On-Demand Accessibility Consultation – Plain English summary

This summary is also available in Welsh.

Introduction

Ofcom is the regulator for communications services, including TV and on-demand services. We regulate a variety of on-demand services, including catch-up services like ITV Hub and All 4, and subscription services like Now TV and Amazon Prime.

On-demand services are increasingly popular, but they are often not accessible to people with hearing and sight impairments, because they don't provide features like subtitles, audio description and signing. These features are called 'access services'.

Broadcasters must provide access services but there aren't yet any similar rules for providers of on-demand services. In 2018 we made recommendations to the Government on new rules for catch-up and on-demand services.

What did we recommend?

We recommended that on-demand providers should provide subtitling on 80% of their programmes, audio description on 10% and signing on 5%. They should do this within four years of the rules coming in. We also said that there should be exemptions from these requirements:

- where it would be too expensive;
- where there wouldn't be much benefit to audiences; and
- where there are major technical difficulties.

Why are we consulting now?

The Government has now asked us for more detail on how the rules should work, and to make further recommendations so that it can draft the regulations.

This document is a summary of our proposals for consumers and does not cover areas of particular interest to on-demand providers (like the way in which Ofcom will tell them about the requirements each year). The full consultation is available on the Ofcom website.
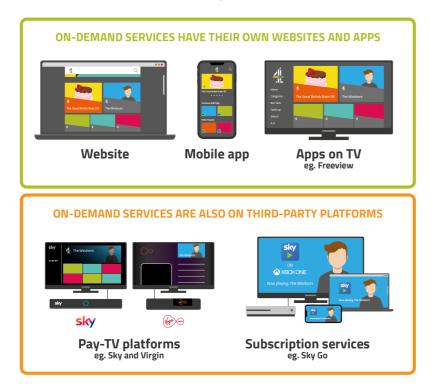
What's next?

We welcome views on our proposals. Please send them to vodaccessibility@ofcom.org.uk by 16 September 2020.

We will take views into account before publishing our further recommendations to Government.

Exemptions

We've already recommended that there should be exemptions when it would be disproportionate for providers to meet the requirements. But how do we work this out in practice?

On-demand services are available across a large range of different platforms and devices. For example, their own websites and apps, along with third-party platforms where they have less control, like Amazon Prime and Sky On-Demand.

ON-DEMAND SERVICES HAVE THEIR OWN WEBSITES AND APPS

Website   Mobile app   Apps on TV
eg. Freeview

ON-DEMAND SERVICES ARE ALSO ON THIRD-PARTY PLATFORMS

Pay-TV platforms   Subscription services
eg. Sky and Virgin   eg. Sky Go

Are there significant technical difficulties?

We generally expect providers to be able to make their own websites and apps accessible. We propose exemptions for any on-demand provider that can show it has made a reasonable effort to provide access services on a third-party platform but has been unsuccessful.

Is there enough benefit to audiences?

We think on-demand providers should not have to provide access services on any platform where they have a very low audience. This could be measured as less than 0.4% of the UK population with access to the internet.

Are the requirements affordable?

We think there should be exemptions:

- for any on-demand provider which is a 'small company' under the Companies Act;

- when the cost of meeting requirements is more than 1% of a provider's turnover.

Is it all or nothing?

If providers can't afford the full requirements, we've already recommended to Government that they should meet lower subtitling targets along with the full audio description and signing targets.

If providers can't afford the lower targets, then we think they should be exempt from providing signing where this would mean they could offer some subtitling and audio description rather than nothing at all.

Should there be exemptions for particular genres?

Providers tell us it is more difficult to make certain types of programme accessible, such as catch-up versions of news. Charities tell us that people with sight or hearing impairment want to enjoy the same content as everyone else. The regulations might need to describe which programme genres should be exempt. If so, we suggest that they should only include exemptions for audio description on music and news programmes. These programmes have a lot of speech, so there is not much room to add audio description.

We think that the technical challenges (and the benefit to audiences) of making certain genres accessible might be different for each on-demand service. So, we think we should be able to decide whether any provider should be exempt from providing access services on any additional genres.

Signing requirements

For background: what are the rules for signing on television?

On television, larger broadcasters have to provide signing on 5% of their content. They mainly provide 'sign-interpretation' – this is when a signer in the corner of the screen translates the programme into British Sign Language (BSL). But smaller broadcasters have to provide a smaller amount of 'sign-presentation' – where programmes are presented entirely in sign-language - or provide funding to the British Sign Language Broadcasting Trust (BSLBT). BSLBT shows sign-presented programmes on the BSL Zone.

How should the rules for on-demand signing work?

We do not have enough information on what BSL users would prefer to see, and of course different people prefer different things. Our proposal is to recommend that on-demand providers should have a choice between providing 5% sign-interpretation, a smaller amount of sign-presentation on their own service, or funding a provider of sign-presented on-demand programming, such as BSLBT. Providers could choose one of these options or a mixture, but would need to show that they have

considered our 'best practice guidelines'[1] on signing. We are planning to update these guidelines. To help us to do this, we are planning to carry out a survey among BSL users on their preferences.

We also think providers who already show programmes with sign-interpretation on television should put this sign-interpretation onto programmes which then appear on their catch-up services. This would ensure there is sign-interpretation on catch-up services such as ITV Hub, All 4 and My 5.

Targets

We recommended to the Government that providers should offer subtitling on 80% of their programmes, audio description on 10% and signing on 5% within four years of the rules coming in.

Within two years of the rules coming in, we recommended they should provide subtitling on 40% of their programmes, audio description on 5% and signing on 5%.

Should there be any more targets?

We propose that Ofcom should set out optional targets for year 1 and year 3. This would help providers to meet the targets for years 2 and 4, which they would have to meet by law.

How do these targets work when on-demand programmes are available over more than one platform?

For example, a catch-up TV service might be available on a website, a mobile app, and via apps on TV platforms like Freeview and Apple TV.

We think there are two alternative recommendations we could make to Government on the ways the targets could work:

What's option 1?

Providers can choose how they meet the targets across their platforms but must consider how audiences will benefit. So, providers could make more programmes accessible on platforms with better accessibility features, and fewer programmes accessible on less popular platforms.

What's option 2?

Providers have to make the same amount of content accessible across their platforms. This might mean fewer programmes are accessible on each platform to begin with, but this would increase over time.

---

[1] Annex 4 of our TV Access Services Code

What are we proposing?

We prefer Option 2. We want to encourage accessibility across all platforms, as far as possible. We think this means that people are less likely to need to buy new services or devices to enjoy accessible content.