

English translation of S4C response to Ofcom consultation:

Making on-demand services accessible: Further consultation to inform requirements to make On Demand Programme Services more accessible to those with sight and/or hearing difficulties

We have not sought to answer every question but have focused on matters which affect S4C specifically.

Background

S4C is a Welsh-language public service broadcaster (PSB) which provides the linear television channel known as S4C and an on-demand programme service called S4C Clic (Clic). Most of S4C's linear content is also available on-demand on the BBC iPlayer, through the partnership agreement which S4C has with the BBC.

S4C has the following access services targets for its television service:

Subtitling: 53.3%

Audio description: 10%

Signing: 5%

S4C's targets are set at Level Two, based on the costs of provision as a percentage of S4C's relevant turnover.

The programmes with access services on S4C are also made available with access services on Clic. S4C also offers subtitles on archive box sets which are available only on Clic.

Ofcom proposals

S4C broadly welcomes Ofcom's proposals to introduce new accessibility rules for on-demand services, but we wish to ensure that the Level Two subtitling target set out above would also apply to S4C's on-demand services. It is unclear from Ofcom's proposals however whether this would be the case.

Ofcom proposes in paragraph 3.13 that "providers should be exempt from the requirements (or subject to lower targets) when the cost of meeting the requirements exceeds 1% of their overall turnover".

In calculating the 1%, Ofcom refers to the 'costs of provision across all services and platforms (that have not already been exempt) relative to overall turnover' (p.29). We assume this refers to all on-demand services but it does not appear to include a provider's television services.

The consequence is that S4C could potentially be required to spend up to 1% of turnover on TV access services and also up to 1% on ODPS access services unless a Level Two target is also offered for its ODPS.

Whilst the costs of TV subtitling at Level One (80%) would take S4C's costs above 1% of turnover, that wouldn't necessarily follow for Clic. Because S4C largely repurposes its television content with access services for its Clic service, the incremental costs for access services on Clic are comparatively low. However, without consistent targets across linear and on-demand platforms, S4C could have a 53.3% subtitling target for its linear channel and an 80% target for ODPS. This would mean a 50% increase in the content required to be subtitled and a corresponding increase in costs.

This would put S4C at a material disadvantage compared with:

- TV broadcasters with Level One targets, as they could probably fulfil their entire ODPS target by repurposing previously broadcast content.
- On-demand only providers, as their total cost commitment is capped at 1%.

S4C however could potentially face costs of up to 1% of turnover for TV access services and a further 1% for its ODPS access services.

In order to ensure that S4C isn't affected disproportionately, we believe S4C should be eligible for the Level Two target on its ODPS for so long as it qualifies for the Level Two target for its TV service.

If it would be helpful to see a worked example of the cost implications, we would be willing to provide this on a confidential basis.

Assuming S4C qualifies for Level Two subtitling targets for its on-demand services, this should also apply to S4C's on-demand content on the iPlayer. In addition, it isn't currently possible for S4C to provide signed and audio-described content on the iPlayer due to technical reasons. S4C is an independent channel and its on-demand content is available on the iPlayer through a contractual arrangement. S4C is editorially responsible for that content. We would wish to ensure that the access services targets set for the BBC's on-demand services (including the iPlayer) do not apply to S4C's content on the platform.

S4C, 21.09.2020