

## Communications Consumer Panel and ACOD's response to Ofcom's consultation on Ensuring the quality of TV and on-demand access services

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### About us

The Communications Consumer Panel, established by the Communications Act 2003, is a group of independent experts with direct sectoral experience. We ensure the voice of UK consumers, citizens and micro-businesses is represented in communications policy development.

The Panel's job is to ensure that the sector works for consumers, citizens and micro businesses - and in particular, people who may be in a more vulnerable position in society. We commission research, provide advice and encourage Ofcom, governments, industry and others to look at issues through the eyes of consumers, citizens and micro businesses.

The Panel pays particular attention to the needs of older people and people with disabilities, the needs of people in rural areas and people on low incomes, and the needs of micro-businesses, which have many of the same problems as individual consumers.

Four members of the Panel also represent the interests of consumers in England, Northern Ireland, Scotland and Wales, respectively. They consult with the key stakeholders in the Nations to understand the perspectives of consumers in all parts of the UK and input these perspectives to the Panel's consideration of issues.

Following the alignment of ACOD (the Advisory Committee for Older and Disabled people) with the Panel, the Panel is more alert than ever to the interests of older and disabled consumers and citizens.

### Our response

The Panel supports Ofcom's continued focus on the monitoring the quantity and quality of access services on broadcast and on-demand programmes services. Accessible and inclusive TV can be a lifeline to consumers of TV and on demand content ('audiences') who have less accessibility to other aspects of society.

We welcome Ofcom's reference to the social model of disability and support the updates to Ofcom's best practice guidelines with the social model of disability in mind. We also strongly support Ofcom's recognition that access services may benefit audiences who they may not have traditionally been designed for, providing added benefit to a greater number of UK citizens.

We also support Ofcom's consideration throughout this consultation, of asking the audience what it needs, directly and through charities - and not relying simply on complaints data as a feedback loop. We know from our own research that consumers with low confidence of a positive outcome are less likely to complain to their provider and that some complaints processes are not accessible to all audiences.

We believe that providers should be seeking to co-design with their audiences access services that deliver equity and we agree with Ofcom that quality standards should be met regardless of the means of delivery of a programme.

### **Accessibility in a broader sense**

We would make one other general point, before responding specifically to points highlighted by Ofcom in its consultation and that is about accessibility in a broader sense.

While we strongly support Ofcom's aims to improve accessibility in the way programmes are accessed, these aims can only be met in conjunction with technology companies that design the hardware and software surrounding the broadcast and on-demand programmes services that audiences want to access.

TV hardware and on-demand programme services platforms need to be easy to access intuitively by every consumer, not just those of us who use office software applications every day at work - and not just those whose job involves coding apps for other people to use.

Access services are a positive tool to help to create an equivalent experience for audiences who might otherwise feel excluded or under-served in their ability to access content. To extend accessibility to all, we all need to be able to use our TVs and devices and understand what options are available to us. A TV that cannot be switched on by audiences with cognitive or developmental disabilities is not accessible; customisable access services that can only be customised by audiences who have the ability to download and use an app are not accessible either.

We know anecdotally that audiences who could be enjoying programmes that feature high quality access services may not be able to reach them through an inaccessible customer journey up to that point. We believe more user research needs to be done by technology companies to ensure that they are being responsible gatekeepers to TV and on demand programme services - otherwise efforts by Ofcom and providers to improve the quality of access services will not be fully actualised.

While it may not form part of Ofcom's official remit, we would thus encourage Ofcom and its regulated providers to work with technology companies and others in the chain, to ensure that accessibility throughout the customer journey of an audience member is given priority. This should, in our view, form part of any provider's action plan in delivering accessibility. While they may not be able to control what other companies do, they should at least try to influence them under their corporate social responsibility.

### **Ofcom's proposals**

#### **Quality and monitoring**

We welcome Ofcom's intentions to focus on quality and not just quantity of provision. We

also welcome Ofcom's steer to providers to use specific tools to measure quality and, as referred to already, we strongly support Ofcom in advising providers to work with their own audience members to understand what quality means for them - and to deliver it.

During the pandemic, we provided feedback to Ofcom from participants in our National Hubs across the UK, regarding the accessibility of broadcasts of national interest. We are pleased to see that Ofcom plans to introduce a requirement on providers to make these broadcasts accessible and to make it possible for the Government to require that providers make broadcasts regarding national and local emergencies and occasions of national importance accessible.

### **Customisation and flexibility of approach**

We are very supportive of Ofcom's proposal to encourage providers to offer customisation options (for example in subtitle size/ colour/ font). Audiences may rely on access services for differing reasons - this is not a homogenous group. Additionally, individual users of access services may have different needs at different times, whether they have a fluctuating health condition or are using a different device, meaning that they would benefit from being able to customise the size and colour of subtitles, for example.

We welcome choice for viewers, where possible and Ofcom's proposal to encourage providers to look at alternative options such as Makaton where relevant to audiences.

We have also previously raised concerns from our stakeholders that background music and sounds can be distracting or render speech inaudible - being able to customise the level of the background soundtrack would be beneficial for audiences. Providers using lighting effects that make it difficult for lip-readers to read what a person is saying is also an area of concern for our stakeholders. While lighting effects may be beneficial as a way of creating atmosphere, they should not prevent audiences from enjoying the programme. Therefore, lighting should be adjusted where possible. Where this is not possible, providers should present information to audiences in advance so that they can switch on subtitles proactively if they wish to.

Regarding audio description, we again agree with Ofcom that providers should seek input from audiences in respect of the style of description, which may vary from one genre to another. We also agree that there may be alternative approaches that may better benefit audiences, such as on-screen text being read by a character in a fictional programme and information being provided in advance of the start of a programme.

While we agree that providers should not be constrained to using a particular sized font and should instead be required to deliver what works well for audiences, we would argue for some level of consistency to avoid confusion. If Ofcom proposes to remove the requirement on providers to use consistent labelling of sounds that are not speech, such as music, we believe this should be well-socialised with audiences so that they are not confused or surprised.



## **Portrayal and representation**

We believe that audiences should see themselves and their daily lives reflected in TV and on demand programmes. Disabled characters in TV and on demand programmes should, where possible, be played by relevant disabled actors. Disabled people should be included in storylines as intersectional people.

We agree with Ofcom that British Sign Language should be used in TV and on demand programmes and that this should be done in such a way that the sign language used can be interpreted easily by audiences, using clear lighting and without obscuring the faces or hands of those signing.

## **When things go wrong**

We support Ofcom's proposals to protect audiences who rely on access services when these services go wrong.

Audiences who rely on access services should be treated as though their service has failed if something goes wrong with them. Communication around these service failures should be given the same priority for these audiences as an outright service outage would be to the overall outage.

We agree with Ofcom's proposals to notify audiences in a way that is accessible to them and to keep them updated. The impact of service failures should also be measured by Ofcom and enforcement action taken.

We also believe Ofcom should encourage providers to ensure that their customer service and complaints processes are fully accessible to audiences who use access services. The accessibility of these processes can set a welcoming or prohibitive tone for audiences and can influence their perception of how valued they are as customers.

## **Summary**

- We agree with and support Ofcom's proposals around quality, monitoring, customisation, portrayal of BSL, and ensuring relevant communication when things go wrong, which should be implemented without delay.
- We recommend some consistency around the labelling of non-speech in TV and on demand programmes and for any changes to be well-socialised with audiences.
- We strongly support Ofcom's promotion of the social model of disability and its recognition that access services can be beneficial to a range of audiences.
- We would also encourage Ofcom to find ways to incentivise providers to work with others such as technology companies, whose devices are a gateway to TV and on demand programme services.