

## Consultation response form

<p><b>Question 1: Do you agree with our assessment of the key issues involved to inform regulations in this area?</b></p>	<p>Confidential? – N</p> <p>Yes, we agree that the key issues identified here by Ofcom are appropriate for the scope of this scope of this consultation. We welcome the context that Ofcom have set for this consultation by noting ‘there is clear and significant value in increasing the accessibility of ODPS to those people with sight and/or hearing impairments’. This reflects the overwhelming message from our members and supporters who have campaigned with us on the issue. There was also a clear consensus on this point in the relevant debates during Parliamentary scrutiny of the Digital Economy Act.</p> <p><b>About This Response</b> We respond to this consultation as part of our on-going work on the Subtitle</p>
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	<p>it! campaign, which aims to establish access to TV for people with hearing loss ‘whenever we watch it, however we watch it’. As Ofcom states, ‘people using access services do not fall neatly into homogenous groups’.<sup>1</sup> In preparation for this consultation, we conducted research with our Subtitle it! campaign supporters and we have responded below with a focus on their views and experiences.</p> <p>Within our response, we focus on the provision of subtitles and sign language access services, but acknowledge the important role that audio-description plays for people with visual impairments, including people who have multi-sensory loss (e.g., people who are deafblind).</p> <p>Throughout this response we use the term ‘people with hearing loss’ to refer to people with all levels of hearing loss, including people who are profoundly deaf.</p>
<p><b>Question 2: Are there other ‘access services’ which you believe should be specified in any regulations?</b></p>	<p>Confidential? – N</p> <p>We are satisfied that access services can be reasonably defined as subtitles, sign language, and audio description in the context of this consultation. Key to our position are the proposals that:</p> <ul style="list-style-type: none"> <li>➤ <b>Full accessibility means being able to both search for and access programmes</b></li> <li>➤ <b>All TV content should be accessible to people who are Deaf or have hearing loss</b></li> </ul> <p>We adopt herein a definition of accessibility that refers to the ability of end-users to access and enjoy programmes regardless of sensory impairment. In practice, this means more than the availability of subtitle or sign; it means that people with hearing loss should be able to find and view programmes in the same way as people without hearing loss, and that no one should be excluded from consuming television content because of their sensory loss.</p> <p>We suggest that the regulations should require ODPS providers to use their ‘best endeavours’, as determined by Ofcom, to achieve full accessibility of their content. We propose this power would build on, and strengthen, the statutory duty that Ofcom has to ‘encourage’ ODPS providers to ensure their services are progressively made more accessible.</p>
<p><b>Question 3: Do you have views on the relative importance of sign-presented programming and sign-interpreted programming?</b></p>	<p>Confidential? – N</p> <ul style="list-style-type: none"> <li>➤ <b>Sign interpreted programmes make mainstream TV accessible for a wider audience, but sign-presented shows are also valuable</b></li> </ul> <p>We advocate for equality in access to TV, and we recognise that for many people, being able to access mainstream and popular content is important.</p>

	<p>We believe that sign-interpreted programming offers a valuable route to making popular TV accessible for people who sign.</p> <p>All content should be accessible, but we recognise there are resource implications in delivery of this goal, and we acknowledge that decisions will be made regarding prioritisation of improvements. Where necessary, we support the prioritisation of sign-interpreted programming although there are significant benefits to sign-presented programming, some of which we outline below.</p> <p>We believe that sign-interpreted programmes are generally a good way to create BSL-accessible television, particularly as they can make popular content accessible and can help improve cultural awareness of this rich language. However, sign-interpretation should be of the highest quality in both content and style, and BSL users should be included in the design and formatting decisions when interpreters are overlaid on programmes.</p> <p>We also advocate for the development of technology for closed signing, which viewers can switch on or off as they like, in the same way they could choose whether to display subtitles. This would enable all programmes to be signed, without intruding on other viewers.</p> <p><b>Sign presented programming:</b> We have seen good examples of children’s content that uses sign-presentation in content that is accessible for non-BSL audiences. This approach is also beneficial in that it helps to raise public awareness and appreciation of sign language.</p> <p>It should also be noted that children and young people may benefit especially from sign-presented programmes. This is because a younger deaf audience may find it more challenging to focus on the interpreter and content, but notably, because all young people can benefit from seeing positive portrayals of different people in television. As one respondent to our 2018 engagement survey told us, ‘It is only right that BSL users have presenters and programs just for them...[so] Deaf children would have deaf role models and not [just] interpreters.’</p> <p>We acknowledge that it would be reasonable for this need to be captured elsewhere, as well as or instead of, within this regulation or Code. For instance, these considerations could also be effectively addressed in service provider’s responsibilities regarding on-screen diversity. If this Code or regulation includes measures to support increased representation of sign language, we would advocate an inclusion of similar measures in the linear TV Code.</p>
<p><b>Question 4: To what extent can or should regulations require usability features including (but not necessarily limited to):</b></p>	<p>Confidential? – N</p> <ul style="list-style-type: none"> <li>➤ <b>Best practice guidance should be developed in conjunction with industry and audiences, in a forum recognised by Ofcom</b></li> </ul>

provision of information; accessible catalogues; and best practice relating to the creation, selection, scheduling and presentation of accessible programming? If you do not believe that these features should be required by the regulations, should the regulations require Ofcom's resulting code to give guidance on these issues?

➤ **Ofcom should ensure ODPS providers use their 'best endeavours' to meet guidelines on good practice in accessibility**

The regulations should give Ofcom the power to identify a recognised forum in which best practice guidance is developed, against which the creation, selection, scheduling and presentation of accessible programming can be measured by Ofcom.

Best practice guidance should be developed in collaboration with users and technical experts, to offer guidance that reflects user needs and puts inclusivity at the heart of service design.

This guidance should be updated regularly to account for changes in consumer needs and technological development, and the regulations should give Ofcom the power to hold ODPS providers accountable against these guidelines, as per their best endeavours.

Ofcom should take an active role in these collaborative forums, and meaningful participation by industry should be recognised by Ofcom as part of an ODPS provider's endeavours to enhance accessibility. Support should be available from industry to enable the meaningful inclusion of users or their representatives, including design and testing of services.

➤ **The regulations should include requirements to provide meaningful information on accessibility**

Consumer choice is enhanced through the provision of information. We strongly support Ofcom's on-going commitment to empower consumers and enhance choice. We recommend that Ofcom seek ways to share examples of best practice or adherence to best practice with consumers, thus allowing consumers to identify which services are most accessible.

In our supporter engagement, one respondent suggested that ODPS providers should supply consumers with information about the accessibility of a video-on-demand service and an 'independent' overseer should ensure the information is correct and 'detailed enough'. We support this position, and believe Ofcom is best placed to play this important role.

Many of our supporters rely on simple trial and error when searching for accessible content, which puts their viewing experience at a serious disadvantage to that of non-hearing impaired audiences. Our engagement research indicates that many people are unaware of how to locate accessible content but there is significant appetite to do so.

**'You don't know until you have waited 20 mins for it to download, to be told sorry no subtitles. Where is the fairness? Where is the equality here?**

**There is none'**

- *Supporter, 2018*

As the Consumer Panel found in their 2017 research, 'simply finding access

	<p>services enabled content is a challenge and this presents a barrier to engagement'.<sup>ii</sup> When asked how and where they get information about the accessibility of a video-on-demand service, many said they simply do not know where to look.</p> <p>Respondents also told us they've altered their viewing habits to reflect low expectations of accessibility; one person said they 'Don't bother looking much these days [I] tend to stick with what's on tv or use Netflix that has subtitles available anyway', another told us they rely on family members to help them navigate and filter content. This is a significant burden on people with hearing loss.</p> <p>It is imperative that consumers are able to identify programmes with access services in a simple and straight forward manner. Almost all of our supporters said that information about the availability of subtitles on a service or programme should be available before they access or purchased it, but 76% had subscribed to a service or started to watch a programme, and later found it had no subtitles.<sup>iii</sup> Our supporters describe their disappointment and frustration that money had been spent on content they found they were excluded from watching.</p> <p style="text-align: right;"><b>'[I feel] Frustration that at times life is reducing in quality because of my deteriorating hearing'</b> - <i>Supporter, 2018</i></p> <p>Ultimately, information must available about services at the point of consumption, and viewers must be able to easily discover if a particular show will be available to them on a certain device or platform. Only when consumers have this information can they make an informed choice.</p> <p>We acknowledge the complexity of the market with regard to providing information by platform, device, and App. However, if information about access services is to be meaningful for viewers, it must reflect that ways in which they use services. In our engagement for this consultation, our beneficiaries asked providers to supply 'genuine statistics' about access services, highlighting the perception that currently, reported accessibility figures do not always reflect the viewer's experience.</p> <p>One step toward this provision is for the regulations to require ODPS providers to make it possible for consumers to easily and accurately filter content that is accessible to them.</p>
<p><b>Question 5: Do you agree that audience benefit, cost, and practicability are appropriate grounds for differentiating services/content for the purposes of regulations? Are</b></p>	<p>Confidential? – N</p> <ul style="list-style-type: none"> <li>➤ <b>We recognise that priorities must be set by both Ofcom and industry in their endeavours to make more programming accessible</b></li> <li>➤ <b>Although we aim for full accessibility, we recognise the value in these grounds, and believe they could be developed into useful measurements by which content is differentiated</b></li> </ul>

there other grounds on which you believe ODPS programmes/services should be differentiated (prioritised, excluded, or subject to different requirements)?

- **To establish audience benefit, we call for further audience engagement and research**
- **The costs of making content accessible should be integrated into costing of content, not viewed as an ‘add-on’**
- **Ofcom can best judge whether ODPS providers are ‘major’ providers, based on market share, revenue, and audience size.**

We understand that there are resource implications to both improving access services and enforcing regulatory duties.

**Audience benefit:** We have no reason to believe that the types or genres of programming that people with hearing loss enjoy are different from people without hearing loss. We therefore urge caution when considering measurements of audience benefit and suggest that, if this metric is to be used, audience size and content-popularity should be considered as measurements of benefit. Therefore, making the most widely consumed, popular, or ‘trending’ shows accessible would be a good starting point for ODPS providers, although the ultimate goal must be to achieve full accessibility of content.

We believe that ODPS providers should pay particular attention to ensuring content that is heavily marketed is also accessible to consumers, through the provision of both subtitles and sign interpretation. We recognise the challenge of enforcing this practice through regulation, but suggest it is included in guidance for best practice for ODPS providers.

We recognise that both industry and the regulator must make decisions about prioritisation, and will at times be limited by resources available. If such decisions are to consider audience benefit, this concept should be investigated in a thorough and robust manner.

There may be types of programming that are particularly harmful if inaccessible; for instance, almost half (45%) of our supporters reported in 2018 that they had missed out on some important information or news because subtitles were not available on catch up or video-on-demand TV.<sup>iv</sup>

A subjective and useful understanding of what constitutes ‘audience benefit’ could be developed with robust research that emphasises the views of the people considered to be the audience; Action of Hearing Loss would welcome the opportunity to support such engagement and research.

**Cost:** Resources (including cost and staff availability) are frequently cited by industry as an obstacle to accessibility progress.<sup>v</sup> However, our beneficiaries are keenly aware of the costs they have personally incurred by purchasing services that are only partially or incompletely accessible to them. We do not advocate any measures that are costly to the point of damaging a service provider, but we believe that access services are often regarded as an

	<p>additional cost burden that is affixed to the price of content or delivery. This is an unhelpful view of a crucial service; access services should be regarded as inherent to the quality of a programme in the same way as an audio-soundtrack or English captions for a foreign language film.</p> <p>There is a business case for making some access services available, but this should not be considered the primary driver for making services inclusive for people with sensory loss. Whilst we believe that businesses should celebrate their endeavours to be accessible, and we have worked with providers to promote and showcase good practice, we are aware that some providers may regard access services as a unique selling point or marketable asset of their business. We strongly believe that access for people with disability or impairment should never be directly or indirectly withheld or discouraged as a tool for profit making.</p> <p><b>Determining Responsibility:</b> For all ODPS providers, we believe Ofcom can best judge whether their market share, revenue, and audience size deem them ‘major’ providers. We have highlighted our proposals for major providers below in our response to Question 16.</p> <p>In addition to quotas for accessibility, we believe Ofcom is well placed to exercise additional power to motivate ODPS providers toward delivering full accessibility, and that the regulation should require providers to use their best endeavours to achieve this, as far as possible. It is our view that Ofcom are best placed to determine whether a provider’s progress toward full accessibility constitute their ‘best endeavours’.</p> <p><b>Practicality:</b> We know that accessibility of ODPS can vary significantly depending on the type of platform that a service is shown on, and that these variations are often attributed by industry to 'technical difficulties'. As per our response to Question 15, we propose that the term ‘technical difficulties’ is defined by Ofcom as per the linear Code and that exemptions are limited to these parameters</p> <p>We consider the 'technical difficulties' to be a priority issue. It is our view that many difficulties that exist are surmountable through collaboration with only a small amount of additional motivation on the part of different industry stakeholders.</p>
<p><b>Question 6: Should the regulations impose more stringent requirements on public services broadcasters’ ODPS than on ODPS provided by others?</b></p>	<p>Confidential? – N</p> <ul style="list-style-type: none"> <li>➤ <b>We agree that PSBs are role models in industry</b></li> <li>➤ <b>PSBs should utilise their funding to develop new and improved solutions to enhance accessibility across industry</b></li> </ul> <p>PSBs should lead the way with regard to accessibility and have a role to play in modelling best practice. Whilst we believe that all ODPS providers should be working toward full accessibility, we would support enhanced</p>

	<p>requirements on PSBs given their special role. This could comprise a requirement to achieve close to 100% accessibility in a shorter timeframe or to lead best practice in contract and distribution negotiations to ensure accessibility of content on external platforms.</p> <p>PSBs should also support innovation and development that will improve and lower costs of access services. PSBs should report to Ofcom on their use of public money to research and develop better services, including related to sign language, as per Question 3, with the view that these technological solutions would be of benefit to other providers and, ultimately, to people with sensory loss.</p>
<p><b>Question 7: Should the regulations limit accessibility requirements to programmes/services which have previously been broadcast with access services, or impose more stringent requirements on these programmes/services?</b></p>	<p>Confidential? – N</p> <p>➤ <b>Inaccessible catch-up content is particularly problematic for viewers but we advise that all content should be accessible</b></p> <p>We welcome Ofcom’s identification of this issue as being important to audiences, and we recognise the need for regulations and the Code to be ‘future-proof’ in so far as is possible to retain relevance as audience behaviour changes. This need is particularly apparent with regard to on-demand viewing.</p> <p>The regulations should not limit accessibility requirements to services/programmes that have already been broadcast. Instead, industry should be moving toward full accessibility of content.</p> <p>We recognise the need to regulate both VOD-only services and those with primarily or solely ‘catch-up’ content. Many of our supporters have complained specifically about the inaccessibility of content on-demand that has previously been aired on linear television with access services.</p> <p style="text-align: right;"><b>‘One might be watching a series and missed an episode. No subtitles on Virgin catch up. It spoils the whole series.’</b> - <i>Supporter, 2018</i></p> <p>Whilst it would be beneficial for many consumers at present if the accessibility of previously-broadcast content was prioritised (and/or required), we recognise that this may change in time. We suggest that future regulation should allow flexibility with regard to viewing behaviour and need.</p>
<p><b>Question 8: Do you consider that ODPS programmes/services should be excluded</b></p>	<p>Confidential? – N</p> <p>➤ <b>We aim for full accessibility although, in the interim, it would be feasible to prioritise services based on audience size</b></p>



<p>from the full requirements on the grounds of audience size? If so, should there be different requirements for excluded programmes/services?</p>	<p>➤ <b>ODPS providers should use their best endeavours to reach full accessibility</b></p> <p>Accessibility requirements should not be restricted to the most popular platforms, although we recognise there may be a need to prioritise improvements given cost and resource implications. We suggest that if this approach were to be used, it would only be an interim step toward full accessibility.</p> <p>We do not advocate any measures that are costly to the point of damaging a service provider or impeding its ability to function in a sustainable manner.</p> <p>In our response to Question 16, we outline quotas that are applicable to ‘major’ ODPS providers and suggest that Ofcom determine which providers are applicable. It is reasonable that audience size is part of the metric used to determine what constitutes a ‘major’ provider, although all other providers should be using their ‘best endeavours’ to progress toward full accessibility.</p>
<p><b>Question 9: Should the regulations impose different accessibility requirements on ODPS made available via certain platforms, and if so which?</b></p>	<p>Confidential? – N</p> <p>➤ <b>We do not believe that accessibility requirements should be limited to specific platforms</b></p> <p>We do not believe that accessibility requirements should be limited to specific platforms, although we accept that the most popular platforms could reasonably be prioritised in the journey toward full accessibility.</p>
<p><b>Question 10: Do you have any views or information on appropriate and available means of measuring the audience impact of ODPS?</b></p>	<p>Confidential? – N</p> <p>➤ <b>A robust industry standard measurement of on-demand viewing figures should be developed</b></p> <p>Good policy is informed by strong data. We support the improvement of data reporting for on-demand content and believe a robust, industry standard measurement for audience figures would be valuable for consumers.</p> <p>When industry report against any targets for accessibility, the data should reflect the ‘genuine statistics’ demanded by viewers; it is imperative that the figures reported adequately reflect the amount of content that is accessible to viewers on the platforms of their choice. For as long as full accessibility is not achieved, ODPS providers should be required to provide a breakdown of access services provision by platform and device. We believe this will assist both providers and their customers in identifying services for investment.</p> <p>While this remains under development, we encourage Ofcom to investigate</p>

	<p>further the routes by which commercial revenue is generated via ODPS content; we believe that reporting and metrics used to measure content popularity and to generate advertising revenue could be central to effectively determining impact of ODPS. We acknowledge concerns about confidentiality and suggest that relevant stakeholders could categorise sensitive data into classes or categories, to mitigate some of these concerns.</p>
<p><b>Question 11: Are there particular types/genres of programming which should be excluded from requirements, or subject to reduced requirements, on the grounds of limited audience benefit?</b></p>	<p>Confidential? – N</p> <p>➤ <b>We do not hold a view on which types or genres of programmes are more important. All content should be accessible</b></p> <p>We recognise that for some content, access services are less important for an equivalent viewing experience. We do not currently have evidence of user demand for access services to be provided on specific genres of programming.</p> <p>Whilst we advocate for people with hearing loss to have the full range of choice available to them, and for all content to be accessible, we recognise that both industry and the regulator must make decisions about prioritisation, and are at times constrained by resource limitations.</p>
<p><b>Question 12: Do you consider that ODPS programmes/services should be excluded from the full requirements on the grounds of affordability? If so, should there be different requirements for excluded programmes/services?</b></p>	<p>Confidential? – N</p> <p>We do not advocate any measures that are costly to the point of damaging a service provider or impeding its ability to function in a sustainable manner. This means that providers with a smaller revenue will be subject to less stringent requirements.</p>
<p><b>Question 13: Do you have any views or information on appropriate and available means of quantifying: ODPS-specific revenue; and costs associated with ODPS access services?</b></p>	<p>Confidential? – N</p> <p>Action on Hearing Loss do not have a position on this.</p>
<p><b>Question 14: If you are an ODPS provider, do you have information on the likely costs involved in providing access services on</b></p>	<p>This question is not applicable to Action on Hearing Loss.</p>

<p>your ODPS?</p>	
<p><b>Question 15: Do you consider that ODPS programmes/services should be excluded from the full requirements on the grounds of technical difficulty? If so, should there be different requirements for excluded programmes/services?</b></p>	<p>Confidential? – N</p> <ul style="list-style-type: none"> <li>➤ <b>We believe that the underlying issue is a lack of cooperation and motivation from industry to reach collaborative solutions</b></li> <li>➤ <b>Audiences do not understand why technical difficulties still exist and there is a strong sense that more must be done to overcome these</b></li> <li>➤ <b>There is a strong concern from supporters that the term ‘technical difficulties’ is used by industry to avoid responsibility for resourcing and delivering access service</b></li> <li>➤ <b>We propose that the term ‘technical difficulties’ is defined by Ofcom as per the linear TV Code and that exemptions are limited to these parameters</b></li> </ul> <p>When it comes to identifying the underlying reason that so much on-demand content is inaccessible, we understand that technical difficulties, unclear burdens of responsibility, and incompatibility of systems and file formats are often cited as a problem within industry.</p> <p>We acknowledge that Ofcom’s Code on Television Access Services uses technical difficulty to exempt ‘audio description of music and news programmes and services’, ‘provision of subtitling that is not supported by commercially-available set top boxes (e.g. Chinese or Urdu)’ and ‘provision of access services where a service is broadcast with several different language feeds, making the choice of language for access services problematic’. We believe these exemptions could reasonably be transferred to the new ODPS Code.</p> <p>Consumers are aware of the rapid advances of technology and in our experience, many of our campaign supporters have expressed disbelief that leading businesses were unable to find solutions to oft-cited ‘technical difficulties’ in the provision of subtitles. In our 2018 survey, 3 out of 4 respondents said that no programmes or services should be excluded from the regulations on the grounds of technical difficulty.</p> <p>We believe that more must be done to ensure cooperation between different parties in the delivery chain for ODPS, and it is our view that the regulation should afford Ofcom the powers necessary to determine what constitutes appropriate action (‘best endeavours’) for individual ODPS providers and to hold them to account on a case by case basis.</p> <p>We propose this would address the disparity in size and resources of ODPS providers, platform operators, and content providers. We understand that there are disagreements between content providers and other stakeholders about who should bear responsibility for the provision of access services. In</p>

	<p>this and other matters regarding determining appropriate action, Ofcom should be the adjudicator of disputes.</p>
<p><b>Question 16: Should regulations include quotas on percentages of programming available with access services? If so, what should the quotas be? If not, what other methods do you consider appropriate for the purpose of setting access service requirements for ODPS?</b></p>	<p>Confidential? – N</p> <ul style="list-style-type: none"> <li>➤ <b>Regulations should include quotas on percentages of programming to carry access services</b></li> <li>➤ <b>For major ODPS providers, 80% of new on-demand content should be subtitled within 5 years. At least 95% should be subtitled within 10 years</b></li> <li>➤ <b>Back catalogues should also be subtitled, and major ODPS providers should ensure that 50% of existing content is subtitled within 5 years, and at least 95% subtitled within 10</b></li> <li>➤ <b>The amount of signed content must increase and people with hearing loss should be able to choose their priorities about which programmes are signed</b></li> </ul> <p>We believe that all programmes should be accessible for people with sensory loss, but we appreciate this will take time and investment. Whilst we advocate full accessibility of content, pursuing this goal should not undermine the ability of ODPS providers to function in a sustainable way, or prevent new providers from entering the market place.</p> <p>Requirements should not place undue burden on industry and neither the regulation nor Code should damage the ODPS providers to which it relates. The quotas we set out reflect the significant unmet need for accessibility and the ongoing technological progress that makes delivery, particularly of subtitles, affordable and practical to industry.</p> <p>The premise of our proposed targets is that within 10 years, and likely sooner, industry will benefit from increasingly sophisticated tools for the generation and provision of access services and of subtitles in particular. We have proposed a smaller proportional increase in requirements between year 5 and 10 with the expectation that between these dates, any outstanding issues in the systematic delivery of access services can be resolved.</p> <p>We are working toward a future in which availability of access services is the norm, and that subtitles at least are routinely included in the delivery of content. They must be regarded as integral to the quality of a program, in the same way as an audio track, and omission should be regarded by industry as constituting an incomplete delivery of a programme.</p> <p>We note that whilst the proportion of ODPS providers offering subtitles has increased from 32% to 36% in the year 2016-17, there has been no significant rise in the quantity of programming which is subtitled (these</p>

	<p>accessible services subtitled 26% of programme hours overall).<sup>vi</sup> We also recognise Ofcom's 2017 finding that, 'despite the increase in subtitling across this type of outlet in general, there are still relatively few services carrying subtitles on some of the major set top box outlets (for example 1 out of 25 ODPS available on Virgin)'.<sup>vii</sup></p> <p>For all ODPS providers, we believe Ofcom can best judge whether their market share, revenue, and audience size deem them 'major' providers. All other providers should use their 'best endeavours' to progress toward full accessibility, and it is our view that Ofcom are best placed to determine what constitutes a provider's 'best endeavours'.</p> <p>With regard to sign interpreted programming, we support an increase in the number of sign-presented programmes and believe that people with hearing loss should be able to choose their priorities about which programmes are signed, rather than the broadcasters.</p> <p>We reiterate our call for renewed and specific investigation of the special arrangements outlined in Question 19. We advocate full accessibility of content regardless of sensory loss, but recognise the limitations on delivery, as outlined throughout this response. It is our view that the current quota for signed content (5%) must be improved and, in recognition of the differences between audience size and need for sign language and subtitles, we recommend further in-depth research and review. We would welcome the opportunity to support an in-depth review of this service.</p>
<p><b>Question 17: Do you think that there should be a phased introduction of requirements? If so, please give details.</b></p>	<p>Confidential? – N</p> <p>As outlined above, we expect a staggered approach to setting targets toward making all content accessible, and we advocate for measures that do not place an undue or damaging burden upon industry.</p> <p>It is our understanding that subtitles are both widely used and relatively low-cost, and we recognise that technological advances continue to lower these costs further. It is in this context that we advocate for eventual full accessibility and a minimum of 95% of major provider's content within 10 years, acknowledging that substantial technological developments are likely to continue within the 10 years of regulations coming into effect (likely to be 2019-2029).</p> <p>However, we note that industry have been made aware of the pressing need for improvements since the Digital Economy Act passed in 2017, and prior to that with the voluntary commitment to increase access services. In light of this, we advocate for the requirements of the regulation and Code to come into immediate effect with the passing of the secondary legislation.</p> <p>If there is a period of time before targets are introduced, we believe Ofcom should continue to monitor progress during the interim period, with the expectation of improvements from industry.</p>

<p><b>Question 18: Do you think that the introduction of requirements should prioritise particular types of ODPS programmes or services?</b></p>	<p>Confidential? – N</p> <p>We advocate for full accessibility; it is for users to determine what they wish to watch. If prioritisation decisions are to be made, it would be reasonable to require PSBs to act in accordance with their position as role models, including faster implementation of improvements.</p>
<p><b>Question 19: Should ODPS providers be able to propose alternative arrangements, and if so what type of arrangements?</b></p>	<p>Confidential? – N</p> <p>We advocate full accessibility of content regardless of sensory loss, but recognise the limitations on delivery, as outlined throughout this response. It is our view that the current quota for signed content (5%) must be improved and, in recognition of the differences between audience size and need for sign language and subtitles, we recommend further in-depth research and review of this issue. Such a review could consider the user-need and audiences preferences, particularly with regard to establishing audience benefit.</p> <p>We would welcome the opportunity to support an in-depth review of this service, and recognise that such a review could not be conducted in isolation from the Code for linear broadcast.</p>
<p><b>Question 20: Do you have any other comments or information you wish to share in relation to the drafting of regulations on ODPS accessibility?</b></p>	<p>Confidential? – N</p> <p>In preparation for this consultation, we surveyed people who had previously supported our Subtitle it! campaign and asked their views on key issues. TV accessibility is one of the most popular issues we address as a charity, and we received almost 100 responses a day (total responses 1,113 during a 12 day period between 26/2/18 -9/3/18).</p>

## References:

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<sup>i</sup> Ofcom, *Guidelines on the provision of television access services*. Available at [https://www.ofcom.org.uk/data/assets/pdf\\_file/0023/19391/guidelines.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0023/19391/guidelines.pdf)

<sup>ii</sup> Consumer Communications Panel, *Access to broadcast and on-demand content: time to catch up!* Available at <https://www.communicationsconsumerpanel.org.uk/downloads/19-oct-access-servicescover-reporttime-to-catch-up.pdf>

<sup>iii</sup> Action on Hearing Loss, *2018 Subtitle it! Survey*

<sup>iv</sup> Action on Hearing Loss, *2018 Subtitle it! Survey*

<sup>v</sup> Ofcom, *On-demand programme services: Access services report 2016/17*. Available at [www.ofcom.org.uk/data/assets/pdf\\_file/0024/108672/report-odps-accessibility.pdf](http://www.ofcom.org.uk/data/assets/pdf_file/0024/108672/report-odps-accessibility.pdf)

<sup>vi</sup> Ofcom, *On-demand programme services: Access services report 2016/17*. Available at [www.ofcom.org.uk/data/assets/pdf\\_file/0024/108672/report-odps-accessibility.pdf](http://www.ofcom.org.uk/data/assets/pdf_file/0024/108672/report-odps-accessibility.pdf)

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