, and to seek their views on the research brief.

Literature review

2.3　In the second quarter of 2004, we commissioned a review of available research related to access services and users, in order to identify gaps that we could cover in the quantative research we planned to commission. In particular, the aims were to:

- inform a planned review of the ITC's subtitling, signing, and audio description standards;

- shed light on the costs and benefits of the Code's approach to mandating access services; and

- gauge awareness amongst potential beneficiaries of access aervices, and to identify additional barriers to use.

2.4　Amongst the findings of the literature review[6], the authors noted that:

- there was a range of estimates for the numbers of people who could benefit from different access services and some of the data was relatively old. In addition, the review highlighted the importance of sampling to ensure representative figures are derived for people with sensory impairments, including both respondents who are and respondents who are not associated with charity/support organisations. The use of non-random samples is a feature of many of the research studies looked at by the literature review;

- there were significant variations in reports of the awareness of subtitling, ranging from 41% to 92%, pointing to a need for more authoritative research;

- there was no evidence on the awareness or usage of signing, and there was also relatively little research on the usage of audio description (understandably, given that it has only recently become widely available).

Original research

2.5　Before commissioning further research, we talked to organisations representing the interests of sensory impaired people, to broadcasters and to access service

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[6] *Television Access Services – Literature Review*, i2 media, March 2006, http://www.ofcom.org.uk/consult/condocs/accessservs/litreview.pdf.

providers about the type of questions that we should aim to answer. We are grateful all those organisations who took part. While it was not feasible within the framework of the research to deal with all the questions that were raised, these discussions proved very helpful to finalising the research brief. As a result of this process, we concluded that the research should aim to help us:

- establish the numbers of people with hearing and / or visual impairments who have potential to benefit from access services;

- gauge awareness and usage of access services, as well as barriers to use;

- establish how users find out about programmes with access services; and

- understand user's experiences, preferences and satisfaction levels.

Methodologies

2.6   In order to meet these objectives, both large scale quantitative research and qualitative case study approaches were used. The research report summarises the methodologies employed, and the associated technical report provides more detail[7].

2.7   In order to ascertain the likely incidence of hearing and / or visual impairment in the population and thus the potential user base for access services, quantitative research was carried out with a nationally representative random sample of 4,365 adults (aged 15 and over) throughout the UK identified through Ofcom's monthly Communications Residential Tracker survey. This identified 404 respondents with hearing and / or visual impairments. Respondents were asked a number of questions to help identify the level of their impairments, their awareness and usage of television access services, the extent to which they watched television, and how they received their television. The size of the sample allowed statistically significant results to be derived for the UK adult population as a whole, at a 95% confidence level, within a range of upper and lower estimates. The figures quoted below are the central estimates. A table summarising the lower, central and upper estimates for key findings is given at Annex 5.

2.8   In order to provide a more detailed understanding of the experience of access services users, case studies were conducted among people with hearing and / or visual impairments drawn from many parts of Great Britain. Methods used to gather data for the case studies included face-to-face interviews (233), postal questionnaires (227) and telephone interviews (148). Of the 608 respondents, 464 reported poor hearing, partial hearing or deafness, and 244 respondents said that they had poor vision, partial sight or blindness. 100 respondents reported having both hearing and visual impairments.

Demographic data

Case study samples

2.9   A key objective of the case study research was to achieve sufficient interviews with those who have severe / profound hearing or visual impairment to allow analysis of these sub groups. This, in turn enables us to understand their attitudes towards

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[7] Provision of Access Services - Research Study Conducted for Ofcom, Ipsos Mori, March 2005 can be found at http://www.ofcom.org.uk/consult/condocs/accessservs/provision.pdf, while the Access Services Survey 2005 July-Dec 2005 - Technical Report, Marked-up Questionnaires and Computer Tables, Ipsos Mori, March 2005 can be found at http://www.ofcom.org.uk/consult/condocs/accessservs/survey.pdf.

access services. The case studies were therefore not designed to be statistically representative of the hearing and visually impaired populations, and those respondents who have severe/profound hearing or visual impairment were purposely over-represented.

2.10   608 interviews were conducted across Great Britain, representing a robust sample base. The case studies interviews were gender balanced. Of the 608 people who participated in the case study research, 464 had 'poor hearing, partial hearing or deafness' (defined as difficulty hearing the TV at a volume others find acceptable or worse), 244 had 'poor vision, partial or blindness' (defined as difficulty seeing ordinary newspaper print or worse), and 100 respondents had both a hearing and visual impairment.

2.11   Over a quarter (27%) of hearing impaired people had a severe or profound level of impairment. A further 27% were moderately impaired and the remainder (45%) were mildly impaired. The degree of impairment amongst the visually impaired sample was more pronounced than amongst the hearing impaired; a greater proportion (two-fifths) were rated as profoundly or severely visually impaired, just over a fifth (22%) were moderately so, and the rest (38%) were mildly impaired. As Table 1 shows, a significant proportion of sensory-impaired people is aged over 45.

Table 1: age profile of audience measurement and case study samples (%)

Age ranges	Visually-impaired (%)		Hearing-impaired (%)		Both impairments
	Audience sizing	Case studies	Audience sizing	Case studies	Case studies
18-24	7%	4%	4%	4%	1%
25-44	21%	11%	17%	8%	5%
45-64	38%	35%	32%	36%	35%
65 and over	34%	40%	47%	50%	56%

Note: roundings mean that not all categories total 100%.

Types of television service

2.12   The qualitative survey asked respondents how they received their television. The results indicate that a greater proportion of people with sensory impairments use terrestrial (analogue) television by comparison with the UK population as a whole. However, as Table 2 shows, the proportion is similar to that for people aged over 55 generally, which is not unexpected given the age profile shown in Table 1. Over two thirds of sensory impaired people rely on free-to-air television (whether analogue, digital terrestrial or satellite), as compared to 53% of the population generally. However, data to be published shortly by Ofcom on the media literacy of people with disabilities under the age of 55 indicates that adoption of digital television (free-to-air digital terrestrial television, satellite television and digital cable television) amongst this group is broadly similar to the population as a whole.

Table 2: Which, if any, of the following types of television does your household receive at the moment?

	Visually impaired	Hearing impaired	UK population (over 55)	UK population (over 15)
Terrestrial television only	43%	44%	39%	30%
Freeview (only free channels)	24%	27%	25%	22%
Satellite such as Sky	26%	31%	23%	34%
Cable TV (e.g. ntl or Telewest)	14%	15%	11%	13%
Freeview plus TopUp subscription channels	2%	4%	<1%	2%
Other satellite such as freesat	2%	2%	5%	5%

Internet access

2.13 The quantative survey also asked people if they had internet access. While 58% of the UK population (39% of those aged over 55) has internet access, only 34% of the visually impaired did, and of those with profound or severe impairments, only 29% did. Corresponding figures for the hearing impaired were 42% overall, rising to 50% for those with severe or profound impairment.

Potential user base

2.14 It is important to note that respondents were asked to make personal judgements about whether they had one or more sensory impairments, and to identify their level of impairment themselves against a range of criteria, several of which focussed on the ability to see and hear television. It is therefore possible that some respondents incorrectly reported their actual level of impairment. Accordingly, the data gathered by MORI is not intended to have wider significance beyond issues around the use (and potential use) of television access services.

2.15 Against this background, the data gathered in the audience measurement exercise gave central estimates of approximately 4 million people with hearing impairments (representing about 8% of the UK population), and 2.7 million people with visual impairments (about 5% of the population). Of these, some 2.2% or just over 1million people have both hearing and visual impairments.

2.16 Those who said that they had sensory impairments were asked to identify the level of their impairment(s) by reference to a range of statements (e.g. 'I have difficulty in hearing the television at a volume acceptable to other people in the room'), which are reproduced in Tables 3 and 4.

Table 3: Which of these best describes your sight with glasses or contact lenses if you normally use them?

Cannot tell by the light where the windows are	Profound
Cannot see the shapes of furniture in the room	Severe
Cannot see well enough to recognise a friend if close to his or her face	
Cannot see well enough to recognise a friend if he or she is at arms length	
Cannot see well enough to read a newspaper headline	Moderate
Cannot see well enough to read a large print book	
Cannot see well enough to recognise a friend across a room	
Cannot see well enough to recognise a friend across a road	Mild
Have difficulty seeing ordinary newspaper print	
Have difficulty seeing buttons on the remote control	
Have difficulty seeing the picture on the TV screen	
Have difficulty seeing small details on the screen	

Table 4: Which of these best describes your hearing with a hearing aid if you normally wear one?

Cannot hear sounds at all	Profound
Cannot follow a TV programme with the volume turned up	Severe
Have difficulty hearing someone talking in a loud voice in a quiet room.	
Cannot hear a doorbell, alarm clock or a telephone bell	Moderate
Cannot follow a TV programme at a volume others find acceptable	
Difficulty hearing someone talking in a normal voice in a quiet room	Mild
Difficulty following a conversation against background noise	
Difficulty hearing the television at a volume other people find acceptable	
Difficulty hearing quiet parts of programmes	
Difficulty hearing quiet voices on TV	

2.17   On the basis of responses to the statements in Tables 3 and 4, MORI estimates that some 78% of hearing impaired people have a mild impairment, as compared to 77%

of visually impaired people. The percentages of those with more significant hearing impairments were moderate (10%), severe (5%) and profound (1%). Corresponding figures for people with visual impairments were moderate (5%), severe (4%) and profound (1%). The balance in both cases is represented by people who said that they did not know. The results are summarised in Table 5.

Table 5: Different levels of impairment amongst sensory-impaired people

Hearing impaired people   Visually-impaired people

■ Profound

■ Severe

■ Moderate

■ Mild

□ Don't know

N=267   N=404
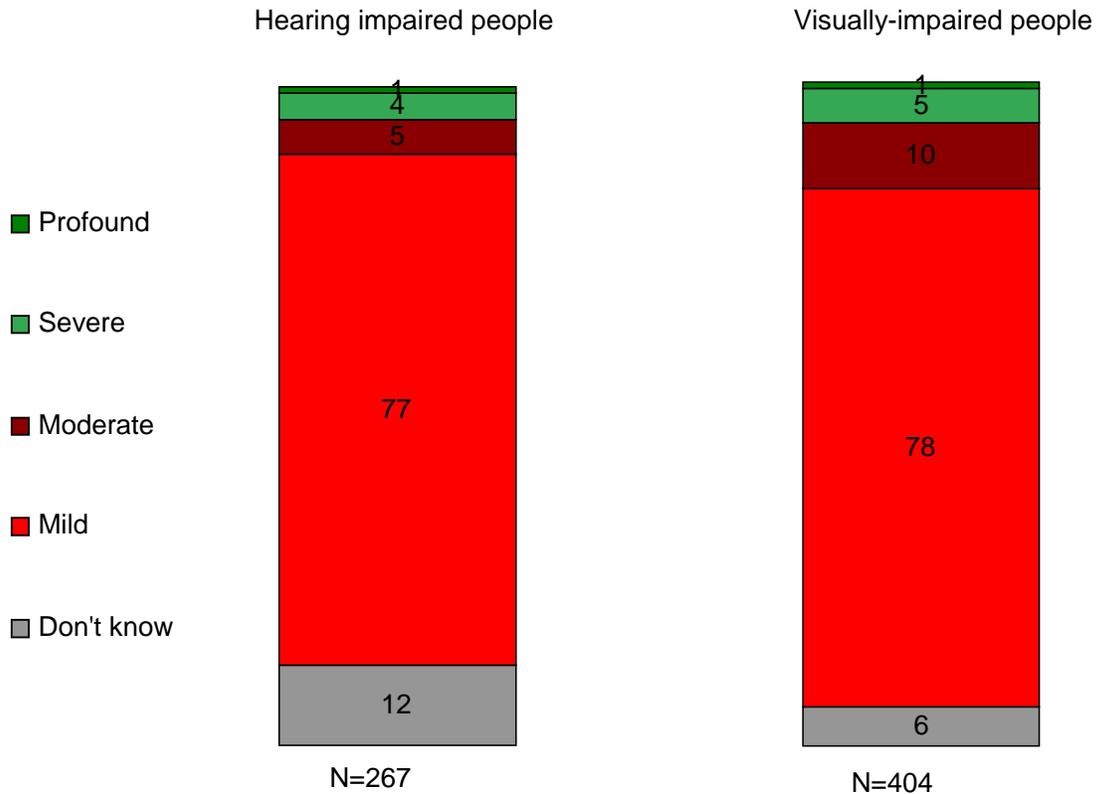
N = number of sensory-impaired people in sample. Source: quantitative research.

Use of television and access services

Use of television

2.18   Whereas average viewing across the UK population is about 3.46 hours a day[8], the quantative survey indicates that those with hearing impairments spend about 4.3 hours a day watching television, and those with visual impairments about 3.6 hours. Around two thirds (hearing impaired 67%, visually impaired 65%) either strongly agree or tend to agree that television is important to them. For people with severe or profound hearing impairments, agreement rises to almost three quarters (74%), but it drops slightly to 63% for people with a profound or severe visual impairment. Most say that they find it easy to access television programmes – 77% of hearing impaired and 70% of visually impaired either strongly agree or tend to agree with such a statement. Markedly fewer visually impaired people with severe or profound impairments agreed (57%).

[8]Television Opinion Monitor, 2005.

Use of subtitling

2.19   Hearing impaired respondents to the quantative survey were asked which of a variety of means they used to help in understanding television, and were free to select more than one. 69% said that they turned up the volume on their television, 46% said that they used subtitles, 25% used loops or headphones, 21% said they lip read, 17% asked a household member, and 11% said that they watched programmes accompanied by signing. However, those with a profound or severe hearing impairment were most likely to use subtitling (73%). For this group, other means included increasing the volume (43%), lip-reading (28%), using loops or headphones (23%), watching signed programmes (20%) or asking a household member (14%). Awareness of subtitling seems unlikely to be a significant obstacle to further usage: 90% of both the UK population and the hearing impaired are aware of subtitling.

2.20   In the UK adult population as a whole, over 7.5 million people (18%) are estimated to have used subtitling at least once, of whom over 6 million people would have no hearing impairment. 39% of those with a hearing impairment say that they have used it, equating to just over 1.4 million people. Amongst case study respondents with a hearing impairment, 49% said that they used it to watch all, most or some programmes, a figure that rose to 76% for those with a severe or profound hearing loss.

Table 6: How often, if at all, do you watch TV programmes that have subtitling on the TV programmes themselves to enable you to follow programmes more easily? This could be at home or elsewhere.
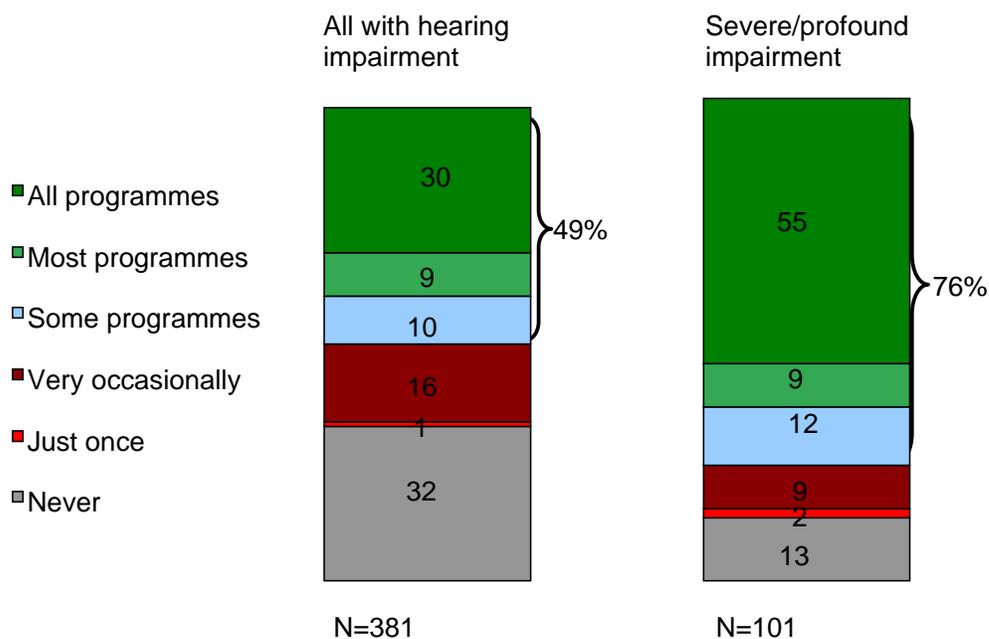
Source: case studies

2.21   Amongst case study respondents with a hearing impairment who had used subtitles, 58% were either very or fairly satisfied with subtitling services for pre-recorded programmes (61% for those with a severe or profound hearing impairment), while a smaller proportion were very or fairly dissatisfied (12% of both all hearing impaired, and of those with a severe or profound hearing impairment). Levels of satisfaction for live subtitles were lower, at 53% for all hearing-impaired and 63% for those with a

severe or profound hearing impairment. The corresponding figures for levels of dissatisfaction were also higher, at 24% and 14% respectively. Particular concerns mentioned were the lack of synchronisation, subtitles that were too fast, and misspellings.

2.22   Most case study respondents agreed that subtitles improved their understanding of television programmes, whether of live or pre-recorded programmes. Of all those with a hearing impairment who had used subtitles, 70% agreed that pre-recorded subtitling helped a great deal or a fair amount, while only 18% said that they made no difference or helped only a little. A similar picture of live subtitling emerged - 71% agreed that live subtitling helped a great deal or a fair amount, while only 24% said that they made no difference or helped only a little. More people with a severe or profound hearing impairment found subtitles helpful – 86% for live subtitling, and 77% for pre-recorded programmes. Of case study respondents with a hearing impairment, 49% said that they used subtitles to watch all, most or some programmes in order to follow programmes more easily, a figure that increased to 76% for those with severe or profound hearing impairments.

2.23   Asked whether subtitles were getting better, getting worse, or remaining unchanged, case study respondents with hearing impairment who had used subtitles were more divided. 32% said that live subtitles were getting better, while 38% said that they were unchanged, and 15% said that they were getting worse. Views on the standard of pre-recorded subtitles were more favourable – 39% said that they were getting better, 34% said that they were unchanged, while 5% said that they were getting worse. Amongst those with a severe or profound hearing impairment, 42% felt that live subtitling was getting better, 33% said that it was unchanged, and 19% said that it was getting worse. As regards pre-recorded subtitling, 43% said that it was getting better, 31% that it was unchanged, and 8% that it was getting worse.

2.24   Asked about specific aspects of subtitling, 66% (70% of those with a severe or profound impairment) agreed strongly or tended to agree that subtitling was clear, while 14% either strongly disagreed or tended to disagree. When asked whether subtitling on live television was too fast, 51% agreed strongly or tended to agree (60% for those with a severe / profound impairment), while 24% either disagreed strongly or tended to disagree. Fewer people felt that subtitling of pre-recorded programmes was too fast – 33% agreed that it was (40% for those with a severe / profound hearing impairment), while 33% disagreed. Asked whether they agreed that generally, subtitles on TV covered everything going on in the programme, 43% agreed strongly or tended to agree (45% for those with a severe / profound impairment), while 33% disagreed.

Use of audio description

2.25   When visually impaired respondents to the quantative survey were asked which of a variety of means they used to help in understanding television, 47% said that they would get closer to the television, 30% said that they would ask a household member, 29% would adjust the lighting in the room, 18% would adjust the TV settings, 11% would use a magnifier, and 7% would use audio description. Amongst those with a profound or severe visual impairment, 49% would ask a household member, 43% would get closer to the TV, 21% would adjust the lighting in a room, 13% would use a magnifier, and 10% would adjust the TV settings. Awareness of audio description is much lower than for subtitling (UK adult population 40%, visually impaired 37%).

2.26   The quantative research indicates that just over one million people claim to have used it (5% of the UK population), of whom about 220,000 have a visual impairment. Some of the verbatim comments accompanying responses indicated confusion over what audio description was (despite the explanation given), with some people appearing to believe that it was subtitling[9]. It seems probable that people with visual impairments would be more likely to understand what audio description is. Amongst visually-impaired people in the case studies, 14% of those aware of audio description claimed to use it when watching all, most or some programmes. Amongst those with a severe or profound visual impairment, the figure was slightly higher at 16%.

2.27   Feedback from users of audio description amongst case study respondents was generally positive, though the small number (30) means that the results must be treated as indicative only. Half the group were either very or fairly satisfied with the current services available, while 10 were either very or fairly dissatisfied. 23 respondents either strongly agreed or tended to agree that audio description was clear (only 3 disagreed), while 21 felt that it was delivered at the right speed (2 disagreed). 17 felt that it reflected everything that was going on in the programme (3 disagreed). 22 either strongly agreed or tended to agree that audio description improved their understanding of television programmes.

2.28   Views on whether audio description was getting better were more mixed – 12 agreed that it was, but 10 said it was unchanged. One respondent said that it was getting worse. Just under half said that they would make more use of audio description if it was available on more programmes. Of those who had not previously been aware of audio description and expressed an opinion, just under 70% said they were very or fairly interested in using it, and the proportion rose to just under 77% amongst those with a profound to moderate visual impairment.

Use of signing

2.29   Responses to the survey would suggest that about 5% of the hearing impaired 176,000 have used signing to watch television, and about 3% of the UK population (just over 1.1 million). However, as with audio description, it seems likely that the actual numbers of people who have used signing to watch TV may be much lower. There are three main reasons for suspecting this: first, the comments of respondents indicate that some confused the presence of a signer on TV with actually using sign language to follow the programme[10]. Second, the research indicates that a much smaller number of people are likely to be sufficiently fluent in sign language to understand it on television (only 16% of the hearing impaired have any knowledge of signing). Thirdly, it appears that many people who say they have used both subtitling and signing prefer to use subtitling when watching television.

[9] When respondents were asked why they used audio description, several of the replies indicated confusion with subtitling. Among the responses, several said that they used it because they had poor hearing, some said that they used it to avoid having the TV on too loud, some so that they could read the dialogue in case they missed something or couldn't understand difficult accents, and others so that they could turn the sound down while other activities took place.

[10] When asked why they had used signing, although some said that either they or other members of the household were hearing impaired, several respondents said that signing just happened to be on the television while they were watching, while others said that they were interested to see what signing was like, or were learning sign language. When respondents who had said that they had a hearing loss and used both subtitling and signing to follow programmes on TV were asked which they preferred, several said that they did not understand signing. When respondents with a hearing impairment who said that they had used signing were asked to what extent they were satisfied or dissatisfied with signing services, a number said that they did not know sign language and some complained that the presence of a signer on screen was distracting.

2.30 In an attempt to derive a better understanding of the number of people who may use signing, MORI looked at the extent to which people with hearing impairments say that they understand and use sign language. Respondents were asked to rate their knowledge of sign language by reference to the statements in Table 7.

Table 7: How well would you say know and use sign language?

1	I use sign language as my first language rather than English
2	I use both sign language and English a lot
3	I understand sign language and sometimes use it to communicate
4	I have some knowledge of sign language and sometimes use it to communicate
5	I have some knowledge of sign language but do not use it to communicate
6	I have a small knowledge of sign language but do not use it to communicate
7	I have a very limited knowledge of sign language and do not use it to communicate
8	I have no understanding of sign language and do not use it to communicate

2.31 Using this data, MORI estimates that, of those who say they have used signing on TV and are hearing impaired, about 66,000 people have a knowledge of signing equating to levels one, two or three in Table 7. About 44,000 people who meet the same criteria also claim to use signing to watch television at least occasionally.

2.32 There is some evidence that people with a severe or profound hearing impairment are more likely to use signing to watch television than those with a moderate or mild hearing impairment. Amongst those in the case studies with a hearing impairment who were aware of signing, 11% said that they had used signing to watch all, most or some programmes. This figure climbed to 31% for those with a severe or profound impairment. On this basis, data from the quantitative study indicates that in the UK population as a whole, about 11,000 people with a moderate to profound hearing impairment would claim to have used signing to watch television, and would have knowledge of sign language at level 7 or above[11]. There may be fewer than this with a sufficient understanding of BSL to follow signed TV programmes.

2.33 There was less satisfaction with signing than with subtitling. Amongst the 104 respondents in the case studies who said they were hearing impaired and had used signing, 31% (32 respondents) said that signing improved their understanding a great deal or a fair amount, and 24% (25) said that it was getting better – 28% (29) said it was unchanged. Agreement amongst those with the strongest signing skills (47 respondents who rated their hearing impairment in the top 3 boxes of Table 7) was higher. 20 respondents said that signing improved their understanding a great deal or a fair amount, and 25 said that it was getting better or was unchanged. Unsurprisingly, more people disagreed that programmes were broadcast at convenient times (30) than agreed (17). Given the small sample size, these responses should be treated as indicative only.
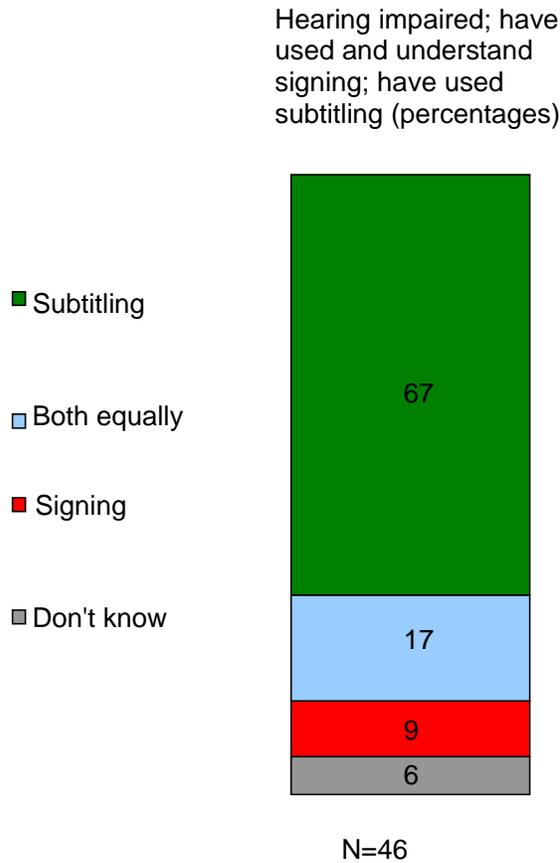
[11] Sample sizes were not sufficient to do meaningful analysis of other permutations, e.g. the number of people with a knowledge of sign language at level 3 or above who used signing to watch television.

2.34   Attitudes towards the size of the signer on television programmes were more positive. Amongst the 104 respondents who said that they were hearing impaired and had used signing, 42% (44) respondents either strongly agreed or tended to agree that the image of the signer was large enough, while 15% (10) disagreed[12]. As regards whether signing provided comprehensive coverage of programme content, 25% (20) either strongly agreed or tended to agreed that it was, while 17% (19) disagreed. Of those who said that they had a hearing impairment and had used signing, 31% (20) said that they were very or fairly satisfied with signing services, as against 10% (10) who were very or fairly dissatisfied. Amongst the 47 respondents who said that they had a hearing impairment and understood signing, the proportions of respondents who were satisfied or dissatisfied were similar to that of respondents who had a hearing impairment and claimed to have used signing (104 respondents) at 30% (14 respondents) and 10% (5 respondents) respectively.

2.35   Amongst the hearing impaired with the strongest signing skills (equating to the top three boxes in Table 7), two thirds (31) preferred subtitles. The same question was asked of all those with hearing impairments who claimed to have used both subtitling and signing, but as many of them cited the inability to understand signing as a reason for preferring subtitling, we do not consider the results to be significant. Amongst the reasons cited by those who appeared to have used both were that subtitling provided more detail or was less distracting to follow than a signer.

[12] Agreement amongst those with the strongest signing skills (equating to the top three boxes in Table 7) was higher, at 47% (22). 17 respondents from this group agreed that agreed that content coverage was comprehensive.

Table 8: Subtitling or signing: overall which of those methods do you prefer to use?

Hearing impaired; have
used and understand
signing; have used
subtitling (percentages)

- Subtitling

- Both equally

- Signing

- Don't know

67	
17	
9	
6	

N=46

Information on programmes

2.36 The case studies suggested that amongst 46 hearing-impaired people who used access services, the most popular sources of information on television programmes were television guides in magazines and newspapers (59% of subtitle users / 41% of sign language users), although teletext is also important (38% / 31%). Advertising and television trailers are also significant (18% / 21%), as are family and friends (13% / 16%). Electronic programme guides (9% / 8%) and websites (4% / 10%) were also used.

2.37 On the basis of a slightly smaller sample of visually impaired respondents (30), television guides were most popular (9 respondents), followed by family and friends (8), websites (7), EPGs (6), and talking newspapers (5). Other sources of information cited were advertising trailers, clubs and associations, and teletext.

2.38 Whilst this data is helpful in ranking the different sources of information and indicating their relative importance, the actual numbers are not statistically significant, as the case study samples were deliberately weighted to over-represent people with profound, severe or moderate sensory impairments.

Section 3

Current situation

Introduction

3.1   Since the Code came into force, there has been a step change in the provision of television access services for viewers with hearing and / or visual impairments. The Code required 70 channels to provide access services during 2005; this number increased in 2006. Several more channels provide some access services on a voluntary basis. In this section, we review progress relating to access services since the Code was published.

Targets

3.2   To ensure transparency, we publish quarterly reports on compliance by broadcasters with targets prescribed by the Code. The fourth quarter report for 2005, which sets out the cumulative position for the year, can be seen on Ofcom's website at http://www.ofcom.org.uk/tv/ifi/guidance/tv_access_serv/tvaccessrep/. Despite some initial teething problems, almost all channels met their targets for access services during the course of 2005. All of the channels exceeded (in many cases substantially) their obligations to provide one or other of the access services, and a large majority met their obligations in full. Many channels chose to provide a higher level of access services than required under the Code (particularly subtitling), which Ofcom welcomes.

3.3   We have accepted undertakings from broadcasters which missed targets for audio description and signing, that they will make up the shortfall this year, on top of their targets for 2006. Music channels were limited in the amount of subtitling they could provide by copyright restrictions on the use of music lyrics, but we expect these restrictions to be removed in time for them to meet their subtitling obligations in full during 2006.

Availability

3.4   Until late 2004, the only access service available on most channels was subtitling. Public service channels and digital programme service licensees provided audio description and signing on some programmes, as did a few satellite channels but most other channels did not. Those that did provide audio description generally did so on their digital terrestrial services only, not on the cable and satellite versions of their services. Reflecting the spirit of the Communications Act, the Code published by Ofcom in mid-2004 stated its expectation that 'television service providers [should] use reasonable endeavours to ensure that such television access services can be accessed by the greatest number of viewers in their homes (whether they receive their services by terrestrial signal, or by satellite or cable)'.

3.5   Ofcom is pleased to note that all channels subject to the Code now provide subtitling and signing on the digital terrestrial, cable and satellite platforms, that audio description is available on almost all satellite versions of these channels (and will be made available on the remainder during 2006), and that audio description is also being enabled on cable services, thanks to work carried out by ntl and Telewest in co-operation with broadcasters. Ofcom also welcomes plans by HomeChoice to introduce subtitling on its service and to investigate the scope for audio description, though its broadband service is not subject to the Code.

3.6 It remains the case that viewers who want audio description on digital terrestrial television are limited to one make of set top box[13]. It also possible to buy a card that enables viewers to receive audio-described programmes on a personal computer. The emergence of computer-based media centres to display television programmes and other multi-media services may in future offer a further means for receiving audio description. In any case, Ofcom would like to see more choice for consumers, and is working closely with Digital UK, the Digital Television Group and the trade association Intellect to encourage manufacturers to include this feature with digital television receivers.

Information for viewers

Electronic Programme Guides

3.7 On-screen electronic programme guides (EPGs) are a significant source of information on television programmes. Before the Code came into force, there was no requirement for programme listings in electronic programme guides (EPGs)[14] to say whether a programme had subtitling, signing and audio description. Not all EPGs provided this information, and those that did used different ways to describe access services. Following a consultation with interested parties (including EPG providers, broadcasters and representatives of viewers with hearing and / or sight impairments), Ofcom amended both the Code on Television Access Services and the Code on Electronic Programme Guides to require that broadcasters provide accurate information to EPG providers on programmes with access services, and that EPG providers carry this information and use standard acronyms. These are 'AD' for audio description, 'S' for subtitling, and 'SL' for sign language. While there have been some teething problems with the accuracy of some information, the results have been encouraging. We shall continue to carry out spot checks to identify any anomalies, and to respond to third party reports, but we consider that the Codes make adequate provision in this area.

3.8 EPG providers are required to make an annual statement of the steps they have taken and are taking to improve ease of use for viewers with visual and / or hearing impairments. Significant improvements made over the last two years include the ability to highlight programmes with subtitling or audio description in the Sky EPG, while new 'Help' features make it easier to switch subtitling and audio description on and off during programmes. ntl's EPG has been redesigned to improve ease of use for visually-impaired viewers (for example, it is now possible to adjust both colour contrast and the size of text in the 'Now and next' listings and throughout the EPG, text is placed against a high contrasting colour for maximum legibility) and to make it easier for digital subtitles to be turned on and off.

3.9 Other improvements are planned – Sky says that it is developing an easy-to-use remote control that takes into account the needs of disabled people (with conditions ranging from minor sight impairment to motor or cognitive impairment), and that it is currently in a prototype design phase. Feedback is being sought from disabled people and their representative organisations, and it is estimated that a final product could be available by August 2006. Sky says that it also carrying out research into

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[13] For information on how to receive audio description on DTT services, see the RNIB's website: http://www.rnib.org.uk/xpedio/groups/public/documents/publicwebsite/public_freeview.hcsp.
[14] EPGs are on-screen programme guides that providing listings of television channels and programmes to help viewers select which programmes they would like to watch. They are a feature of all digital services (Freeview, satellite and cable), but are not available on analogue services (conventional terrestrial services and analogue cable services).

text to speech output, to enable blind users to hear EPG content. Later in 2006, Telewest subscribers will be able to access a zone within its interactive services and on-line, which will outline all programmes that are accompanied by access services (subtitling, signing and audio description) and which will also contain information for disabled customers on how to use their TV service.

Newspapers and magazines

3.10   While accurate and comprehensive information on EPGs is important, many people also use other sources of information to plan their viewing – our research found that 59% of subtitle users made use of television guides in newspapers and magazines. A key reason why Ofcom chose the acronyms it did is that they are short enough to be used in published television listings. While Ofcom has no powers to require that publishers use these acronyms, we have worked closely with listings providers (notably the Press Association and BDS Limited) and with listings publishers to encourage their wider use. We are pleased that all the major television listings magazines now use them, and that many regional and national newspapers have followed suit, as well as major websites providing programme information[15].

Websites

3.11   Websites are an increasingly important source of information on many issues, although Ofcom's research found that not as many people with sensory impairments have access to the Internet as does the UK population as a whole (see paragraph 2.13), in part reflecting the age profile of people with sensory impairments. Nonetheless, it is interesting that those with a severe or profound hearing impairment are more likely to have access to the internet (50%) than all those with a hearing impairment (42%). This may explain that while only 4% of all case study respondents with hearing impairments cited websites as a source of information on subtitles, 10% of those using signing cited websites as a source of information.

3.12   While many broadcasters provide information about access services on their websites (which is useful to the many viewers with favourite channels)[16], a seminar convened by Ofcom with broadcasters and disability organisations in February 2004 concluded that it would be helpful to establish a 'one-stop shop' to provide comprehensive listings information on programmes with access services. Subsequently, the Broadcasters and Creative Industries Disability Network (BCIDN) led an initiative by the RNIB, RNID, Ofcom and other disability organisations to look into the feasibility of this. As a result, the website 'www.radiotimes.com' has agreed both to further improve its accessibility to people with visual impairments, and to enable a search facility for programmes with particular types of access service. Ofcom welcomes this development.

3.13   Clearly, such a website may still be difficult to use for some people with visual impairments, especially those without easy access to the Internet. The RNIB is leading further work to see if similar information can be provided by an automated phone service. Ofcom will continue to co-operate with these initiatives, though it does not have specific powers in these areas.

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[15] Publications using the standard acronyms include listings magazines such as the TV Times and the Radio Times, as well as newspapers such as The Times, Daily Telegraph, The Guardian, the Sun, The Herald, Belfast Telegraph, and the Daily Express. Space considerations mean that not all publications provide comprehensive listings, particularly in relation to channels with smaller audience shares.
[16] Including the BBC, ITV, Channel 4, Five, S4C, Flextech, UKTV, and Sky.

On-screen information

3.14   On-screen indications that a programme has either audio description or subtitling are helpful to those viewers who do not permanently enable these features on their television (for example, because not everyone in their household uses them). Several broadcasters already show the word 'Subtitles' in the top right hand corner of the screen in the opening sequence of a programme with subtitles, while Sky uses technical data broadcast alongside the programme to initiate an optional audible 'beep' when viewers tune to a programme with audio description.

Music subtitling

3.15   Popular music and its lyrics are important aspects of British culture, particularly for younger people. Many deaf and hard of hearing youngsters can enjoy music as a result of residual hearing or sensing the underlying rhythms, but their appreciation could be significantly enhanced by the ability to see the lyrics. For some years, difficulties in obtaining agreement from copyright owners to the use of lyrics have prevented the subtitling of most music programmes. Over the last year, Ofcom has worked with the Music Publishers' Association (MPA) and music channels to find a way around these difficulties. The MPA represents the interests of most major record companies, and Ofcom is pleased that the MPA and its members have agreed to devise a licence that will allow music channels to subtitle music videos copyrighted by its members. In the meantime, subtitling of music channels has already begun. Ofcom looks forward to the provision of much more subtitling on music programmes than has been possible to date.

Selection of programming

3.16   Ofcom does not have the power to direct broadcasters to provide access services for particular programmes or particular types of programmes. However, in addition to mixed genre channels such as BBC1, ITV1, Channel 4, Five and Sky One, the Code also applies to themed channels such as UKTV History, Discovery RealTime, Nickelodeon, Paramount Comedy and MTV. The fact that the Code applies to some 70 channels in itself helps to ensure that a wide range of programming is provided with access services, including serial and one-off dramas, films, documentaries, children's programmes, comedy and sports.

3.17   In addition, the Code requires that when 'selecting programmes for which access services are to be provided, broadcasters should seek advice from disability groups about how best to maximise the benefits to the blind and those with visual impairments, to the deaf and hard of hearing, and to the deafblind'. Ofcom convened a seminar with broadcasters and disability organisations in February 2004 which provided an opportunity for a dialogue on the selection of programmes. Some disability organisations have produced guidance for broadcasters on how best to meet the needs of access service users, and a number of broadcasters hold meetings with focus groups comprising users. Ofcom encourages users with particular points of view to let broadcasters know what their preferences are.

3.18   When the draft Code was published for comment, some respondents expressed concern that broadcasters might meet their obligations through multiple repeats of programmes. In the statement we published alongside the finalised Code, we explained that the legislation did not allow us to enforce limits on repeats[17] but that

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[17] Paragraphs 57-58, Code on Television Access Services: Statement by Ofcom (July 2004), http://www.ofcom.org.uk/consult/condocs/tv_access_services/statement2/statement.pdf

we did not consider it unreasonable for channels to repeat programmes with access services at a similar rate to their usual repeat rates. The Code 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'.

3.19   While not all broadcasters hold separate data on the frequency with which programmes with access services are repeated by comparison with other programmes, the data we have obtained indicates that, in most cases, the repeat rate for programmes with access services reflected that for all programmes. In a few cases, repeat rates were higher; broadcasters explained that this was because they chose to provide access services with their most popular programmes, for which repeat rates were higher.

Subtitling problems

Quality of subtitles

3.20   Feedback from the case studies, from individual viewers and from disability organisations indicates that subtitling on pre-recorded programmes is generally accurate and reasonably well-synchronised, although some people find the speed of subtitles too fast. However, there are more complaints about the speed, accuracy and delays in live subtitling. As one respondent to the case study put it: 'Pre-recorded subtitles are generally good. Live subtitles however are often erratic: words jumping and changing, incorrect spellings (hilarious!), words too late to synchronize with lip reading. Often I am aware subtitles are shortened versions of words actually spoken. Nevertheless, if there were no subtitles I would certainly not be able to follow TV and would feel isolated and excluded. I very much appreciate this service.'

3.21   Broadcasters acknowledge that inaccuracies and delays do occur in live subtitling, and that the speed of dialogue may also mean make the subtitles uncomfortably fast for some users. There are no easy answers to these problems:

- delays: while live subtitling relies on human beings, delays are inevitable because of the need for stenographers and fast typists to listen, process and type what is being said, and for the finished subtitles to pass through a complex broadcasting chain which entails some added delay;

- accuracy: stenographers and fast typists have to work at great speed, and inevitably, mistakes do happen, which may then be compounded if the subtitler loses concentration. Similarly, problems can occur with the use of voice recognition software[18] (for example, if a subtitler experiences changes to his or her voice as the result of a cold). Broadcasters and access service providers are aware of this problem, and continue to work towards improving reliability and accuracy;

- speed: as users of subtitles will know, the pace of dialogue in television programmes is often quite rapid, particularly for live programmes, though some dialogue in some pre-recorded programmes can also be fast. The only practicable way to reduce the speed of subtitling for live programming would be to edit the text,

[18] When voice recognition is used, the subtitler has to repeat (or 'respeak') all the dialogue in her own voice. Before the subtitler undertakes live work, she will 'train' the voice recognition software to recognise her voice until the standards of accuracy are acceptable. Tests by access service providers have shown that the levels of accuracy achieved can be as high if not higher than through conventional stenography, although it varies according to individual circumstances.

which would entail significant delays and mean that users were denied full access to the dialogue. For pre-recorded programmes, editing would be more practicable, though it would prevent full access to what was being said. In section 6, we seek the views of consultees on the speed of pre-recorded subtitles, and whether it is realistic to seek a limit on the speed of live subtitles.

Technical problems

3.22   The number of complaints about technical subtitling problems (that is problems with the reception and display of subtitles, rather than their content) remains relatively small, despite the substantial increase in the number of subtitled channels. Nonetheless, any problems that interfere with the enjoyment and understanding of a television programme can be frustrating, so Ofcom has worked with broadcasters and others to try to identify any systematic problems.

3.23   The chain from the studio to the viewer's television is long and complex, and problems can occur at any stage. As the following examples illustrate the problems arise from many different causes:

- the complexity of the transmission chain is increased when channels are relayed by a cable or satellite service, as further processing is required. In one case we investigated, subtitles failed on two channels provided to a cable service. After the broadcaster made adjustments to the way in which the signal was transmitted to the cable head end, subtitling was restored.

- several viewers have reported that subtitles on analogue services are more reliable than subtitles on digital terrestrial services. When this happens, there are a number of potential explanations. Since different transmission chains are used to send analogue and digital subtitles, there may be a problem with one but not the other. Analogue transmissions are inherently more reliable, since they make use of very mature technology and are broadcast at higher power. But there may well be other explanations – local interference (for example, from a digital video sender[19] or other electronic equipment) can disrupt the digital signal. Digital subtitles are more susceptible to interference than analogue subtitles because they are broadcast at lower power in order not to interfere with analogue transmissions. At digital switchover in each region, the power of digital transmissions will be boosted, which will help to make digital subtitles (and reception of channels generally) much more robust;

- when one broadcaster made far-reaching technical changes to the arrangements for transmitting their programmes, unforeseen problems occurred with the software which disrupted the transmission of subtitles in many areas of the country. Once identified, software changes were made, and the problem resolved;

- occasionally, problems arise from the fact that pre-recorded subtitling is prepared and recorded separately from the original programme. Time codes are used to ensure that the subtitles are properly synchronised with the programme. In one case followed up by Ofcom, slightly different time codes on the subtitle tape from the programme tape meant that the subtitles were not aligned with the speech. A similar type of problem led to another broadcaster transmitting the wrong subtitles for one programme. In both cases, procedural changes have been made that should help to avoid these particular problems in future;

[19] Video senders are used to re-transmit low power signals received in one television set (e.g. in the living room) to a television set in another room (e.g. a bedroom). Spill over from such signals can cause interference.

- equipment failures occur from time to time. In one case that Ofcom investigated, these led to a degradation in the synchronisation of subtitles with programmes on two channels operated by one broadcaster. Attempts to repair the equipment failed, and steps were taken to replace it;

- not all digital set top boxes are capable of rendering subtitles accurately on all televisions. Cable and satellite service providers have established processes to ensure that the new set top boxes they supply are tested properly, but occasional problems have been identified with some older set top boxes. In some cases pinpointed by Ofcom, the relevant companies have provided replacement set top boxes. However, not all digital terrestrial set top boxes are tested. Competition has driven down prices of set top boxes. While this makes digital television much more affordable, it does mean that overseas manufacturers feel constrained to cut corners if they can. Ofcom welcomes the fact that some retailers require that products they sell are certified as reliable[20]; and

- following a reference by Ofcom, one broadcaster discovered that a particular make of set top box was not 'clearing' subtitles away when they were due to be replaced. That broadcaster was able to resolve the situation by inserting code with the subtitles. While broadcasters are keen to ensure that subtitling works well for their viewers, they may not be able to resolve all such technical problems.

3.24 Many of these problems stemmed from the fact that digital terrestrial broadcasting remains a relatively new technology – as the technology matures, such problems are likely to diminish. However, other problems experienced by viewers point to the need for clearer information for viewers and easier set-up procedures:

- it is clear from feedback to Ofcom that some viewers are unaware of how to activate subtitling using the set-up menus on their televisions or set top boxes, while others are unaware that there are two different systems for obtaining subtitles on cable services – one using Teletext subtitles, another using the set up menu in their set up boxes. Different channels use different systems, so channels provided to cable service providers may have one of two different subtitling methods – teletext and DVB. Cable service providers are working towards standardising the way in which consumers activate subtitling, and are redesigning EPGs to make it easier for consumers to turn it on and off; and

- some viewers are unaware that channels that carry subtitling are only obliged to subtitle a proportion of their programmes, and complain when other programmes are not subtitled, and that not all channels are required to carry subtitling. The frustration this causes to viewers should diminish over time, as the amount of subtitling increases. From the beginning of 2007, many digital channels will be required to subtitle 35% of their programmes, and this will rise to 70% in 2011 and 80% in 2013.

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[20] For example, the Digital Television Group operates a testing and certification service for digital receivers (including set top boxes).

Section 4

Review of Code

Issues for review

4.1   In the statement we published in July 2004[21], we committed to reviewing several aspects of the Code within 18-24 months of publication:

- the mechanism for selecting channels which should provide access services, in the light of research to be commissioned on other ways of assessing the number of persons who would be likely to benefit from television access services, and the extent of the likely benefit in each case;

- the costs to broadcasters of providing access services, given that market and technological changes might affect these;

- other issues, such as the exemption from providing subtitling in non Latin-based languages, having regard to the commercial availability of receivers able to decode these, and whether or not interactive services should be exempted from access service obligations; and

- the frequency of compliance reports by broadcasters subject to the Code.

4.2   In preparation for the review, we spoke to a variety of broadcasters and disability organisations and invited their views on issues to be looked at in the review. In the light of their suggestions and our own considerations, we decided to look at some other relevant issues:

- how best to meet the needs of sign language users, in the light of the results of independent research carried out for Ofcom;

- the balance of different types of programming for which access services are provided, and the appropriateness of access services for different types of programming;

- whether there are any aspects of the Code which should be altered to make it clearer or easier to operate; and

- the timing of the next review.

4.3   We have not reviewed the interim targets set out in the Code; these were established after extensive public debate, including clear indications that it was Parliament's expectation that interim targets should be set rising gradually towards the statutory targets. As regards the statutory target for audio description, we believe that it would be better to review this when the scale of take-up is clearer.

Mechanism for selecting channels to provide access services

4.4   The mechanism adopted in the Code for selecting which channels should provide access services uses audience share to identify which channels would provide sufficient benefit to viewers to warrant the provision of access services, and the 'relevant turnover' (previously qualifying revenue) of channels as a proxy for whether they can reasonably afford to provide those services.

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[21] *Code on Television Access Services – Statement by Ofcom*, 26 July 2004, http://www.ofcom.org.uk/consult/condocs/tv_access_services/statement2/statement.pdf

4.5   For the reasons set out in the statement it published in August 2004 Ofcom remains of the view that it is reasonable to use the audience share of all UK households as the general basis for selecting the channels which would provide the greatest audience benefit. Feedback from access service users suggests that there is no great divergence in viewing preferences between people with hearing and /or visual impairments and those without. In any case, many such people share households with viewers who do not have sensory impairments. Audience share also has the merits of transparency, of using information that is already collected and of incorporating a mechanism to reflect changing viewing patterns. Consequently, it avoids the need to burden broadcasters with more expensive bespoke arrangements.

4.6   Ofcom notes that this mechanism provides flexibility for adjustments as circumstances change. For example, as a result of the mid-year review in 2005, some channels then subject to obligations were exempted from these with effect from the end of that year because of changes in audience share and / or revenue, while several channels that had gained audience share and / or revenue were made subject to access service obligations with effect from the beginning of this year[22].

> *Q1.   Do respondents consider that the audience share-based method of selecting which channels should provide access services is reasonable, or do they consider that there are alternative methods that would be better?*

4.7   The presumption in the legislation is that access services should be provided by every television service licensed in the UK (or provided by the BBC) except where Ofcom concludes that they should be excluded by reference to various factors, including those set out in section 303(8)[23]. As regards the appropriate audience share threshold, Ofcom concluded in the statement published alongside the Code that 0.05% was an appropriate level.

4.8   In practice, this means that channels accounting for almost all viewing are required to provide access services. In 2006, 74[24] channels are required to provide access services, accounting for a combined audience share of over 90%, based on audience figures for the whole of 2005. Accordingly, we do not consider that the small additional benefit that would be secured for viewers using access services by reducing the audience share threshold would be proportionate to the additional costs for channels with very small audiences.

4.9   By contrast, if the audience share level was set at 0.1%, about 65 channels (accounting for 86% of audience share) would be required to provide access services. As the launch of many new channels means that audience shares are continuing to fragment, setting the threshold at this level could mean that the number of channels required to provide access services would fall further in coming years.

4.10   If the threshold was set at 0.5%, just 16 channels would be required to provide access services and at 1%, the number would be 10, and would exclude several of

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[22] Amongst those exempted from providing access services during 2006 were The Hits, Magic TV, Smash Hits, Kiss TV and Kerrang. Channels required to provide access services for the first time included ITV 3, UKTV Bright Ideas, UTKV Drama, Ftn, Paramount Comedy 2, TCM, MTV Dance, MTV Base, Discovery Science, Discovery Civilisation, and Discovery Home & Health.
[23] Subsection 308(8) is reproduced in Annex 8.
[24] Although the 2005 mid-year review concluded that 76 channels should provide access services in 2006, two of them subsequently closed (Sky One Mix and Disney Toons)

the BBC's digital-only channels[25]. Ofcom therefore remains of the view for the reasons set out in its statement that a 0.05% viewing share is a reasonable threshold when set against the aspirations of some for universal and comprehensive access services on all television channels, and the likelihood that this would be so burdensome for some channels with low audience shares

> *Q2. Do respondents consider that the audience share threshold of 0.05% is appropriate having regard to the objectives of the Communications Act, or do they consider a different threshold to be appropriate, and if so, why?*

Costs to broadcasters of providing access services

4.11   Against the background of Code targets that require a substantial increase in subtitling (from 10% to 35%) from the beginning of 2007, the cost to broadcasters of providing access services is an important determinant of the amount of extra subtitling that viewers actually see. For example, if costs remained at the levels indicated in Ofcom's statement of July 2004, then many broadcasters would be unable to meet their full commitments. Thus, despite the planned increase in the Level One target (from 10% now to 35% in 2007), many broadcasters would be unable to afford this within the limit of 1% of relevant turnover, and would drop to Level Two (about 23%) or even Level One (about 11.5%). Some have argued that all broadcasters should provide access services at Level One, regardless of affordability, even if the corollary of this that some would go out of business. Ofcom does not consider that this would be consistent with its statutory obligation, to have regard to the principles under which regulatory activities should be proportionate and targeted only at areas where action is needed, when carrying out its duty to further the interests of consumers.

4.12   For this reason, we asked all broadcasters subject to obligations under the Code to provide information on the costs they incurred in providing television access services. It is clear from their responses that there has been a significant drop in the price of subtitling, and lesser reductions in the price of signing and audio description services. Using an average price derived from broadcasters' returns and modelling the impact of the quotas that will apply from 2007 onwards, we concluded that the net effect is that most broadcasters will be able to sustain the cost of meeting these targets within the 1% cap on relevant turnover. More information on this is given in the impact assessment in Annex 6 which comments on the approach we have taken.

Averaging of revenues

4.13   The Code currently provides that 'in the case of channels in common ownership, Ofcom will determine which channels that are not otherwise excluded should provide television access services by averaging the total relevant turnover across all services in common ownership. If this means that each of the channels would have an average [relevant turnover] which would enable it to meet one of the three Levels at a cost of 1% or less of that average [relevant turnover], those channels will be required to provide the relevant Level of television access services. If the averaging of [relevant turnover] would mean that none of the services would need to provide television access services, Ofcom will assess eligibility on the basis of the individual qualifying revenues attributable to each service'.

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[25] Based on Ofcom's *Statement of channels required to provide access services in 2006* (http://www.ofcom.org.uk/tv/ifi/guidance/tv_access_serv/tv_access_statement/tv_access_statement.pdf), and audience share data for the final quarter of 2005.

4.14   The explanation for this approach was set out in the statement published with the Code[26], and we consider that it remains valid. Amongst other things, we said that it was reasonable for Ofcom to take account of all of the revenues of channels in common ownership that meet the audience share threshold when considering whether the broadcaster can afford to provide access services, as they would be able to secure preferential rates for access services by purchasing these centrally. As we expected, broadcasting groups owning a number of channels have indeed purchased access services jointly, in the same way that they manage other overheads and activities (such as the sale of advertising).

4.15   However, Ofcom's attention has recently been drawn to anomalies in its current approach. Where, for example, the broadcaster of one channel (broadcaster A) is majority-owned by another broadcaster (B) which has several other channels, it may be possible to argue that its channel is not in common ownership with the channels owned by the other broadcaster on the basis of the particular structure of the arrangements in place between the two. For example, if broadcaster A had a different management structure, and paid market rates for accommodation and services shared with broadcaster B, such a situation might enable broadcaster A to argue that its revenue should not be aggregated with that of broadcaster B for the purpose of determining access service obligations, and thus that its channel should not be required to provide access services at a higher level than would be the case if only revenues solely attributable to its channel were taken into account.

4.16   Ofcom does not consider that this would be consistent with the meaning or intention of the Code. We consider that broadcaster B's shareholding in broadcaster A should be assumed to allow it to take the steps necessary to procure access services on a shared basis, whether it chooses to or not. Moreover, Ofcom notes that the interpretation described in the preceding paragraph provides a loophole which would enable many other broadcasters presently subject to this provision to make changes to their shareholdings and management arrangements (without significant changes to the ultimate ownership of their channels) in order to avoid or reduce their access service obligations in relation to some their channels. Clearly, this could be harmful to the interests of viewers with hearing and / or visual impairments, since it could reduce the amount of accessible programming available to them.

4.17   Ofcom therefore proposes to amend the Code to put the position beyond doubt. In particular, we propose that for the purposes of the Code, channels should be regarded as being in common ownership with one or more other channels if each channel is a subsidiary (within the meaning of the Companies Act 1985) of a common holding company or if they share a common parent at any point in the chain of ownership which has a majority interest in each. In determining whether channels are in common ownership, Ofcom will also have regard to other relevant factors of the kind set out in Ofcom's draft Guidance on the definition of control of media companies[27]. The proposed changes are shown in paragraph 20 of Annex 7.

> *Q3. Do consultees agree that the Code should be amended to deal with channels in common ownership on the lines proposed?*

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[26] Paragraph 44, Annex 2, Statement on Code no Television Access Services. http://www.ofcom.org.uk/consult/condocs/tv_access_services/statement2/statement.pdf
[27] Ofcom's draft Guidance on the definition of control of media companies can be found at (http://www.ofcom.org.uk/consult/condocs/media/media.pdf). Ofcom has said that, pending publication of the final version, it will have regard to this guidance in considering ownership issues.

Signing on television

4.18   Findings from the research summarised in section 2 suggest that the number of people with sufficient ability to benefit from sign language to watch television is quite limited – around 66,000 are believed to have a sufficient knowledge of sign language, but the actual numbers of people using it to watch television may well be smaller. The fact that the proportion of the UK population using sign language is very small is, of course, not a reason why signed television should not be provided – when Parliament enacted the Communications Act, it was aware that relatively few people know sign language[28].

4.19   However, what is significant is the indication that many of those who claim to use and understand sign language actually prefer to use subtitling when watching television. Just over two thirds of hearing impaired people in this category in the case studies said that they preferred subtitling (67%), as against 9% who said that they preferred signing, and 17% who liked both equally. This may mean that of those who are sufficiently proficient in sign language to use it to watch television, many prefer to use subtitling. This could explain the almost complete absence of feedback to broadcasters about signed programmes (as compared with subtitled or audio-described programmes), and the very limited take-up of signed films reported by a provider of a pay-per-view film service.

4.20   There are a number of reasons why relatively few of those who can understand signed television may prefer subtitled television programmes:

- many programmes with sign language (though not all) are shown late at night or very early in the morning[29]. Broadcasters have found that non-users tend not to watch programmes that are signed, and so schedule them when little or no advertising revenue is at stake;

- some users claim that the image of the signer is too small (though in the case studies, more respondents said that it is usually good and the signing is clear);

- some users prefer to watch programmes presented in sign language, of which there are very few – most signed programmes are simply interpreted versions of English-language programmes. Broadcasters are not required by the Communications Act to present programmes in sign language, and almost all choose not to do so, as it is considerably more expensive;

- on a more positive note, it is likely that many people who use signing also have a good knowledge of English, and choose to use subtitles to watch the greater variety of television programmes that are shown at more convenient times. Moreover, a combination of better education techniques, improved digital hearing aids and medical techniques such as cochlear implants is likely to mean that more hearing-impaired people who would have found difficulty acquiring a good knowledge of English in the past will be able to do so in the future.

4.21   Undoubtedly, some people do rely on signing to a greater or lesser extent for access to television. However, the evidence does suggest that the current approach is not

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[28] See, for example, column 331 of Hansard for the House of Lords, in which the figure of 50,000 people having British Sign Language as their first language is quoted.
http://www.publications.parliament.uk/pa/ld200203/ldhansrd/vo030515/text/30515-04.htm
[29] As it is not yet practicable to offer signing as an 'optional' service like subtitling and audio description, and many non hearing-impaired viewers will choose other programmes in preference to signed programmes, most broadcasters are unwilling to lose advertising revenue by scheduling signed programmes during peak and shoulder peak times.

meeting the needs of sign language users in general, and that it imposes costs on smaller broadcasters that do not give rise to any significant benefits. Against this background, and having regard to the provisions of section 303(8)[30] of the Communications Act 2003, Ofcom considers that further discussion is required with sign language users and broadcasters about whether continuing with the current arrangements is sensible, or whether there are alternatives that might better meet their needs. At the same time, Ofcom would need to think carefully about how best to balance the statutory requirement on it to ensure that broadcasters meet their sign language obligations with its obligation to have regard to the number of persons likely to benefit from such assistance, and the extent of the likely benefit to them.

4.22 In particular, Ofcom is concerned that the small numbers of people watching signed television programmes mean that those television channels which have very small audiences shares (almost all the cable and satellite channels) may be attracting very few viewers, if any, to their signed programmes. Even if, as might be expected, the propensity of sign language users to watch signed programmes on such channels was somewhat greater, the absolute numbers of sign language viewers would still be very small. Moreover, it should be noted that 44% of households with hearing-impaired members only receive the five main terrestrial channels, so are not able to watch cable and satellite channels at home.

4.23 To this end, Ofcom will consult with disability organisations representing the interests of the hearing impaired and those with dual sensory impairments, as well as broadcasters, to identify and examine possible options. None of these is likely to be without both advantages and disadvantages, and these need to be thoroughly aired before any alternatives to the current arrangements are proposed. For this reason, Ofcom is not proposing any particular option at this stage, but would welcome views, both from sign language users and broadcasters, on whether the current arrangements should continue, and if not, what alternatives they would favour and why. In the light of these discussions and of feedback from interested parties, Ofcom would expect to carry out a further consultation on alternatives before taking any decisions.

> *Q4. Do respondents agree that the current arrangements for providing signing on television should be reviewed, to see if there are better ways of meeting the needs of people who use signing ? If so, what alternatives would you favour, and why?*

Other issues

4.24 As regards the other issues listed in paragraphs 4.1 to 4.3 above, Ofcom:

- is not aware of any commercially-available receivers that support subtitling in non Latin-based languages. In any case, as none of the channels using non-indigenous languages achieve an audience share in excess of the threshold prescribed in the Code, they do not currently need to provide subtitling;

- remains of the view that a blanket exemption should not be applied to interactive services (e.g. the alternative feeds that are made available on some digital services by the BBC or Sky) on grounds of technical difficulty as circumstances may change by the time any of them achieves an audience share that of 0.05% or more; and

- considers that quarterly reports of compliance have helped to ensure transparency in respect of the provision of access services which is valued by organisations

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[30] See Annex 8.

representing access service users, and have helped to identify problems at an early enough stage to secure remedial action. Ofcom also considers that they provide a reasonable basis for monitoring compliance with the rolling targets specified by section 303(3)(b) of the Communications Act 2003 with effect from the fifth anniversary of the relevant date of a television service. Having established systems for internal compliance and quarterly reporting, the ongoing costs to broadcasters of continuing with quarterly reporting are not likely to be significant. Ofcom therefore proposes to retain the requirement for quarterly reporting.

4.25   In the light of experience and feedback from broadcasters and disability organisations, we propose some minor revisions to the Code. These include proposals:

- to annex the updated guidelines on the provision of access services (replacing those issued by the former Independent Television Commission) to the Code, in order to provide all relevant information in a single document. Corresponding changes are proposed to the references in paragraph 27 to the current guidelines. The updated guidelines are discussed in section 5;

- to encourage broadcasters providing television access services on a voluntary basis to have regard to relevant parts of the code and the guidance;

- to make clear that the mid-year review will be carried out on the basis of audience share and revenue for the calendar year, as this is the only period for which it is possible to derive corresponding data. The alternative would be to require quarterly data on revenue from broadcasters, rather than the current annual returns, but we consider that this would be disproportionate; and

- to remove references to 'qualifying revenue', which was replaced by 'relevant turnover' as the basis of calculating applicable revenues following a consultation in 2004[31].

Timing of the next review

4.26   We anticipate the need to undertake a further review of costs in 2008, before the next significant increase to subtitling targets in 2009, when the Level One target is due to increase to 60% for many broadcasters. We expect to review other aspects of the Code as and when required.

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[31] Following consultation, Ofcom decided to assess licence fees payable by broadcasters on the basis of relevant turnover rather than qualifying revenue. (www.ofcom.org.uk/consult/condocs/socp/main/?a=87101).

Section 5

Review of guidance on standards

Background

5.1   Ofcom's Code on Television Access Services requires broadcasters to observe the guidance on standards for subtitling, sign language and audio description published on its website[32]. These standards were originally produced by the Independent Television Commission, and have not been reviewed for several years. When we published the Code in July 2004, we said that we would look again at the standards as part of the Access Services Review. In this section, we discuss feedback on each access service and identify issues where we propose changes to the substance of the guidance.

5.2   The standards enshrined in the original guidance are clearly valued by users – feedback suggested that many see the standards as a guarantee of quality. In updating the guidance, Ofcom does not seek change for change's sake. The original guidance notes reflect much experience and expertise, and Ofcom's proposals owe much to their authors.

5.3   However, we do think that it is sensible to reflect changes in understanding over recent years, For example, both large and small broadcasters have routinely departed from the ITC guidance in two areas, with little or no adverse comment from users – most now use slightly smaller font sizes than those indicated in the guidance, and subtitle at speeds that routinely exceed the suggested maximum. We discuss these and other proposed changes below.

5.4   The original guidelines for audio description and subtitling were very detailed, and were partly intended to act as training manuals for what were then relatively new services. As there now are a number of access service providers offering in-house training to their staff, as well as opportunities in further education[33], we think that it is appropriate for the guidance to focus more on outputs rather than inputs. However, recognising that much of the material in the original guidelines may be helpful to those providing or seeking to provide access services, we propose to retain it as reference material on Ofcom's website, and to draw attention to other relevant sources of information.

5.5   In reviewing the guidelines, we talked to people with hearing and / or visual impairments, as well as organisations representing the interests of deaf people, and access service providers. We also took account of available research and feedback from users about programmes with access services over the course of the last 18 months.

Audio description

5.6   Feedback from users and disability organisations about the audio description provided by broadcasters has been generally very positive, doubtless reflecting the

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[32] ITC Guidance on standards for subtitling, February 1999. ITC Guidance on standards for audio description, May 2000. ITC Guidelines on standards for sign language on digital terrestrial television, March 2002 (http://www.ofcom.org.uk/tv/ifi/guidance/tv_access_serv/?a=87101).
[33] See, for example, the qualifications offered by the University of Surrey's Centre for Translation Studies. http://www.surrey.ac.uk/lcts/cts/maprog/mainavtranslation.htm.

fact that users are grateful to have a service that has only recently become widely available. This e-mail to a broadcaster is not untypical: 'Thank you for making television a pleasant experience. Watching the television hasn't been something I do to relax for over a year, but now I can sit down with my cats and a glass of wine and get as much out of the experience as everyone else. It also gives my husband a rest from being bombarded with questions about what we're watching'.

5.7   As experience with audio description grows, it would be reasonable to expect that more users will offer informed criticism. Among the specific suggestions that we have received are that audio description:

- should be confined to conveying information that sighted viewers are intended to garner from the programme (e.g. it should not draw attention to inadvertent shots of boom microphones);

- should not be too detailed. Two main reasons were offered for this view – first, that detailed audio description requires concentration that becomes tiring after a while, and can make a programme less enjoyable; second, that too much detail can get in the way of users visualising the scene for themselves;

- should be careful not to overrun dialogue or significant sound effects, so far as possible;

- should not refrain from referring to colours where this is significant. Most visually-impaired viewers either have some residual vision, or have had vision in the past, and so can appreciate different colours; and

- should be by the same person for a series of programmes, to ensure consistency of approach.

Signing

5.8   Feedback from sign language users and disability organisations has focussed on the clarity, size and location of the signer on the screen.

5.9   It has been suggested that the image of the signer is sometimes insufficiently distinct to make it easy to discern all of the gestures, facial expressions and body language that form part of British Sign Language (BSL)[34], and of a lower technical quality than the picture itself. On the other hand, 42% of case study respondents who were hearing impaired and reported having used sign language to watch television said that they either strongly agreed or tended to agree with the statement that 'the size of the signer on TV is usually good and therefore the signing is clear'.

5.10   All television services use compression techniques as part of the process of preparing a programme for broadcast, and this degrades picture quality to some extent. Picture quality varies from one channel to another, according to factors such as the amount of spectrum allocated to that channel. The process of superimposing a signer on the original picture can mean that the signer's image is further compressed, leading to a slight degradation in the quality of the image.

5.11   The size of the signer's image may be a factor affecting how distinct it appears. Current guidance suggests that the signer should occupy at least one sixth of the

[34] Some deaf people use British Sign Language (BSL) as their preferred form of communication. This is a distinct language (recognised as such by the government) with different syntax and vocabulary from English. Other forms of sign language used in the UK include Sign Supported English (which tends to follow the syntax and vocabulary of English) and Makaton (a simplified form of sign language sometimes used with deaf children).

programme area, so that body movements and facial expressions are easily discernible from normal viewing distances. This is the approach used by most broadcasters, although the BBC takes a different approach, placing the original programme within a separate box, and broadcasting a larger image of the signer in a more central position[35]. In a related point, a disability organisation has pointed out that people with dual sensory impairments may find it easier to view larger images. It has also been suggested that placing the signer at the same eye level as the main part of the picture (as the BBC does) makes it easier for sign language users to track back and forth between the two images.

5.12   Broadcasters say that viewers who do not use sign language complain that the presence of interpreters detracts from their enjoyment of programmes. Broadcasters worry that this means lost viewers, and lost advertising revenue, which is why they often schedule programmes late at night, when few people are watching in any case, and little or no advertising revenue is at stake. In the circumstances, it may be that adopting the minimum size of signer on television does not help to retain audiences that do not use signing, but merely disadvantages sign language users.

> *Q5. Should the guidance recommend that, for programmes that have not already been signed, broadcasters should display a larger image of the signer on the right hand side of the screen?*

5.13   Current guidance recommends that the interpreter should be clearly distinguished from the background by means of contrasting plain colours and suitable lighting. Signers usually try to make sure that they wear clothing seen by viewers as appropriate to the programme – for example, more formal dress for news and documentary programmes, brighter and informal dress for children's programmes. Ofcom would welcome feedback on whether guidance should be provided on this, or whether it should be left to the discretion of broadcasters working with access service providers.

> *Q6. Should the guidance recommend that signers wear clothing that is appropriate to the type of programme they are interpreting?*

5.14   We have also considered the implications of research into ways of enabling signing to be offered as an optional service like subtitling, such as compression techniques to reduce the amount bandwidth required to transmit a human image or an avatar[36]. Ofcom understands that, while considerable progress has been made, it remains very difficult for avatars to represent the full range of expressions, body language and gestures that form part of BSL, as well as being extremely time-consuming to prepare the images. Similarly, further work needs to be done on the alternative of compressing data comprising human images before this becomes a practicable approach. Accordingly, we consider that it would be premature to offer guidance on the use of avatars. However, Ofcom will keep developments under review, and will update the guidance in this respect when and if it seems appropriate.

5.15   Sign language users to whom we spoke emphasised the benefits of providing subtitling for all programmes that are signed, as many users of sign language use both, and find the information contained in subtitles helpful to understanding and enjoying the programme. In fact, most programmes that are signed are also subtitled,

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[35] See, for example, the signed version of the news on BBC News 24 on weekdays at 1pm, or programmes in BBC 1's midweek late night sign language zone.
[36] An avatar in this context is a computer generated image of a signer, as compared to an image of a real person.

but for the avoidance of doubt, Ofcom proposes that the standards should ask broadcasters to ensure that signed programmes are also subtitled.

> *Q7. Do respondents agree that the guidance should recommend the provision of subtitling for all signed programmes?*

Subtitling

5.16   In reviewing the guidance applying to subtitling, we looked particularly at the speed, colour, size, and accuracy of subtitles. We also took account of research findings which indicated that subtitle users were extremely appreciative of subtitles, believed UK subtitles to be of high quality, and expect current standards to be maintained or improved.

Speed

5.17   The case study research summarised in section 3 indicated that many people felt that subtitling on live TV is too fast, and a significant number feel that subtitling on pre-recorded programmes is also too fast. While the case study groups were not fully representative of people with hearing impairments (they were skewed towards people with profound to moderate hearing impairments), it is clear from feedback that Ofcom has received that the speed of subtitling is a concern for some viewers.

5.18   Research carried out by the Independent Television Commission (ITC) in conjunction with a consortium of interested parties suggested that the average subtitle speed for pre-recorded programmes was commonly around 160 words per minute (wpm)[37]. The research looked into how different speeds of subtitling affected people's comprehension and enjoyment of programmes, and drew on the experiences of people who were moderately, severely or profoundly deaf, including people from a wide range of literacy levels. It should be noted that the samples were not representative of the hearing impaired as a whole, so the results should be treated as indicative only. The key findings were as follows:

- while concerned in principle that an increase in the speed of subtitling might reduce quality and make it difficult for some people to enjoy programmes, speed was not a 'top of mind' issue for most respondents. Most respondents professed themselves happy with current speeds;

- respondents did not easily distinguish between the different subtitling speeds of programme clips shown to them, especially between 160-180 wpm. However, above 180 wpm, respondents were more likely to find the subtitles too fast, and too difficult to follow;

- people who became deaf in later life found it initially difficult to use subtitles, but over time, they became more skilled and comfortable with them. Younger deaf people, who have benefited from using computers in schools, felt that this had helped them to read subtitles and process information at greater speeds;

- respondents of all ages, degrees of deafness and literacy levels were unhappy with the idea of editing, seeing this as a form of censorship which reduced their access to information available to people without hearing impairments. On the other hand,

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[37] *Subtitling – An Issue of Speed?,* Ofcom, 6 January 2005. The research consortium brought together by the Independent Television Commission included the Broadcasting Standards Commission, the BBC, ITV, Channel 4, Five, Sky, the RNID, Intelfax Limited and ITFC. It was carried out by Ipsos UK, and the research took place between April and July 2003. The report can be found on Ofcom's website at http://www.ofcom.org.uk/research/tv/reports/subt/.

they recognised that those who were less familiar with English could face difficulties in keeping up with unedited subtitles.

5.19   The current guidance suggests that the maximum speed of subtitling in pre-recorded programmes should be 140 wpm, though it acknowledges that in exceptional circumstances, speeds up to 180 wpm may be permitted. For children, lower speeds are recommended, and for live news, up to 180 wpm is allowed. In practice, partly in response to complaints that editing tends to deprive people of information, and partly because the dialogue in many pre-recorded programmes is now faster than used to the case, broadcasters such as the BBC have adopted higher speeds so as to reduce the need for editing. Subtitles for live programmes are not normally edited, as it is not possible to do this without imposing significant delays between speech and the appearance of the subtitles, and it also deprives subtitle users of information.

5.20   One respondent to the ITC research described as profoundly deaf with low literacy skills neatly summed up the dilemma: 'I don't want subtitles to be edited, but I do want less of them to read. What's the balance? Depends on the person, your mood and what you're watching ... you're never going to please everyone that's for sure'. We spoke to several organisations representing the interests of both subtitle and sign language users about the speed of subtitling. Most said that they would prefer subtitles to reproduce as much of the original dialogue as possible, even though this might make it difficult to follow on occasions. Having regard to:

- the fact that existing subtitling tends to provide a verbatim transcript of dialogue at speeds considerably higher than the current suggested maximum of 140 wpm, and that very few complaints have been made about the speed of subtitling;

- the indications from the ITC research that most viewers do not easily distinguish between speeds of 160-180 wpm, but that many perceive speeds in excess of 180 wpm to be too fast; and

- the indications that most subtitle users, including those whose first language is BSL, place a high value on full access to what is being said;

we consider that the guidance should suggest a maximum range of 160-180 wpm for the speed of subtitling in pre-recorded programmes. We do not consider that it is meaningful to set a suggested maximum speed for live programmes, as it is not generally practicable to edit as well as transcribe speech without a significant delay in the appearance of the subtitles, as well as the loss of some content.

Q8. Do respondents agree that a suggested maximum speed of 160-180 wpm would be appropriate for subtitles in pre-recorded programmes, or do they have an alternative view, and if so, why?

Q9. Do respondents agree that, on grounds of practicability, there should be no guidance on the maximum speed for subtitling of live programmes? If not, why, and what alternatives would they suggest?

5.21   We do not believe that it would be sensible to suggest hard and fast rules on the speed and editing of subtitling for children, whose abilities will vary considerably. We expect broadcasters to take account of the feedback they receive from viewers and their parents, and to exercise common sense. The principle should be that subtitling for different age groups should be geared to optimising their ability to understand and enjoy television programmes.

> *Q10. Do respondents agree that the guidance should not specify a lower maximum speed for children's programmes, but should advise broadcasters to exercise common sense?*

Colour

5.22   Against the background of rising targets, we also considered whether there would be merit in permitting broadcasters to use single colour subtitles as a means of reducing costs, rather than using different colours to denote different speakers, as at present. We noted that many rental DVDs now include subtitling presented in single colours.

5.23   Groups representing the interests of subtitle users told us that the different colours were a valuable aid to reading subtitles, particularly in fast-paced programmes. One access service provider which provided single colour subtitles for films on DVD as well as multiple colour subtitles for television programmes told us that the difference in costs was marginal. Accordingly, we do not propose any changes to the current requirements.

> *Q11. Do respondents agree that the guidance should continue to specify different colours of subtitling for different speakers?*

Font

5.24   The current guidance suggests that, on digital terrestrial services, subtitles should make use of the Tiresias font, and that the nominal size of subtitles should be 24 television lines for the capital 'V'. Ofcom does not propose any change to the specified font, which was adopted following research into the most legible typeface for visually-impaired people[38].

5.25   As regards font sizes, checks performed by Ofcom show that in practice, many digital terrestrial services, including those provided by public service broadcasters, show subtitles of 20 full brightness pixels in height rather than the 24 lines specified in the guidance[39]. Nevertheless, they appear very clear, in particular when they use so-called 'anti-aliasing'. This is a technique which uses various tones of grey to produce smoother edges to the letters. Not all equipment used by broadcasters is capable of anti-aliasing, but Ofcom considers that it would make sense for broadcasters to specify anti-aliasing capability when replacing existing equipment.

5.26   Asked whether they agreed with the statement that 'subtitling on TV programmes is clear', 66% of case study respondents agreed strongly or tended to agree. This figure rose to 70% for people with severe or profound hearing impairments. Likewise, the earlier research carried out for the ITC-led consortium found that 'almost universally, those with access to digital television preferred the font used in digital subtitling to that of analogue television. It is seen to be much clearer, sharper and more modern. Digital font is acknowledged to be smaller and 'thinner' (although no less visible)'[40].

5.27   In the light of these findings and the relative lack of feedback from subtitle users about font sizes, Ofcom considers that it would make sense to reflect current practice in the guidance, but to encourage the wider use of anti-aliasing. Accordingly, we

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[38] *A new font for digital television subtitles*, Janet Silver, John Gill, Christopher Sharville, James Slater and Michael Martin. http://www.tiresias.org/fonts/design_report_sf.htm.
[39] In measurements conducted by Ofcom last year, BBC and UKTV channels were found to have a font size equating to 20 lines, ITV1 and Channel 4 to 21½ lines, and Five and Sky News to 19½ lines.

[40] Page 21, *Subtitling – An Issue of Speed.*

propose that the guidance should specify a minimum height of 20 full brightness pixels for subtitles on all digital services (not just digital terrestrial services) where this is within the control of the broadcaster[41].

> *Q12. Do respondents agree that the guidance should specify a minimum height of 20 full brightness pixels (excluding pixels used for anti-aliasing), as well as encouraging broadcasters to adopt anti-aliasing techniques when renewing or upgrading equipment?*

5.28   Although current font sizes appear to be acceptable to many subtitle users, Ofcom's Advisory Committee on Older and Disabled People has drawn attention to the aspiration of people with hearing impairments to be able to adjust the size of digital subtitles, as is currently possible with analogue subtitles. For the time being, this remains technically problematic. In order to make sure that people using subtitles on a variety of different televisions (including widescreen and conventional sets), are able to see all the subtitles broadcasters have to confine them to a so-called 'safe area', normally at the bottom of the screen. A significant increase to font sizes would mean that some of the text would be lost, which would clearly be undesirable. Ofcom will continue to monitor developments in this field.

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[41] Analogue subtitles are generated within the television receiver, and the size depends on how the receiver decodes analogue text services. Analogue subtitles generated by Sky diginboxes are an exception, as the set top box generates the subtitles. Channels on cable services use a mixture of analogue subtitles (which are generated within the subscribers' television set) and digital subtitles (which are controlled by the broadcaster).

Responding to this consultation

How to respond

Ofcom invites written views and comments on the issues raised in this document, to be made by **5pm on 8 June 2006.**

Ofcom strongly prefers to receive responses as e-mail attachments, in Microsoft Word format, as this helps us to process the responses quickly and efficiently. We would also be grateful if you could assist us by completing a response cover sheet (see Annex 3), among other things to indicate whether or not there are confidentiality issues. The cover sheet can be downloaded from the 'Consultations' section of our website.

Please can you send your response to andrew.morgan@ofcom.org.uk.

Responses may alternatively be posted or faxed to the address below, marked with the title of the consultation.

Andrew Morgan
Floor 5
Riverside House
2A Southwark Bridge Road
London SE1 9HA
Tel: 020 7981 3944
Fax: 020 7981 3806

Note that we do not need a hard copy in addition to an electronic version. Also note that Ofcom will not routinely acknowledge receipt of responses.

It would be helpful if your response could include direct answers to the questions asked in this document, which are listed together at Annex 3. It would also help if you can explain why you hold your views, and how Ofcom's proposals would impact on you.

Further information

If you have any want to discuss the issues and questions raised in this consultation, or need advice on the appropriate form of response, please contact Andrew Morgan at andrew.morgan@ofcom.org.uk or on 020 7981 3944.

Confidentiality

Ofcom thinks it is important for everyone interested in an issue to see the views expressed by consultation respondents. We will therefore usually publish all responses on our website, www.ofcom.org.uk, ideally on receipt (when respondents confirm on their response cover sheer that this is acceptable).

All comments will be treated as non-confidential unless respondents specify that part or all of the response is confidential and should not be disclosed. Please place any confidential parts of a response in a separate annex, so that non-confidential parts may be published along with the respondent's identity.

Ofcom reserves its power to disclose any information it receives where this is required to facilitate the carrying out of its statutory functions. Ofcom will exercise due regard to the confidentiality of information supplied.

Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use, to meet its legal requirements. Ofcom's approach on intellectual property rights is explained further on its website, at www.ofcom.org.uk/about_ofcom/gov_accountability/disclaimer.

Next steps

Following the end of the consultation period, Ofcom intends to publish a statement in the late summer.

Please note that you can register to get automatic notifications of when Ofcom documents are published, at http://www.ofcom.org.uk/static/subscribe/select_list.htm.

Ofcom's consultation processes

Ofcom is keen to make responding to consultations easy, and has published some consultation principles (see Annex 2) which it seeks to follow, including on the length of consultations.

If you have any comments or suggestions on how Ofcom conducts its consultations, please call our consultation helpdesk on 020 7981 3003 or e-mail us at consult@ofcom.org.uk. We would particularly welcome thoughts on how Ofcom could more effectively seek the views of those groups or individuals, such as small businesses or particular types of residential consumers, whose views are less likely to be obtained in a formal consultation.

If you would like to discuss these issues, or Ofcom's consultation processes more generally, you can alternatively contact Vicki Nash, Director, Scotland, who is Ofcom's consultation champion:

Vicki Nash
Ofcom (Scotland)
149 St. Vincent Street
Glasgow G2 5NW
Tel: 0141 229 7401
Fax: 0141 29 7433
E-mail: vicki.nash@ofcom.org.uk

Ofcom's consultation principles

A2.1   Ofcom has published the following seven principles that it will follow for each public written consultation:

Before the consultation

A2.2   Where possible, we will hold informal talks with people and organisations before announcing a big consultation to find out whether we are thinking in the right direction. If we do not have enough time to do this, we will hold an open meeting to explain our proposals shortly after announcing the consultation.

During the consultation

A2.3   We will be clear about who we are consulting, why, on what questions and for how long.

A2.4   We will make the consultation document as short and simple as possible with a summary of no more than two pages. We will try to make it as easy as possible to give us a written response. If the consultation is complicated, we may provide a shortened version for smaller organisations or individuals who would otherwise not be able to spare the time to share their views.

A2.5   We will normally allow ten weeks for responses to consultations on issues of general interest.

A2.6   There will be a person within Ofcom who will be in charge of making sure we follow our own guidelines and reach out to the largest number of people and organisations interested in the outcome of our decisions. This individual (who we call the consultation champion) will also be the main person to contact with views on the way we run our consultations.

A2.7   If we are not able to follow one of these principles, we will explain why. This may be because a particular issue is urgent. If we need to reduce the amount of time we have set aside for a consultation, we will let those concerned know beforehand that this is a 'red flag consultation' which needs their urgent attention.

After the consultation

A2.8   We will look at each response carefully and with an open mind. We will give reasons for our decisions and will give an account of how the views of those concerned helped shape those decisions.

Consultation response cover sheet

A3.1   In the interests of transparency, we will publish all consultation responses in full on our website, www.ofcom.org.uk, unless a respondent specifies that all or part of their response is confidential. We will also refer to the contents of a response when explaining our decision, without disclosing the specific information that you wish to remain confidential.

A3.2   We have produced a cover sheet for responses (see below) and would be very grateful if you could send one with your response. This will speed up our processing of responses, and help to maintain confidentiality by allowing you to state very clearly what you don't want to be published. We will keep your completed cover sheets confidential.

A3.3   The quality of consultation can be enhanced by publishing responses before the consultation period closes. In particular, this can help those individuals and organisations with limited resources or familiarity with the issues to respond in a more informed way. Therefore Ofcom would encourage respondents to complete their cover sheet in a way that allows Ofcom to publish their responses upon receipt, rather than waiting until the consultation period has ended.

A3.4   We strongly prefer to receive responses in the form of a Microsoft Word attachment to an email. Our website therefore includes an electronic copy of this cover sheet, which you can download from the 'Consultations' section of our website.

A3.5   Please put any confidential parts of your response in a separate annex to your response, so that they are clearly identified. This can include information such as your personal background and experience. If you want your name, address, other contact details, or job title to remain confidential, please provide them in your cover sheet only so that we don't have to edit your response.

Cover sheet for response to an Ofcom consultation

BASIC DETAILS
Consultation title:
To (Ofcom contact):
Name of respondent:
Representing (self or organisation/s):
Address (if not received by email):

CONFIDENTIALITY

What do you want Ofcom to keep confidential?

Nothing ☐   Name/contact details/job title ☐

Whole response ☐   Organisation ☐

Part of the response ☐   If there is no separate annex, which parts?

If you want part of your response, your name or your organisation to be confidential, 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)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response. It can be published in full on Ofcom's website, unless otherwise specified on this cover sheet, and I authorise Ofcom to make use of the information in this response to meet its legal requirements. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is
non-confidential (in whole or in part), and you would prefer us to
publish your response only once the consultation has ended, please tick here. ☐

Name   Signed (if hard copy)

Consultation questions

Q1.   Do respondents consider that the audience share-based method of selecting which channels should provide access services is reasonable, or do they consider that there are alternative methods that would be better?

Q2. Do respondents consider that the audience share threshold of 0.05% remains appropriate having regard to the objectives of the Communications Act, or do they consider a different threshold to be appropriate, and if so, why?

Q3. Do consultees agree that the Code should be amended to deal with channels in common ownership on the lines proposed?

Q4.   Do respondents agree that the current arrangements for providing signing on television should be reviewed, to see if there are better ways of meeting the needs of people who use signing ? If so, what alternatives would you favour, and why?

Q5. Should the guidance recommend that, for programmes that have not already been signed, broadcasters should display a larger image of the signer on the right hand side of the screen?

Q6. Should the guidance recommend that signers wear clothing that is appropriate to the type of programme they are interpreting?

Q7. Should the guidance recommend the provision of subtitling for all signed programmes?

Q8. Do respondents agree that a suggested maximum speed of 160-180 wpm would be appropriate for subtitles in pre-recorded programmes, or do they have an alternative view, and if so, why?

Q9. Do respondents agree that, on grounds of practicability, there should be no guidance on the maximum speed for subtitling of live programmes? If not, why, and what alternatives would they suggest?

Q10. Do respondents agree that the guidance should not specify a lower maximum speed for children's programmes, but should advise broadcasters to exercise common sense?

Q11. Do respondents agree that the guidance should continue to specify different colours of subtitling for different speakers?

Q12. Do respondents agree that the guidance should specify a minimum height of 20 full brightness pixels (excluding pixels used for anti-aliasing), as well as encouraging broadcasters to adopt anti-aliasing techniques when renewing or upgrading equipment?

Q10. Do respondents agree that it is reasonable to apply the rules on the selection of channels to provide access services on a uniform basis, even though this means that no channels aimed at people from ethnic minority backgrounds are required to provide access services? If not, please explain any alternative proposals you may have.

Q11. Do you agree with Ofcom's assessment of the risks identified above, and the actions taken to address them? If not, please explain your answer.

Q12. Do you agree that the approach taken to determining the average costs of broadcasters is reasonable? If not, please what alternative approaches that you consider would be appropriate?

Q13. Do you have any comments on the assessment of average costs? If you disagree with the assessment, please provide data to support any arguments you make.

Q14. Do you have any comments on Ofcom's approach to assessing the benefits?

Q15. Do you have any other comments on the impact assessment?

Annex 5

Quantative research: key statistics

A5.1   The results derived from quantative research described in section 3 are valid at the 95% confidence level within the ranges shown in the table below. We have quoted the central estimates in the main consultation document.

Numbers of adults who…	Confidence intervals at 95% confidence level		
	Upper	Central estimate	Lower
are hearing impaired in UK population	4,383,125	3,990,232	3.597,298
aware of subtitling	43,597,041	43,165,056	42,733,305
who have ever used subtitling	8,068,533	7,550,578	7,032,626
are hearing impaired and have ever used subtitling	1,641,704	1,421,934	1,235,196
have ever used subtitling but do not have a hearing impairment	6,615,895	6,139,667	5,663,439
are visually impaired in UK population	3,028,560	2,700,572	2,372,582
aware of audio description[42]	19,921,000	19,223,661	18,526,326
have ever used audio description[43]	1,191,277	1,003,069	848,108
are visually impaired and have ever used audio description	319,904	220,455	155,345
have both visual and hearing impairments	1,300,090	1,069,206	869,458
aware of signing on TV	41,637,509	41,136,871	40,636,229
have ever used signing on TV[44]	1,339,291	1,124,320	909,347
have ever used signing on TV, have some knowledge of signing and a hearing impairment	130,365	66,136	36,310
have ever used signing on TV, have some knowledge of signing (and use it occasionally) and a hearing impairment	100,594	44,091	21,793
have ever used signing on TV, have any knowledge of signing and a moderate to profound hearing impairment	52,193	11,023	3,921

[42] Verbatim comments from some of those responding to the question indicated that they confused audio description with subtitling.
[43] See paragraph 2.26.
[44] Because the numbers of those claiming to have a reasonable knowledge of sign language (level 3 or above in Table 7 in section 2) is far lower, it is unlikely that this figure is valid. Having regard to the comments of respondents, it is clear that some who lacked sufficient knowledge of signing to enable them to benefit from it mistakenly equated watching programmes with signing, with using signing.

Impact assessment

Introduction

A6.1 Ofcom is required by the Communications Act to review the Code from time to time. The impact assessment published with the Code in July 2004 looked at the impact of the Code over the first two years of operation. This impact assessment examines the likely effect of increases in targets for subtitling, signing and audio description due from the beginning of 2007.

A6.2 The analysis set out below represents an impact assessment of the proposals in this consultation document, as defined by section 7 of the Communications Act 2003. In accordance with section 7 of the Act, in producing the impact assessment Ofcom has had regard to such general guidance as it considers appropriate, including related Cabinet Office guidance.

Policy objective

A6.3 The underlying policy objective of the Code is to give effect to the statutory obligations on Ofcom to issue guidance on the measures (including subtitling, signing and audio describing a proportion of their programmes) that television service providers should take to help people with visual and / or hearing impairments to understand and enjoy their programmes (section 303 of the Communications Act 2003). In fulfilling its statutory obligations, Ofcom has a principal duty to further the interests of citizens and consumers, having regard (amongst other considerations) to the needs of persons with disabilities and of the elderly, and have regard to principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed (section 3 of the Act).

A6.4 In proposing legislation that would require all licensed television services in the UK (except to the extent that their programmes or channels are excluded by Ofcom), to provide subtitling, signing or audio description, the Government made it clear that it considered that, as a matter of public policy, access to television for people with hearing and / or visual impairments should be broadened significantly. Parliament approved the Government's legislative proposals. Accordingly, Ofcom does not consider it either necessary or appropriate that it should to seek to demonstrate that the policy is justified because the benefits outweigh the costs. Rather, Ofcom considers that its task is to give effect to the legislation in a manner which is proportionate. It is for this reason that Ofcom put in place a system that requires channels to provide access services only if they pass an audience share threshold and a qualifying revenue (now relevant turnover) threshold.

Race impact assessment

A6.5 We do not have data on the extent to which people from minority ethnic backgrounds may be over or under-represented amongst the group of people with sensory impairments. Nonetheless, we have considered the possible impact on them of the provisions of the Code, as it is proposed to amend it.

A6.6 The method for selecting channels to provide access services under the Code on Television Access Services means that none of the channels that target minority

ethnic groups (whether in English or other languages) are required to provide access services. Although this means that people with sensory impairments from those groups will find it harder or impossible to access those television channels, Ofcom considers that it would be disproportionate to place the financial burden of providing access services on channels with very small audiences, and ultimately disadvantageous to consumers from minority ethnic backgrounds, since it could force some channels to close, thus reducing choice.

A6.7   For those people from ethnic minority backgrounds who use access services (or whose household members do) and who use English and who watch the channels subject to the Code, Ofcom considers that the minor changes to the Code and to the Guidance proposed in this consultation document will be beneficial, since they confirm the progressive increase in the amount of television access services on relevant channels.

> *Q10. Do respondents agree that it is reasonable to apply the rules on the selection of channels to provide access services according to the audience share threshold on a uniform basis, even though this means that no channels aimed at people from ethnic minority backgrounds are required to provide access services? If not, please explain any alternative proposals you may have.*

Risk assessment

A6.8   We have reviewed the risk analysis included with the impact assessment published in July 2004, in which we looked at the risks to consumers of not regulating access services and of requiring all or most television channels to provide access services.

A6.9   As we noted then, many broadcasters that were not subject to the Code provided some subtitling on a voluntary basis, although very few provided audio description and signing. During 2005, several channels exceeded the amount of subtitling they were obliged to provide, while some other channels that did not have to provide subtitling chose to do so. The picture is somewhat different for audio description and signing. Broadcasters subject to the Code did the minimum (or not much more), and some indicated that they would prefer to devote their resources to subtitling. Accordingly, Ofcom considers that, without the imposition of obligations through the Code, it is likely that not all channels with an audience share of 0.05% or more would provide the full range of access services, and that, to the extent that there was voluntary provision, it would focus on subtitling for people with hearing impairments. Without regulation, there is a significant risk that people relying on audio description or signing to enjoy and understand television would be severely limited in their choice of programmes.

A6.10   In the assessment published in July 2004, we noted that there was a risk that some broadcasters might conclude that the extra costs of providing television access services would outweigh the rewards from operating marginally profitable television channels, and decide to close some or all of such channels. Two channels subject to the Code have subsequently been closed, but there is no indication that the cost of access services was a material factor in those decisions[45]. While this risk cannot be ruled out for the future, the Code does provide a mechanism for broadcasters to seek a dispensation from their obligations in case of need.

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[45] Sky One Mix closed to make way for Sky Two, and Disney Toons closed to make way for Disney Cinemagic.

A6.11   In the light of Ofcom's decision in July 2004 that qualifying revenue (now relevant turnover) should be averaged across television channels in common ownership where this would increase the number of channels required to provide access services, we acknowledged that there was a risk that owners might conclude that it is inappropriate to cross-subsidise loss-making channels. We noted that it was reasonable to expect that all channels would be loss-making for a period after they are started, and must eventually demonstrate a profit or close.

A6.12   Ofcom accepted that the imposition of extra costs may extend the period during which a channel is loss-making, and may increase the attrition rate amongst new channels. Ofcom considers that, in most cases, television companies will be reluctant to close channels until it becomes clear that, even with the additional costs, they have little prospect of becoming profitable. We believe that events have borne out this assessment. The advent of the Code has not prevented the launch of new channels by owners subject to the averaging of relevant turnover, even though the owners could reasonably expect to become subject to the Code in due course[46].

A6.13   We have seen nothing to change our assessment in July 2004 that, given the significant number of competing channels, any closures that did occur would be unlikely to have a significant effect upon consumer choice. However, Ofcom does accept that its proposals will impose extra costs upon shareholders – indeed, this is explicit in the Government's own regulatory impact assessment.

A6.14   We also noted that there was a risk that the extra costs of providing access services would deter new entrants that might incur obligations from entering the market. Clearly, it is not possible to determine whether more channels would have been launched absent the Code, but it does not seem likely that this has been a significant factor. Demand for new broadcasting licences remains strong. More licences were issued in 2005 (177) than in 2004 (156), though not all will necessarily lead to channel launches, and some may not be subject to access service obligations (e.g. teleshopping channels).

A6.15   Finally, we noted that some television companies might seek to avoid full compliance with the code by:

- providing fewer television access services than they are required to;
- providing low quality access services; or
- selecting programmes for access services on the grounds that they can be done at low cost, rather than because they would secure the greatest benefit for the intended audience.

A6.16   We have mitigated these risks by acting on complaints about quality, by requiring quarterly reports from broadcasters on their compliance with the Code, and by carrying out spot checks on claimed provision of access services[47]. This has enabled us to identify potential problem areas early, so that they can be tackled promptly. Most of the problems have been of a technical nature; none has suggested that any broadcasters are seeking to evade their obligations.

> Q11. Do you agree with Ofcom's assessment of the risks identified above, and the actions taken to address them? If not, please explain your answer.

[46] For example, ITV has launched ITV3, ITV4 and CITV, while Sky has started Sky Two and Sky Three.
[47] The quarterly reports can be seen on Ofcom's website at http://www.ofcom.org.uk/tv/ifi/guidance/tv_access_serv/tvaccessrep/.

Approach to assessing costs

A6.17   Taking account of the assessment published with the Code in July 2004, Ofcom concluded that its task was to ensure that public policy was implemented in a proportionate fashion, and that the approach selected was the best way of achieving this objective. As the Code provides for a further increase in the obligations placed upon many broadcasters with effect from the beginning of 2007, we have looked again at the costs likely to be borne by broadcasters, in order to assess whether they would be proportionate.

A6.18   There are two main elements to the costs to broadcasters: the direct variable costs of generating access services for a given programme, and the indirect fixed costs of administering and distributing the access service element of the programme.

A6.19   In order to assess costs, we asked broadcasters in November 2005 to provide details of the direct costs of subtitling, signing and audio describing television programmes, as well as repeat rates, and details of other costs that they incurred. While many broadcasters provided adequate information on the direct costs of producing access services, information on repeat rates and other costs was rather patchy. As a result, we have had to make a number of assumptions about the likely range of costs incurred, and to exclude some factors where there was little or no data. We have also confined our analysis to non-PSB broadcasters, both on data grounds and because generally-speaking PSB broadcasters have much larger revenues than cable and satellite channels and are better able to afford access services. As far as possible, the assessment of cost for individual non-PSB broadcasters has been calculated based on the information supplied by the broadcaster involved.

A6.20   The methodology that combines the above information to estimate the cost of obligations to each individual channel is structured as follows:

- all non-PSB channels with an audience share of 0.05% or greater are selected;

- the channel's total broadcast hours are multiplied by the proportion of hours required to be provided with each of the three access services (e.g. 35% subtitling) to derive a figure for the number of hours of the different type of access services that need to be provided;

- the hours required are divided by the relevant channel repeat rate to give the hours of programming for which access services will need to be provided ('new access service hours') in a given year;

- new access service hours are multiplied by the average direct unit cost per hour of generating the relevant access service to give total direct costs;

- total direct costs are added to an average of indirect costs per channel and the total cost of all a broadcaster's channels are compared with total qualifying revenue;

- if the total cost exceeds 1% of total qualifying revenue, then the proportion of required hours for subtitling is reduced to Level 2 (two thirds) or Level 3 (one third). If the total cost still exceeds 1% of qualifying revenue, then the broadcaster is excluded from access service obligations.

A6.21   Under this mechanism, the key variables that determine the cost of provision for any broadcaster will be the direct unit cost at which they procure access services, the amount of programming for which they need to generate and distribute access services and the indirect costs of doing so. The range indicated in these variables

by the broadcasters, and the assumptions Ofcom have made from these to estimate costs, are discussed below.

> *Q12. Do you agree that the approach taken to determining the average costs of broadcasters is reasonable? If not, please what alternative approaches that you consider would be appropriate?*

Direct costs

A6.22   We looked first at the range of costs quoted by broadcasters for producing programmes with each different access service. The wide range of costs per hour quoted by broadcasters reflects the different sources of supply (e.g. in-house or freelance compared with a contract with a broadcast services supplier), different volumes (e.g. a contract for a higher volume of hours may have a lower unit cost) and different repeat rates (e.g. high for a cartoon channel, lower for a channel with a high proportion of live material).

A6.23   In order to reflect the fact that some broadcasters operate one or two channels, while others operate many more, we have derived a weighted average cost per hour for each access service across all hours generated by that broadcaster, in addition to the average unit cost for each broadcaster. We received relatively little data on live subtitling costs, so calculated a standard average. As this is close to the weighted average for recorded subtitling, we have used the weighted average for recorded subtitling in our assessment of the cost of all subtitling obligations.

A6.24   The range of costs quoted by broadcasters, the average costs and the weighted average costs for each access service are summarised in Table 1 below. For comparison, comparable figures from the impact assessment published in July 2004 are shown in brackets. The figures show that the bottom end of the range of costs for access services has fallen, contributing to lower average costs per broadcaster.

Table 1: Costs per hour for television access services – 2005 (2004)

Access service	Range	Average per broadcaster	Average across all hours
Subtitling for pre-recorded programmes	£110 - £480 (£270 - £480)	£270 (£370)	£259
Subtitles for live programmes	£210 - £312 (£170 - £500)	£260 (£280)	£249
Audio description	£320 - £685 (£520 - £630)	£520 (£590)	£487
Signing	£525 - £890 (£600 - £850)	£630 (£700)	£644

A6.25   Apart from the unit cost, repeat rates will have a major bearing on the direct costs accrued by a broadcaster. For example, a channel that transmits its programmes three times in a given year would incur direct access services costs only on the first transmission of the programme, and not on the subsequent two transmissions which would count towards meeting the channel's access services obligations. Clearly repeat rates vary considerably, and will tend to be very high for music video channels, high for children's channels, and much lower for channel with a large amount of original content (e.g. sport and public service channels). The information supplied by cable and satellite broadcasters indicated a range for the number of times a programme might be repeated in a year from 3 times to over 30 times. This range represents the extremes of cost incurred: on the basis of information supplied to Ofcom, it appears that a typical channel would repeat programmes about six times over the course of a year[48].

A6.26   In 2007, the minimum obligations for the proportion of schedule required to carry access services will increase: from 10% to 35% for subtitling, from 1% to 2% for signing and from 2% to 4% for audio description. Assuming the average unit costs in Table 1 and the repeat rates supplied by broadcasters, applying the methodology detailed above indicates that the range of direct costs could be from £10,000 to £970,000 across channels[49]. If the two extremes of very high and very low repeat rates are discounted (by removing the top and bottom deciles of channels in terms of cost) we have calculated that the average direct cost for a channel is likely to be in the order or £135,000.

Indirect costs

A6.27   We then looked at the indirect costs that broadcasters might incur, having asked them to supply information on the nature and scale of these. In fact, relatively few broadcasters did so. Nonetheless, on the basis of the information available to us, we consider that the indirect costs fall into the following categories:

- staff costs to administer the services, and to monitor and report on compliance;
- the capital costs of equipment to generate access services; and
- the cost of capacity to broadcast subtitles and audio description.

Staff costs

A6.28   As regards staff costs, the estimated costs submitted by respondents tended to be proportionate to the number of channels of a given broadcaster requiring access services. Intuitively this makes sense: staff costs would be related to the selection, scheduling, commissioning and reporting according to the number of services for which access services were required. On the basis of the information submitted, an allowance of £10,000 for average staff costs (salary costs plus a 100% mark up for overheads) for each channel requiring access services has been made. Ofcom notes that broadcasters with several channels will usually administer access services centrally, while smaller broadcasters may combine administration of access services with other responsibilities.

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[48] In any case, costs are capped at 1% of relevant turnover, based on assumed expenditure.
[49] The extremes of these ranges reflect the very wide variation in repeat rates between (for example) music channels and channels with a high component of live programming.

Capital costs

A6.29   As regards capital costs, few broadcasters provided estimates of the cost of equipment, such as that used to insert access services into the broadcast stream (some broadcasters sub-contract this entirely). On the basis of the information available, and assuming that equipment is amortised over a period of four years, we have estimated an average capital cost per annum of £3,000 per channel. There was not sufficient data to generate a range of costs.

Cost of capacity

A6.30   Broadcasters also need to pay for the cost of spectrum used to transmit audio description and subtitles. Based on responses from broadcasters with different arrangements for the acquisition and use of capacity, an annual cost of £25,000 per channel for transmission of access services on cable and satellite platforms has been estimated. There was not sufficient information to generate a range of costs.

A6.31   This produces notional indirect costs per channel of about £38,000 a year. Clearly, the actual costs incurred by a channel may vary significantly from this, with some incurring greater costs, and others less. On the basis of responses from broadcasters, Ofcom considers that it would be reasonable to assume a range of indirect costs from £11,000 to £65,000, with the average indirect costs per channel at about £38,000.

Total costs

A6.32   When the assumed indirect costs of £38,000 are combined with assumed direct costs of £135,000 , this suggests costs per channel of about £173,000. On this basis, the costs of access service provision to cable and satellite broadcasters in 2007 are estimated to amount to about 0.6 % of collective industry revenues.

A6.33   Clearly, the costs of individual channels will vary considerably. We estimate that, in practice, over two-thirds of channels would incur less than the average level of cost. Those channels that do accrue higher costs are, by definition, those with higher proportions of original programming supported by higher revenues, either via premium subscription revenues or higher advertising revenues.

A6.34   Factors contributing to the variation in the actual costs of individual channels include:

- the higher proportion of originated programmes in the schedules of some broadcasters, particularly public service, news and sports channels. To some extent (with the exception of news channels) these will tend to be those channels that earn higher revenues, either because their larger audiences enable them to generate significant audience revenue, or because they are premium subscription channels;

- the scope for some broadcasters to re-use access service files[50] prepared for another broadcaster. While this is not cost-free, it can be substantially cheaper to pay for the relevant access services files and for subsequent re-editing. One access service provider told Ofcom that the costs of acquiring and re-editing access service files could be around 50% of the cost of originating access services. In the absence of reliable data, we have not attempted to model this factor;

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[50] Subtitles and audio description are recorded on separate electronic 'files' which are dubbed on to the programme, and can be re-edited subsequently if the programme is edited.

- the scope for some broadcasters with many channels to secure volume discounts from access service providers;

- the scope that some broadcasters have to multiplex their digital terrestrial and satellite channels, thus reducing or eliminating the need to acquire additional capacity; and

- the fact that, significantly, almost all broadcasters (and some broadcasters that are not) subject to the Code have provided more subtitling than required to, suggesting that they see some commercial benefit in this, and that they would have voluntarily incurred at least some of the direct and indirect costs on a voluntary basis[51]. In this connection, Ofcom notes that subtitling costs account for a significant proportion of all access service costs.

> *Q13. Do you have any comments on the assessment of average costs? If you disagree with the assessment, please provide data to support any arguments you make.*

Benefits

A6.35   As set out above, given that Parliament has mandated improved provision of access for people with visual and / or hearing impairments, Ofcom considers it appropriate to assess the benefits of access service provision against the various public policy considerations rather than attempt to quantify the economic benefits which, as explained below, we believe would be misleading. However, in assessing the costs to broadcasters and the benefits to those with sensory impairments, it is important to ensure that the costs of access services are not disproportionate to the likely benefits[52].

Intended beneficiaries

A6.36   The intended beneficiaries are those with hearing and / or visual impairments. Both the research commissioned by Ofcom (section 2) and anecdotal evidence indicates that these services are highly valued by users, with positive feedback from subtitle and audio description users when it works well and negative feedback when it does not.

A6.37   The independent research carried out for Ofcom (see section 2) suggests that that there are of the order of 4 million people with hearing impairments who could benefit from subtitling, of whom around 1.4 million are estimated to have used subtitling. This research also suggests that there some 2.7 million people with visual impairments that would enable them to benefit from audio description, of whom about 220,000 people with visual impairments claim to have used audio description. As explained in paragraph 2.22 of section 2 of the consultation document, it is possible that this figure is lower, given the misunderstanding shown by some participants in the research. However, given that awareness of audio description amongst the visually-impaired (30%) is much lower than for subtitling (90% amongst the hearing impaired), and that the case studies show considerable interest in audio description amongst those who have not previously heard of it, there is considerable scope for the number of users to grow.

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[51] The cumulative figures for 2005 in respect of access services provided by channels subject to the Code can be seen at http://www.ofcom.org.uk/tv/ifi/guidance/tv_access_serv/tvaccessrep/q405/.
[52] The main mechanism for ensuring proportionality is the exemptions or reductions in obligations applied to broadcasters who might otherwise be required to spend in excess of 1% of relevant turnover.

A6.38   It is less clear how many people benefit from signing; although the research indicates that the number of potential beneficiaries is broadly in line with the estimates available to Parliament when it enacted the Communications Act, it also suggests that many people in this target group may prefer using subtitles. As indicated in section 4 of the consultation document, Ofcom will be holding discussions with groups representing sign language users, as well as broadcasters, to see if there are better ways of meeting the needs of sign language users for accessible television.

A6.39   The impact assessment published with the Code in July 2004 did attempt to estimate the scale of potential benefits. It used multi-channel subscriptions as a proxy for the extension of access service obligations to cable and satellite channels, on the grounds that many people with hearing and / or visual impairments would need access services in order to benefit from cable and satellite programmes. This proxy identified a range of benefits of £75m to £150m, given the range of prices for multichannel subscription packages.

A6.40   As acknowledged at the time, this approach was no more than an approximation. Since then, changes to the digital TV market mean that attempts to update this approach are likely to be problematic. The increase in the number of channels available on Freeview and the growth in take up mean that using multichannel subscriptions as a proxy is no longer applicable. Clearly, the real value to beneficiaries has not changed. It might be possible to adapt the original approach to substitute the annual amortised cost of a set top box (including the special set top box needed to receive audio description) together with some weighting according to the number of Freeview households, but this would be a rather crude proxy. Other drawbacks include the assumptions that would be required about the propensity of access service users to select Freeview as an alternative to either existing analogue services (which do not provide audio description) or pay TV services.

A6.41   Accordingly, we consider that any attempt to put a financial value on access services generally would be misleading. Moreover, as discussed above, we do not consider that it is necessary; given the public policy requirement to provide access services, the key issue is whether the costs are proportionate.

Other consumers

A6.42   People without sensory impairments may also benefit from access services from time to time. Indeed, it appears from the research commissioned by Ofcom that around 6 million non-hearing impaired people make use of subtitling, so that they can watch programmes with the sound turned down (e.g. late at night to avoid disturbing others, while performing noisy tasks, and talking on the telephone).

Broadcasters

A6.43   As noted in paragraph 17.29, many of the channels required by the Code to provide access services voluntarily provide higher levels of subtitling than they are required to, suggesting that they consider the commercial benefits outweigh the costs, given the large numbers of hearing impaired people and non hearing-impaired people using subtitles. Given that subtitling costs are the largest component of overall access services costs, this is significant. Generally speaking, broadcasters do little more by way of signing and audio description than they are required to, suggesting that they do not see these as commercially beneficial. Indeed, on the basis of audience feedback, broadcasters believe that signing on programmes can deter non-user audiences from viewing, and hence schedule signed programmes outside

peak viewing times. The commercial benefits of attracting people who use signing or audio description are less likely to outweigh the costs.

Access service providers

A6.44   Providers of television access services benefit significantly from contracts with broadcasters to provide subtitling, signing and audio description. Much of the cost of providing these services flows to such providers.

Societal benefits

A6.45   Developing and quantifying a figure for the value placed by society on improving access to television is problematic. Public policy is to widen access to public and private services for the disabled because of the benefits this confers to both the users and general society. To this end, significant resources are already made available, under both public and voluntary private resources, to subsidise disabled access to goods and services e.g. audio translation services for newspapers and books.

A6.46   However, in some cases intervention is required to secure policy objectives from the private sector. A regulatory impact assessment for the most recent legislation in this area (the Disability Discrimination Act 2005), noted that there 'are clear benefits to society in encouraging the removal of barriers to participation in everyday life for many of our citizens' but did not seek to quantify these[53].

> *Q14. Do you have any comments on Ofcom's approach to assessing the benefits?*

Conclusion

A6.47   Given that Parliament has mandated improved provision of access for people with visual and / or hearing impairments, Ofcom considers that the benefits of access service provision should be assessed against the public policy objective of broadening access to television, rather than looking simply at the economic costs and benefits. However, it is also necessary to ensure that the costs of access services are not disproportionate. The mechanism for determining which channels should provide access services seeks to prevent the imposition of disproportionate costs, by:

- limiting expenditure by broadcasters on the assessed costs of access services to 1% of their relevant turnover;

- providing relief or exemption from the obligations if revenues fall or costs rise; and

- allows for exemption if a channel ceases to attract an audience share of 0.05% or above.

A6.48   Accordingly, Ofcom believes that the obligations placed upon broadcasters by the Code on Television Access Services remain proportionate, notwithstanding the increasing amount of subtitling, signing and audio description they will be required to provide with effect from the beginning of 2007.

> *Q15. Do you have any other comments on the impact assessment?*

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[53] Disability Discrimination Act 2005 - Regulatory Impact Assessment (http://www.dwp.gov.uk/publications/dwp/2005/ria/dda-2005-final.pdf).

Draft amended Code on Television Access Services

Summary

1.   This code sets outs the requirements for subtitling, sign language and audio description ('television access services') that apply to television services licensed in accordance with the Communications Act 2003, the Broadcasting Act 1996, or the Broadcasting Act 1990. Ofcom notes that some broadcasters already provide television access services on a voluntary basis, and encourages broadcasters to do so where possible, and to have regard to relevant parts of the code and associated guidance.

Statutory provisions

2.   Under Sections 303 to 305 of the Communications Act 2003 ('the Act'), Ofcom is required to draw up, and from time to time review and revise, a code giving guidance as to the extent to which television services should promote the understanding and enjoyment by persons who are deaf or hard of hearing, as well as those who are blind or partially sighted, or who have a dual sensory impairment (deafblind).

3.   The code is to apply to licensed public service channels, digital television programme services, television licensable content services (TLCS), and restricted television services, as well any digital television programme services (DPS) provided by the Welsh Authority (including S4C Digital). The BBC Agreement also requires the BBC to observe the code, subject to any exclusions agreed between Ofcom and the BBC having regard to the considerations set out in section 303(8). The code is not to apply to electronic programme guides provided under a TLCS or DPS licence, or to services comprising advertising (teleshopping), which is excluded from the definition of programme for the purpose of section 303.

4.   Ofcom is required to set ten year targets for subtitling, signing and audio description ('television access services'), as well as five year targets for subtitling. It is also empowered to set other interim targets, and these are set out in the table below. The targets apply to the anniversary of the relevant date for the service in question.

5.   The 'relevant date' for the purpose of determining the tenth anniversary of services is 1 January 1997 in the case of BBCs 1 and 2, 1 January 1998 for Channel 5, 1 January 2000 for Channels 3 and 4 and S4C Digital. In the case of digital television programme services, the relevant date is the date on which the provision of that service began, and in the case of television services that began before 29 December 2003, the date is the entry into force of the legislation, which is 29 December 2003. In the case of television services starting after 29 December 2003, the relevant date is the date on which provision of that service commenced. Ofcom may determine that a television service should be treated as a continuation of a previous service in order to prevent broadcasters from avoiding the requirements of this code by replacing one service with another.

6.   Ofcom is also empowered to exclude certain types of programme or service from the requirement to provide television access services, or apply different targets to excluded programmes.

Targets

7.   The statutory targets for broadcasters are expressed as percentages of the total number of hours of programming broadcast by the service, excluding advertisements. They rise from a low level to the ten-year targets prescribed by the Act, that is eighty per cent (80%) for subtitling, five per cent (5%) for signing and ten per cent (10%) for audio description. In the case of the BBC, Channel 3 and Channel 4, the relevant target for subtitling is 90%. The targets reflect the statutory requirement for subtitling to be applied at the rate of sixty per cent (60%) of non-excluded programmes from the fifth anniversary.

8.   Licensed public service broadcasters and S4C which are already under an obligation to provide television access services are required to continue meeting the interim targets set in Tables 3 to 7 of the Annex. The BBC is required to continue meeting the interim targets to which it has committed itself, also set out in Tables 1 and 2 of Appendix 1. Other broadcasters are required to meet the targets set out in the Table below (see also Tables 8 to 11 of Appendix 1).

Table: interim annual targets for the provision of television access services with effect from the anniversary of the relevant date

Anniversary of relevant date	Subtitling	Signing	Audio description
First	10%	1%	2%
Second	10%	1%	4%
Third	35%	2%	6%
Fourth	35%	2%	8%
Fifth	60%	3%	10%
Sixth	60%	3%	10%
Seventh	70%	4%	10%
Eighth	70%	4%	10%
Ninth	70%	4%	10%
Tenth	80%	5%	10%

9.   The targets and interim targets represent minimum obligations and apply in each year, from each anniversary referred to in the table. In accordance with section 303(3) of the Communications Act, from the fifth anniversary, targets will apply on a rolling basis starting each week from one week after the date to which the previous annual average has been calculated.

Excluded programmes

10.   Ofcom may exclude programmes and services having regard, in particular, to:

   a)   the extent of the benefit which would be conferred by the provision of the assistance for disabled people in relation to the programmes;

   b)   the size of the intended audience for the programmes;

   c)   the number of persons who would be likely to benefit from the assistance and the extent of the likely benefit in each case;

   d)   the extent to which members of the intended audience for the programmes are resident in places outside the United Kingdom;

e) the technical difficulty of providing the assistance; and

f) the cost, in the context of the matters mentioned in paragraphs (a) to (e), of providing the assistance.

Audience benefit

11. Ofcom considers that television services achieving an average audience share of all UK households over a 12 month period of 0.05% or more should be required to meet the targets, subject to passing an affordability threshold and not facing technical difficulties that are impracticable to surmount.

12. To aid planning for broadcasters not currently required by reason of audience share to provide television access services, Ofcom will carry out a mid year review based on data for revenue and audience shares during the previous year, and will publish a statement indicating which channels will be required to provide access services (see paragraph 23 below) in the following year. Those channels whose relevant date falls before the end of a calendar year will be expected to start providing access services from the first anniversary of that date.

13. In the event that the audience share of a television service currently required to provide television access services falls below the threshold in two successive quarters, Ofcom will notify the broadcaster that the obligation will discontinue at the end of the calendar year in question.

14. Television services aimed primarily at an overseas audience are exempt from television access service requirements.

Technical difficulty

15. Television access services need not be provided if Ofcom is satisfied that this would be impracticable on grounds of technical difficulty, including the following cases:

a) audio description of music and news programmes and services, where there is little space within the dialogue/sound track to provide audio description, and less need. However, broadcasters are required to ensure that producers, editors and presenters are trained in techniques to describe the significance of images for the benefit of the blind and partially-sighted audience. Broadcasters are required to provide a statement of the training they are providing within 12 months of becoming subject to the code;

b) provision of subtitling that is not supported by commercially-available receivers (e.g. Chinese or Urdu); and

c) provision of subtitling or signing, where a service is broadcast with several different language feeds, making the choice of language for subtitling or signing problematic.

Cost

16. Ofcom has determined average costs per hour of providing programming with subtitling, signing and audio description. These have been used to calculate the costs of three levels of provision:

a) Level One equates to the full current annual targets for subtitling, signing and audio description;

b) Level Two equates to 66% of the current annual target for subtitling, as well as 100% of the targets for signing and audio description; and

c) Level Three equates to 33% of the current annual target for subtitling, as well as 100% of the targets for signing and audio description.

17. In determining the applicable costs for each channel, Ofcom will have regard to the number of hours broadcast each day, the proportion of the schedule that is exempted from the provision of one or more access services, and the percentage of repeats.

18. Broadcasters whose services are not otherwise excluded will be required to achieve the highest Level of provision they can afford within a budget equating to 1% of their UK-derived 'relevant turnover'[54]. Only broadcasters unable to afford Level Three costs will be exempt from provision altogether on grounds of cost.

19. In determining the applicable amount of relevant turnover, Ofcom will have regard to the most recent annual declaration of relevant turnover.

20. In the case of channels in common ownership[55], Ofcom will determine which channels that are not otherwise excluded should provide television access services by averaging the total relevant turnover across all services in common ownership. If this means that each of the channels would have an average relevant turnover which would enable it to meet one of the three Levels at a cost of 1% or less of that average relevant turnover, those channels will be required to provide the relevant Level of television access services. If the averaging of relevant turnover would mean that none of the services would need to provide television access services, Ofcom will assess eligibility on the basis of the individual relevant turnover attributable to each service.

21. Services which meet the 1% threshold in the most recent declarations of relevant turnover before the start of the next calendar year will be required to provide television access services at the appropriate level for the whole of the next calendar year.

Other exclusions

22. Other television services excluded by section 303 of the Communications Act 2003 from the requirement to provide television access services are:

a) those comprising advertising only, for example, a shopping channel;

b) electronic programme guides; and

c) those licensed outside the United Kingdom.

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[54] As defined in Ofcom's Statement of Charging Principles, 8 February 2005. (www.ofcom.org.uk/consult/condocs/socp/main/?a=87101).
[55] For the purpose of the Code, Ofcom will treat a channel as being in common ownership with one or more other channels if each channel is a subsidiary (within the meaning of the Companies Act 1985) of a common holding company or if they share a common parent at any point in the chain of ownership which has a majority interest in each. In determining whether channels are in common ownership, Ofcom will also have regard to other relevant factors of the kind set out in Ofcom's [draft] *Guidance on the definition of control of media companies* (http://www.ofcom.org.uk/consult/condocs/media/media.pdf) .

Changes in audience share and relevant turnover

23.   Ofcom will conduct a mid-year review of the audience share and relevant turnover of channels licensed in the United Kingdom, based on data for the previous calendar year. Ofcom will publish a statement on the basis of that review indicating if Ofcom considers that a channel will, in the following year, become:

> a)   subject to a requirement to provide television access services;

> b)   subject to a different Level of provision; or

> c)   excluded from the requirement to provide television access services.

24.   If a mid-year review indicates that the audience share of a television service providing television access services has fallen below 0.05% but remains at 0.04% or above, and this is confirmed by figures for the subsequent quarter, the licensee will be required to maintain the existing level of provision in the following year, against the targets applying in the current year. In the event that the average audience share remains below 0.05% in the following year, the requirement to provide television access services will cease at the end of that year, or earlier if the licensee demonstrates to Ofcom's satisfaction that continuation of the obligation would threaten the viability of the service.

25.   If a service that ceases to be required to provide television access services subsequently regains the levels of audience share and / or qualifying revenue that would subject it to the requirement once more, the licensee will be required to resume provision at the appropriate Level described in paragraph 16 above. Ofcom will determine which level of annual target should apply in consultation with the licensee.

26.   If, at any time, a licensee demonstrates to Ofcom's satisfaction that continuation of access service obligations would threaten the viability of its service, Ofcom may reduce, suspend or terminate those obligations.

Presentational and technical standards

27.   Broadcasters are required to observe the standards set out in the Guidelines on Television Access Services set out in Appendix 2 to the code.

28.   There are currently no technical standards for the means by which Television Access Services are to be made available to viewers. However, Ofcom expects television service providers to use reasonable endeavours to ensure that such television access services can be accessed by the greatest number of viewers in their homes (whether they receive their services by terrestrial signal, or by satellite or cable).

Promotion of awareness

29.   Ofcom requires television service providers to promote awareness of the availability of their television access services to potential users of the services by making available accurate and timely information to electronic programme guide (EPG) operators listing their services, and by providing similar information on their website. Ofcom has imposed corresponding obligations on EPG operators through the code to be made under section 310 of the Act. Broadcasters who provide programme synopses for use in EPGs should indicate which programmes are accompanied by television access services by including the standard upper-case acronyms for subtitling (S), audio description (AD) and signing (SL).

30.   Ofcom will also expect television service providers to demonstrate that they are taking effective steps to publicise awareness of their television access services through other means, including periodic on-air announcements and information in publications aimed at persons likely to benefit from television access services. Where the nature of the access service is not spelt out in full, the standard abbreviations referred to in paragraph 29 above should be used.

Programming and scheduling

31.   Ofcom expects that broadcasters will normally schedule programming with subtitling and audio description at peak viewing times for each channel. However, as signing is currently only provided in open format, it is accepted that signed programmes may need to be shown outside peak viewing hours and recorded by viewers with hearing impairments. In selecting programmes for which access services are to be provided, broadcasters should seek advice from disability groups about how best to maximise the benefits to the blind and those with visual impairments, to the deaf and hard of hearing, and to the deafblind. 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.

Disability Discrimination Act

32.   Broadcasters will need to have regard to their obligations under the Disability Discrimination Act 1995 to make reasonable adjustments in the delivery of services so as to make these accessible to disabled people and should seek their own advice on this.

Monitoring and compliance

33.   Broadcasters to whom this code applies:

a)   are required to submit quarterly returns covering quarters starting from 1 January 2005, in the form and format to be notified by Ofcom from time to time. Ofcom will review the frequency of reports in the first periodic review of the code; and

b)   shall make and retain a recording in sound and vision in a form acceptable to Ofcom of every programme included in the service for a period of 60 days from the date of its broadcast, and provide a copy of the recording for examination and reproduction on request by Ofcom.

Review

34.   This code is subject to periodic review.

Communications Act: subsections 308(7) to (9)

(7)   The code must set out, in relation to subsection (4) and each of the paragraphs in subsection (5), the descriptions of programmes that OFCOM consider should be excluded programmes for the purpose of the requirement contained in that subsection or paragraph.

(8)   In complying with subsection (7), OFCOM must have regard, in particular, to –

   a)   the extent of the benefit which would be conferred by the provision of assistance for disabled people in relation to programmes;

   b)   the size of the intended audience for the programmes;

   c)   the number of persons who would be likely to benefit from the assistance and the extent of the benefit in each case;

   d)   the extent to which members of the intended audience for the programmes are resident in places outside the United Kingdom;

   e)   the technical difficulty of providing the assistance; and

   f)   the cost, in the context of the matters mentioned in paragraphs (a) to (e) of providing the assistance.

(9)   The exclusions that may be set in the code under subsection (7) –

   a)   may include different descriptions of programmes in relation to different services to which this section applies; and

   b)   in the case of a service which OFCOM are satisfied (having regard to the matters mentioned in subsection (8)) is a special case, may include all the programmes included in the service.

Draft guidelines on television access service standards

General

1.1   Broadcasters licensed in the United Kingdom that are providing television access services (subtitling, signing and audio description) should have regard to these Guidelines, whether or not they are subject to the Code on Television Access Services. All broadcasters are requested to have regard to paragraph 1.9.

Users

1.2   People using access services do not fall neatly into homogenous groups. For example, many people using audio description have visual impairments, but by no means all are completely blind, and most have had some vision at some time. By the same token, those using subtitles can range from those with normal hearing (using subtitles so that the television sound can be turned down), through those with relatively minor hearing loss, to those who are profoundly deaf. Some people (particularly the deafblind) may benefit from more than one access service – certain conditions that lead to the loss of one sense may also impair another[56]. Those using access services range from the very young to older people, but a significant proportion of viewers using access services are older people, as the incidence of hearing and sight loss increases with age.

Selection and scheduling of programmes

1.3   The Code on Television Access Services requires that, in selecting and scheduling signed programmes, broadcasters should seek advice from disability groups about how best to maximise the benefits to those with hearing impairments.

1.4   When a series of programmes commences with access services, every effort should be made to ensure that all programmes in the series are accompanied by the relevant access services. If unforeseen problems prevent this, and a repeat is scheduled in the near future, a continuity announcement should be made (and subtitled if appropriate) explaining when the repeat can be seen with the appropriate access services. An on-air apology should also be broadcast, preferably both before and after the programme. If this is not possible, because a technical fault does not come to light until after the programme has been broadcast, an apology should be broadcast at the beginning of the next programme in the series.

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

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[56] People with Usher syndrome are born deaf or hard of hearing then start to have problems with their sight in adolescence, typically developing tunnel vision. However, many people with Usher have reasonably good central vision.

Monitoring for consistency and quality

1.6   Broadcasters should monitor playout at regular intervals to ensure that scheduled access services are being provided correctly. The failure of access services is just as disruptive for those who rely upon them as a break in transmission would be for others. Where practicable, broadcasters should insert an apology (either spoken or subtitled, as appropriate) as soon as a problem has been identified, with a brief explanation of the cause.

1.7   Broadcasters should also regularly monitor the quality of their access services. Focus groups and feedback from individual viewers can be a helpful indicator of quality.

Consultation and feedback

1.8   Broadcasters should ensure that they consult periodically with groups representing access services users on issue such as the quality of access services, and the selection and scheduling of programmes with access services. To facilitate feedback from access service users, broadcasters should also provide contact details on their websites, including e-mail addresses and telephone and textphone numbers. Broadcasters should monitor and respond to this feedback.

National emergencies

1.9   In order that access service users are kept informed about national and local emergencies, it is important that broadcast information, including relevant telephone numbers, is subtitled (preferably in open captions) leaving sufficient time to write the details down.

Reference material

1.10   While Ofcom is not responsible for the content of external websites, broadcasters and access service providers may find it helpful to consult the following reference material:

- the former ITC guidelines, which provide examples of both good and bad practice [new weblink to be inserted];

- the RNIB's guidance on improving accessibility to programming for visually-impaired people, including audio description for children's programmes (http://www.rnib.org.uk/xpedio/groups/public/documents/publicwebsite/public_TVprofessionals.hcsp);

- the BBC's *Guidelines for visually-impaired television audiences* (http://www.bbc.co.uk/guidelines/editorialguidelines/assets/advice/guidel);

- Hearing Concern's guidelines on background noise [new weblink to be inserted]; and

- *A new font for digital television subtitles* –Janet Silver, John Gill, Christopher Sharville, James Slater and Michael Martin. (http://www.tiresias.org/fonts/design_report_sf.htm).

Subtitling

What is subtitling?

2.1   Subtitling is text on screen representing speech and sound effects that may not be audible to people with hearing impairments, synchronised as closely as possible to the sound.

Users

2.2   People using subtitling range from those who have become hard of hearing in later life, to those who have been profoundly deaf since birth. Many people with good hearing also use subtitles so that they can watch television with the sound muted (e.g. so that they can simultaneously talk on the telephone), or learn English, but they are not the target audience. For the deaf, and those suffering severe hearing loss, subtitles are likely to be the most important source of audio information. Viewers with a mild hearing loss to moderate hearing loss are likely to rely on subtitles to aid their hearing rather than as a substitute. But all are likely, consciously or subconsciously, to lip read to a degree. Subtitle users reflect the full range of proficiency in English; some profoundly deaf people regard BSL as their first language, and are less fluent in English. While the varying needs of subtitling users make it difficult to provide subtitling that suits everybody, the guidelines below reflect generally accepted practice.

Selection and scheduling of programmes

2.3   Broadcasters with limited quotas (e.g. 10%) should give priority to the most popular programmes, as subtitling on these is likely to benefit most people. Broadcasters should also bear in mind subtitling programmes likely to be of more interest to older people, as these account for a large proportion of subtitle users, many of which watch television a lot. As quotas grow, the emphasis of programme selection and scheduling should shift towards subtitling a broader range of programmes appealing to different types of viewer.

Best practice

2.4   Presentation: subtitling should use the Tiresias Screenfont for all subtitles. The nominal size of subtitles should be in the range from 20 to 24 television lines for the capital 'V'. Broadcasters are encouraged to use anti-aliasing techniques to help make the appearance of subtitles clearer. Subtitles should be placed within the 'safe caption area' of a 14:9 display and should normally occupy the bottom of the screen, except where they would obscure the speaker's mouth or other vital information or activity. It is particularly important to avoid obscuring the face, as this convey emotions and tone of voice, as well as being necessary for lip-reading.

2.5   Pre-recorded and live subtitles: pre-prepared block subtitles are the best approach to providing accurate, easily legible and well-synchronised subtitles and should be used for pre-recorded programmes. Recommended colours are white, yellow, cyan and green against a black or grey background as these provide the best contrast. When scrolling subtitles need to be used, any scripted material should be used for advance preparation. In addition to achieving the highest possible levels of accuracy and synchronisation, live subtitles should flow continuously and smoothly.

2.6   Lay-out: subtitles should normally comprise a single sentence occupying no more than two lines, unless three lines will not obscure the picture. If necessary, sentences should be broken or reformed into more than one sentence at natural linguistic breaks so that each

subtitle forms an understandable segment. Where breaks occur, the split should be made in a way that makes clear that there is more to come. This can be achieved by ending the first subtitle with a conjunction, a colon or semi-colon as appropriate, or even a short run of dots. Line breaks within a word must be avoided.

2.7　　Non-speech information: in addition to speech, subtitles should clearly describe relevant non-speech information, such as the mood of any music playing and the words of songs if possible (using the # sign to precede and conclude music), louder speech (using capital letters), inaudible mutterings or incoherent shouts etc (which should be explained as such). Subtitles should be displayed horizontally in the direction of any sound effects and where the source of speech is not immediately apparent the first subtitle should have a caption to label the source. Italics or punctuation marks may be used to indicate emphasis. Where long speechless pauses in programmes occur, an explanatory caption should be inserted. Different colours should be used to denote different speakers. Subtitles should be used to identify the source of off-screen/off-camera speech where this is not obvious from the visible context.

2.8　　Synchronisation of speech and subtitling: the aim should be to synchronise speech and subtitling as closely as possible. Subtitle appearance should coincide with speech onset and disappearance should coincide roughly with the end of the corresponding speech segment. If necessary, subtitling may be edited conservatively if this is necessary to avoid long delays between speech and subtitling. In live programmes, the aim should be to keep the inevitable delay in subtitle presentation to the minimum (no more than 3 seconds) consistent with accurate presentation of what is being said. If possible, subtitles should not over run shot changes and should commence on a shot change when synchronous with the start of speech.

2.9　　Speed of subtitling: the speed should not normally exceed 160 to 180 words per minutes; Although it may not be practicable to restrict the speed of subtitles for all live programmes, commissioning editors and producers should be aware that dialogue which would require subtitles faster than 200 wpm would be difficult for many viewers to follow. Slower speed and more heavily edited subtitles are appropriate for young children.

2.10　　Accuracy: subtitle users need to be able both to watch what is going on, and to read the subtitles, so it is important that these are as accurate as possible, so that viewers do not need to guess what is meant by an inaccurate subtitle. Broadcasters should ensure that subtitles for pre-recorded programmes are reviewed for accuracy before transmission. Where live subtitling is to be provided, advance preparation is vital – where possible, any scripted material should be obtained, and special vocabulary should be prepared.

Audio description

What is audio description?

3.1　　Audio description is a service primarily aimed at enhancing meaning and enjoyment of television services for blind or visually-impaired viewers. It comprises a commentary woven around the soundtrack, exploiting pauses to explain on-screen action, describe characters, locations, costumes, body language and facial expressions.

Users

3.2　　While people with visual impairments are drawn from all age ranges, a majority will experience loss of some or all of their vision later in life, for example, as a result of macular degeneration. Accordingly, audio describers should take account of the fact that most

potential users of audio description will have some sight, or will have had sight at some stage.

Selection and scheduling of programmes

3.3   Although visually-impaired people like to watch the same sorts of programmes as everybody else, not all programmes lend themselves to audio description. Some programmes are too fast-moving, or offer little opportunity to insert audio description (e.g. news), or may not be significantly enhanced by the provision of audio description (e.g. quiz programmes).

Best practice

3.4   What to describe: to the extent relevant to the storyline, audio description should describe characters, locations, time and circumstances, any sounds that are not readily identifiable, on-screen action, and on-screen information.

3.5   Characters: identifying and describing characters is vital to effective audio description. Key features (e.g. '*the tall man'*, '*district attorney Lopez')* should be identified as soon as practicable, to help identify the person and avoid the need for long-winded and confusing descriptions,. But do not give the name away if the plot requires the character's identity to be revealed at a later date. When describing characters, aspects such as dress, physical characteristics, facial expression, body language, ethnicity and age may be significant. Don't shy away from using colours or describing a character as pretty, or handsome, where relevant to the story. Generally names (rather than 'he' or 'she') are used more often than in normal speech, so as to avoid confusing the audience, particularly when there are several people taking part in a dialogue.

3.6   On-screen action: wherever possible try to describe at the same time as the action occurs. This is particularly important with regard to comic situations, where the audience, sighted and visually impaired, should be able to laugh at the same time. Where relevant, key back-references can be included. It may be necessary to set up the next scene during the current description.

3.7   Settings: when describing locations, try to cover scene changes where possible; the locations (including scene changes wherever possible); the time of day/season/date setting where appropriate; on-screen action; any sounds that are not readily identifiable; and on-screen information (e.g. signs, hieroglyphics, open subtitles for foreign languages, captions, and opening and closing credits).The description should not censor what is on screen. However, it should not be necessary to use offensive language, unless (for example) when referring to content that is integral to understanding the programme, such as graffiti scrawled on a wall.

3.8   What not to describe: the description should only provide information about what can be seen on the screen. Information unavailable to the sighted viewer should not be added though discretion is always necessary. '*A turreted bridge over a city river*' would fall short if the sighted audience sees London's Tower Bridge, even without an identifying caption. Generally, 'filmic' terms such as camera angles should not be used.

3.9   When to describe: audio description should not encroach on dialogue, important or complementary sound effects, or critical sound effects unless really necessary. Even then, audio description should only be used to impart relevant information when the dialogue or other sound is inconsequential, or to read subtitles or on-screen captions. To differentiate between subtitles and description the describer should do this by either the use of their voice (e.g. stating the obvious, '*He says in Russian…*' or '*A caption reads…*') or a second voice.

During opening titles and end credits, care should be taken to avoid clumsy overlaps with song lyrics. During songs, audio description should ideally take place where there is a reprise of the lyrics or where the lyrics are not relevant to the storyline.

3.10   Language: audio description provides a real-time commentary, so should generally be in the present tense (*he sits*), the continuous present (*he is sitting*) or the present participle ('*Standing at the window, he lets out a deep sigh'*), as appropriate. Variety is important, particularly with verbs. *'She scuttles into the room'* rather than the simple fact *'She enters the room'* creates a clearer image for the viewer (a thesaurus is always useful). Adverbs are a useful shorthand to describing emotions and actions, but should not be subjective. Vocabulary should be matched to the genre of the programme, and should be accurate, easily understood, and succinct.

3.11   Delivery: delivery should be steady, unobtrusive and impersonal in style (but not monotonous), so that the personality and views of the describer do not colour the programme. Avoid the term '*we see'*. However, it can be important to add emotion, excitement, lightness of touch at different points in different programmes to suit the mood and the plot development – the style should be matched to the genre of the programme. Diction should be clear, and not hurried – every word should be clear, audible and timed carefully so that it does not overrun subsequent dialogue. The aim should be to enhance the enjoyment of a programme not to distract from it.

3.12   Balance: judgement is needed in striking an appropriate balance between the amount of detail that is conveyed, and the risk of overburdening the audience with detail and detracting from the enjoyment of the programme. Too much description, even where there is a lot of space for description, can make it difficult for viewers to absorb information. The programme should be allowed 'to breathe'. On the other hand, long gaps in the dialogue may need to be explained if the viewer is not to be left confused, e.g. '*the cowboy rides across the prairie into the distance'*. If the 'space' for audio description is short, it is better to focus on key moments and dynamics rather to rush the description or fill every available moment. For example, it may be distracting in dance or fight scenes to describe every piece of action. A consistent approach is important: if a description starts out as detailed, it should not suddenly become scant.

3.13   Describers: describers should be chosen to fit the genre, the nature of the programme and the intended audience. Ideally, the same people should be used to describe a series of programmes, both to ensure a consistent style (e.g. in terms of level of detail) and because the description forms a part of the programme for users.

3.14   Children's programmes: Language and pace of delivery for children's TV need particular care. A more intimate style may be appropriate than would be the case for programmes aimed at adults.

Signing

What is sign language?

4.1   Sign language comprises the use of manual gestures, facial expression and body language to convey meaning. British Sign Language (BSL) is the most popular sign language in the United Kingdom. This is a distinct language (recognised as such by the Government) with different syntax and vocabulary from English. In addition to different forms of sign language in other countries, Sign Supported English (which tends to follow the syntax and vocabulary of English) and Makaton (a simplified form of sign language sometimes used with deaf children) are also used in the UK.

Users

4.2   Some people who are deaf or have significant hearing impairments (usually those who are profoundly deaf, often from birth or early in life) use BSL as their preferred form of communication.

Best practice

4.3   Language: BSL should be the default language for signed programmes. However, broadcasters may also use other forms of sign language (e.g. Makaton for children's programmes, or Sign Supported English for programmes aimed primarily at people who have gone deaf in later life) where consultation with disability groups has indicated that this would be acceptable. So far as possible, interpretation and voice-overs of signed programmed should be synchronised with the original speech / sign language.

4.4   Presentation: Signed programmes may be presented in sign language, or interpreted into sign language. Sign language users particularly appreciate programmes presented in sign language. Signed programmes should be subtitled, to make it easier for people using both signing and subtitling to understand and enjoy them. Programmes presented in sign language should also be dubbed in English.

4.5   Signers: sign language presenters, reporters and interpreters should be appropriately qualified, both to use sign language of native competency, and to communicate effectively through television. Some latitude is allowed for guests and interviewees, though broadcasters should ensure that are understandable. The signer should use a style of interpretation and wear clothing that is appropriate to the style of the programme. For example, sober and business-like clothing should be worn for news and current affairs programming, while a more colourful and informal style of dress would be appropriate for children's programmes.

4.6   Size of image: the image of the signer superimposed upon the original programme should generally appear on the right hand of the screen and occupy a space no smaller than one sixth of the picture.

4.7   Techniques: the signer should use appropriate techniques to indicate whose speech he or she is interpreting, and to draw attention to significant sound effects.

4.8   Delivery: different methods of delivery are permissible, provided that the provision of sign language complies with the Guidelines, and that it is available in a form that is accessible to all viewers who want it, without the need to purchase special equipment or services. For example, on their digital services, broadcasters may choose to use interactive services to provide a signed version of a programme simultaneously with an unsigned version, provided the interactive option is publicised at the beginning of the programme, is full-screen and complies with the standards set out in these guidelines. Broadcasters may also use 'closed' signing should this become feasible. However, the requirement for accessibility would preclude the use of IPTV to provide signed programmes, unless viewers had the necessary equipment or were provided with it free-of-charge. In any case, broadcasters who wish to use new forms of delivery should consult Ofcom and disability groups first.

Ofcom
[March] 2006