

RNIB response to Accessibility of on demand programme services

1. About us

As the largest organisation of blind and partially sighted people in the UK, RNIB is pleased to have the opportunity to respond to this consultation. We are a membership organisation with over 10,000 members who are blind, partially sighted or the friends and family of people with sight loss. 80 per cent of our Trustees and Assembly Members are blind or partially sighted. We encourage members to be involved in our work and regularly consult with them on government policy and their ideas for change. As a campaigning organisation of blind and partially sighted people, we fight for the rights of people with sight loss in each of the UK's countries. Our priorities are to:

- Stop people losing their sight unnecessarily
- Support independent living for blind and partially sighted people
- Create a society that is inclusive of blind and partially sighted people's interests and needs.

We also provide expert knowledge to business and the public sector through consultancy on improving the accessibility of the built environment, technology, products and services.

2. Importance of video content services to blind and partially sighted users

Since our Needs Survey in 1991 showed that a large majority of blind and partially sighted people watch television¹, RNIB has taken an active role in highlighting TV access issues. We have worked to ensure access to programmes, services and equipment, both by direct work with broadcasters and manufacturers and by influencing legislation and regulation.

¹ RNIB Needs Survey (1991) Blind and partially sighted adults in Britain: the RNIB Survey Volume 1, by Ian Bruce, Aubrey McKennell and Errol Walker

In this digital age, being able to watch TV remains important to blind and partially sighted people. In 2006 Research by the University of Birmingham² found that around 87 per cent of blind and partially sighted people regularly watch TV and videos or DVDs. The media plays an important role in the lives of blind and partially sighted people by providing access to news, information and entertainment.

Research conducted by Access Economics in 2009 found that one in five people aged 75 or over were living with sight loss and this rose to one in two people aged 90 or over³. The research also suggested that by 2050 the number of people with sight loss in the UK would double to nearly four million.

In RNIB's "Update on the inclusive society 2013" report respondents were asked to select from a list of statements about what kind of impact fully accessible television and radio would have on their lives:

- 56% said that it would make them more independent;
- 56% said it would make them happier about life;
- 56% said it would make them feel less socially isolated;
- 51% said it would make them feel better about their sight loss

In addition 68% of respondents selected at least one of these impact statements and 38% selected all four of them.

3. On Demand Programme Services for blind and partially sighted people

When Ofcom reclaimed the duties that ATVOD had been co-opted to perform one of the reasons given was the convergence of on-demand programme services and traditional linear broadcasting and the public perception of the services offered being one and the same. However instead of convergence people with sight loss are seeing an increasing digital divide between the accessibility of the services on offer.

Programs broadcast with audio description often don't have audio description when made available on catch-up but this is not because

² Douglas, G., Corcoran, C., Pavey, S. (August 2006) Network 1000: Opinions and circumstances of visually impaired people in Britain: report based on over 1000 interviews.

³Access Economics, July 2009, Future Sight loss UK (1): The economic impact of partial sight and blindness in the UK adult population

platforms and IP (Internet Protocol) technology cannot support audio description. Programmes can be sent in such a way that the audio description can be turned on and off but it is more common to send two versions of the programme: one with audio description and one without. From the point of view of the broadcast technology and the platform there is no technical difference between these two. This means any technology capable of receiving catch-up services can receive catch-up services with audio description.

For sighted people there are a selection of backwards EPGs (electronic program guides) which allow viewers to select and play programs they've missed as easily as selecting programs that are currently playing. Despite text-to-speech technology being available in some televisions none of these backwards EPGs are usable if you can't see the screen.

Ofcom's Communications Market Report for 2015⁴ found that in the general population a third of respondents claimed to be using free catch-up and VOD services more than they were a year ago. However, ATVOD's 2015 Access Services report⁵ found that despite ninety service providers responding to the survey only four services offered any audio description and one of these was only providing audio description on 0.4% of its output.

ATVOD's report also carried a useful annex clearly showing which services and platforms carried subtitles. There was no such annex provided for audio description because as the report points out "...the level of provision is simply too small".

Ofcom's Communications Market Report also identified six methods of accessing catch-up and on-demand content (set-top box, desktop/laptop computer, Smart TV/ internet connected Blu-Ray Player, smartphone, tablet and games console). Audio description is typically only available on webpage based players and on a few smartphone apps.

The situation is incredibly confusing for consumers as often a catch-up service will only have audio description on some platforms and not others. Also apps used to access services do not always work well with the assistive technology built into smartphones and tablets.

⁴ http://stakeholders.ofcom.org.uk/binaries/research/cmr/cmr15/CMR_UK_2015.pdf last access on 07/09/16

⁵ http://stakeholders.ofcom.org.uk/binaries/broadcast/on-demand/access-european/AS_survey_report_2015.pdf last accessed on 07/09/16

As the co-regulator in this area ATVOD set-up the Working Party on Access Services which brought together consumer groups, broadcasters, content owners and video on-demand service providers. This group shared knowledge and identified ways of working to maximise the level of access services available. The working party was chaired by Nick Tanton, an expert in both access services and broadcast technology, and regular reports were published and sent to DCMS. Whilst RNIB was encouraged by the knowledge sharing that was happening within the group it is clear that more cooperation is needed across the sector. In ATVOD's 2015 report Nickelodeon commented that "[b]roadly we understand that Virgin is unable to support audio description on its on demand platforms..." whilst the same report included the statement that "Virgin states that its platform supports Audio Description." So confusion of what is possible is also present across providers and platforms.

4. Consultation Response

Q1. Do you agree with Ofcom's proposed changes to the way we collect data, and do you have further comments?

Yes as blind and partially sighted people will benefit from seeing how the availability of audio description on video on demand services compares to that provided by broadcast services. RNIB feels that reporting this twice yearly should ensure that the data is also current to enable consumers to make viewing and purchasing decisions. RNIB also agrees that in order for a fair comparison of services the reporting needs to be compulsory.

The quantity of audio description available on video on demand services is incredibly low and it is important to be able to see that the statistics recorded are correct rather than underreporting of genuinely accessible services.

Q2: Do you agree with Ofcom's proposed changes to the type of data we collect, and do you have further comments?

RNIB welcomes Ofcom's decision to report by branded service and platform especially when different branded services and platforms are

likely to vary in their access to audio description services. This should give blind and partially sighted people a much clearer idea of which services and platforms they can use.

In addition to making content available with audio description, service providers also need to make their players accessible across platforms for blind and partially sighted people. The two main platforms for smartphones and tablets, iOS and Android, contain integrated screenreaders and media players built into web pages can be designed to work with free and commercial screenreaders.

RNIB wants to see service providers being asked to report on whether content apps for smartphone platforms have been tested and found to work with integrated screenreaders. This reporting could include the date of the test, handset and OS (operating system) version number and whether content could be navigated to and played on the device without reference to the screen.

RNIB feels that Ofcom is empowered to do this by section 368C part 2 of the Communications Act 2003 which states that “The appropriate regulatory authority must encourage providers of on-demand programme services to ensure that their services are progressively made more accessible to people with disabilities affecting their sight or hearing or both.” as well as the Public Sector Equality duty (section 149 of the Equality act 2010) which states that “A public authority must, in the exercise of its functions, have due regard to the need to... advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;”. Since the apps in question are only usable with the content services they access Article 34 of the TFEU (Treaty for the Formation of the European Union) which prohibits national actions which inhibit cross border trade does not come into effect.

RNIB aims to bring about equality for blind and partially sighted people and as such we are content agnostic. On this note RNIB feels that adult services should not be excluded based on the classification of content they carry. The reason given for the exclusion of adult services was a lack of demand but RNIB would like to raise two issues with this argument. The first issue is that, as with any service, demand is unlikely to increase if there is little expectation of accessibility, such as audio description. Only once a service is fully accessible and is known to be fully accessible will any measurement of demand within the sight loss community be meaningful. The second issue is that social stigma related

to adult services will deter people from asking for accessibility in this area. In this case a lack of complaints may not indicate the actual levels of dissatisfaction.

The consultation document is also not clear whether data received from adult services, under the current proposal, would be excluded from Ofcom reports on the accessibility of on demand programme services even if it is received under the current proposal. Service providers that do carry access services are likely to see it as an investment and selling point, to potential consumers, especially if Ofcom's reporting is easy to read and understand for consumers. Adult service providers who do provide access services should get the recognition for doing so, along with other VOD providers.

Q3: Do you agree with Ofcom's proposed changes to the way we publish data, and do you have further comments?

RNIB agree that publishing data on video on demand access service provision alongside data on broadcast services will give a clearer indication on how much progress has been made. This allows advocacy organisations, such as RNIB, to direct people who contact us towards services that may be accessible to them. A user of audio description may not want to invest emotionally in a series if they won't be able to watch episodes that they miss on catch-up. Once collected, the publishing of the data needs to be swift as the speed of developments across the sector, including the addition or removal of services, changes at a rapid pace.

It also enables us to identify where the industry may be having issues that we can help to resolve.

The presentation of the report for consumers will need to be easy to read and understand. Innovative ideas of how the data can be displayed and digested will need to be considered if it is to be useful for customers, especially those using access technologies such as screen readers and zoom functionality.

Other

The consultation document announces Ofcom's intention to establish an access services policy working group as a knowledge sharing forum for content providers and platform operators with a view to increasing

accessibility. ATVOD's Working Party on Access Services had similar aims and managed to bring about both knowledge sharing in the video on demand industry and better clarity on potential issues in making services accessible.

Despite the cross industry cooperation however, in the last ATVOD report Nickelodeon claimed that Virgin media could not support their audio description whilst Virgin claimed they did support audio description. From this it is clear that more dialogue is necessary and that pressure needs to be placed on the whole industry to ensure participation in this work. RNIB would urge Ofcom to use whatever powers they have to ensure industry participation in this forum.

Good advocacy relies on accurate information and an understanding of where the genuine barriers to inclusion are. RNIB works in many ways to bring about accessibility. We have provided accessibility consultancy to Panasonic⁶ and Samsung⁷ to improve the accessibility of their televisions. We broker deals such as the agreement that all entries for the Man Booker Prize for Fiction must be available in accessible formats⁸. We have even trialled new types of service as we did in the audio description app trial⁹. Inclusion in Ofcom's access services policy working group would help RNIB understand any genuine barriers that the video on demand industry may be facing which will enable us to assist with workable solutions to the problems faced by the industry.

RNIB feel that input from consumer groups is crucial in this type of discussion to ensure that action from the industry is based on genuine needs and priorities and that our extensive knowledge on what is required by our members is shared with those able to provide the solutions.

⁶ <http://www.nib.org.uk/get-picture-making-television-easier-people-sight-loss> last accessed 05/09/16

⁷ <http://www.nib.org.uk/nib-and-samsung-work-together-making-tvs-more-accessible> last accessed 05/09/16

⁸ "The Booker Prize Foundation has a longstanding partnership with RNIB (Royal National Institute of Blind People). The Foundation funds the production of the shortlisted titles in braille, giant print and audio, which the sight loss charity produces by the date the winner is announced."

<http://themanbookerprize.com/resources/media/pressreleases/man-booker-prize-announces-2016-longlist>, last accessed 05/09/2016

⁹ https://www.nib.org.uk/sites/default/files/Audio_description_app_trial_summary.pdf last accessed 05/09/16