

Consultation on the draft code on providing television access services



A public consultation by Ofcom to prepare a code on television access services for people with hearing or sight difficulties

A Summary

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- 1 There are many people in the United Kingdom who cannot hear or see, or have difficulty with hearing or seeing. Some people are born with these disabilities, while many others find hearing or seeing more difficult as they get older. Like everyone else, these people enjoy television programmes.
- 2 For several years, the public service broadcasters – the BBC, ITV, Channel 4, S4C and Channel 5 – have helped people with hearing or sight difficulties to understand and enjoy television programmes. Many programmes on BBC, ITV, Channel 4, S4C and Channel 5 have subtitles or sign language to help people who are deaf or hard of hearing. Some programmes also have audio description – an extra soundtrack in which a narrator describes events for people who are blind or who have difficulty seeing. We call these services ‘television access services’.
- 3 There are now many other television channels available on

cable, satellite and the ‘Freeview’ digital terrestrial service. Parliament has decided that most of these channels should also help people with hearing or sight difficulties to understand and enjoy television programmes. It has passed a new law, the Communications Act, which gives us, the Office of Communications (Ofcom), the job of deciding which channels should provide help. We must also decide whether there are any kinds of programmes where companies do not need to provide television access services. The Communications Act says that we should produce a code which explains what the different television channels should do about television access services.

- 4 The draft code proposes that all television channels that are reasonably popular should provide television access services, as long as:
 - they can afford to do so; and
 - it would not be too difficult technically.
- 5 We believe that a television channel’s share of the total



audience in the United Kingdom is a good guide to how popular it is. We think that it would be reasonable for any channel with a viewing share of 0.05% or more to provide help for people with hearing or sight difficulties. However, we do not think that television channels which are aimed at an overseas audience should have to provide television access services. We would like to know whether you agree, or whether you would like to propose another way of deciding whether people with hearing or sight difficulties would find it worthwhile to have help on a particular channel.

- 6 We believe that it is important to work out how much channels could afford to pay for television access services. We do not want to drive less profitable channels out of business, as that would not be in anyone's interests. If all channels worked out their profits in the same way and made them public quickly, profit figures would help to show whether these channels could

afford to pay for television access services. Unfortunately, we do not have reliable figures. Profit figures are prepared in different ways, and often do not become public for a long time after the period to which they relate.

- 7 We propose that television channels which could afford to provide a useful number of television access services should do so, as long as it costs less than 1% of all their income. This could represent a large part of a television channel's profit. We discussed this approach with some broadcasters and disability groups. None of them suggested an alternative. We would welcome views on whether our proposal is reasonable. We explain below what we mean by a 'useful number of television access services'.
- 8 The consultation document explains where we think that it would not be practical, necessary or reasonably easy to provide television access services for some kinds of programmes. For example, it would be against copyright law

for music programmes to show the lyrics on subtitles. However, the audio description for music programmes must not make the music less enjoyable. It would also be difficult to provide audio description for news programmes, given that there are not many gaps in the dialogue. In any case, the presenters will explain the most important action. In some cases, subtitles in languages other than English cannot be decoded by the television or set-top box, so the viewer would not benefit. In these cases, we think that it would be unreasonable to make a television channel broadcast subtitles. We would like your views on these and the other proposals in the consultation document.

- 9 The act says that all television channels that must provide television access services should reach certain targets by the tenth anniversary of the date they start. For most channels, this means that (with certain exceptions) 80% of relevant programmes must be subtitled, 10% of programmes

should have audio description and 5% should have sign language. The act gives us the job of deciding whether we should set targets for the years before the tenth anniversary, and if so, what these targets should be.

- 10 We plan to set targets for the end of the first year and the end of the fifth year. Broadcasters which are popular enough and do not face significant technical difficulties would have to provide television access services as long as they could afford to pay for a useful number of services. We consider this to be one third of the subtitling targets and all of the signing and audio-description targets. The first-year target would be the minimum we would ask for until the end of the fifth year. The fifth-year target would be the minimum we would ask for until the end of the tenth year. However, we hope that broadcasters will choose to do more than the minimum. If they do not, we would consider whether to set extra targets between years one and five, and between years five and ten.

11 In the past, television channels were broadcast from ground-based transmitters (so-called terrestrial broadcasting) in analogue form – a less efficient form of broadcasting. Now, many people get television channels from satellite transmitters, through cable networks, and from digital terrestrial transmitters. We believe that, where possible, television channels should try to provide television access services to all people who have hearing or sight disabilities, whichever way they get their television. In choosing the way they provide television access services, we think that television channels should use the methods which deliver the greatest possible benefit to people with hearing or sight disabilities. We would like to know if you agree with this, or whether you can think of a different approach.

12 We are now asking anyone with an interest what they think about the draft code. The draft code will particularly interest broadcasters as well as people with hearing or sight difficulties, and groups representing

the interests of these people. If you want to let us have your views, please do so by 12 March 2004. You can contact us in any of the following ways.

- By visiting our website, www.ofcom.org.uk
- By emailing us at contact@ofcom.org.uk
- By phoning us on 0845 456 3000
- By textphone at 0845 456 3003
- By writing to us at:
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13 You will find copies of this summary (and the consultation document) on our website. You can also get a Braille or taped copy by contacting us in any of the ways described above.

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