

**Response to Ofcom’s consultation**  
**“Ensuring the quality of TV and on-demand access services”**

<b>Consultation title</b>	Consultation: Ensuring the quality of TV and on-demand access services
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<b>Confidentiality</b>	We are happy for our full response to be made public.

## **Description of GALMA**

GALMA is a research group made up of non-disabled and disabled academics, trainers and professionals that aims to promote research, training and knowledge transfer in the area of media accessibility. GALMA is aligned with a wide notion of media accessibility that concerns anyone who, for different reasons, does not have access to audiovisual content produced in their language or in a foreign language. We are committed to a vision where access is integrated in the audiovisual production process through the collaboration of non-disabled and disabled people, not only as users/informants but also as decision makers.

### **Question 1: Do you have any comments on our proposed approach to making these changes?**

We agree that a ‘one size fits all’ approach to media accessibility is no longer useful and we welcome Ofcom’s proposal to focus on key outcomes, place quality at the centre and broaden the scope of the guidelines so that they can be flexible enough to cater for different audiences and practices that go beyond traditional access services.

The challenge now lies in ensuring that the new guidelines have “impact in practice” (page 5) and are “future-proof” (page 13) once specific requirements are replaced with recommendations and advice that can be taken or left. Ofcom’s plans to keep its guidelines and website under regular review, create a new working group on access services quality and especially incentivise broadcasters and VoD providers to report on their accessibility action plans are particularly important. In our view, the key to ensuring that the new guidelines achieve their stated aim lies in the participation of disabled people. While users are represented by charities in the new working group on access services quality described in section 2.3 and can share their views in the much-needed qualitative research study commissioned by Ofcom to explore media access expectations and preferences, we believe that more can be done in this regard.

As stated on page 18, disabled people are significantly under-represented in the TV industry, both on- and off-screen. Although this is gradually being addressed by broadcasters and production companies (albeit it is still not fixed), it remains to be tackled properly in the media accessibility industry. It would be advisable to follow here the lead of the arts sector, where key stakeholders such as [Unlimited](#) in the UK or [Arts Access Victoria](#) in Australia have identified the participation of disabled people in leadership roles (as artists, arts workers and decision-makers) as an essential condition to achieve meaningful inclusion. The film industry is slowly catching up by promoting the use of [access coordinators](#), a position that is available for disabled experts to supervise all access matters from the early stages of production. This is coupled with [training courses](#) to ensure availability of experts for this role. Interestingly, the accessibility provided in these sectors that are actively taking steps towards the participation of disabled people looks very much like the type of access the proposed Ofcom guidelines are aiming at: embedded into the content production process, flexible, focused on quality, designed for different types of users, innovative and forward-looking.

There is, however, a risk that the proposed updated guidelines, which go a long way towards considering the future of access, may also look, in a few years, like a reflection of a time when the media access industry was largely made up of non-disabled experts who provided disabled

users with access to work made by non-disabled artists, thus perpetuating the agency of non-disabled people (and the passive role of disabled people). We welcome Ofcom's advice for access providers to ensure that their teams "reflect the diversity of their disabled audiences to better meet their needs/preferences" (page 18), but we are also mindful that "there are a multitude of ways that wide gaps can open between people and their rights and the possibility of legitimate participation" (Titchkosky, 2011: xi<sup>1</sup>). We wonder if Ofcom could take a more active role by adopting measures that are being successfully implemented in other areas, such as introducing targets, asking access providers to report on the participation of disabled people in their workforce and/or creating pathways for inclusion in leadership roles.

In its recent [report](#) on "Equity, diversity and inclusion in television and radio", Ofcom is already asking broadcasters to "continue to take steps to improve the representation of disabled people across their organisations, as well as increase the data collected on disability to help build an accurate picture of their workforces" (page 5). Adopting a similar approach with the access service industry to promote the participation of disabled people in leadership roles may help the new guidelines to achieve the future-proof impact in practice that they are looking for.

**Question 2: Do you have any comments on our proposed additions to the TV Access Services Code?**

We agree with the proposed additions to the TV Access Services Code. We would like to know if, just as Ofcom expects television service providers to "demonstrate that they are taking effective steps to publicise awareness of their television access services" ("Promoting awareness", page 13), it may be possible to add a note on "Promoting diversity", expecting access service providers to take effective steps to encourage the participation of disabled people in their workforce.

**Question 3: Do you have any comments on any of the following proposed changes/additions? Please provide any additional evidence you think we should take into account.**

- Understanding audiences

We welcome Ofcom's recommendation for providers to bear in mind the broader benefits of access services for all viewers, but also (and especially) the reminder that the primary focus of these services should be disabled people (which goes beyond people with sight and/or hearing loss). This is particularly important, as focusing primarily on non-disabled users may reinforce "social hierarchies in which what really matters are the benefits that universal design brings to other (normative, able-bodied) people" (Ellcessor 2015<sup>2</sup>).

Ofcom's encouragement for providers to offer customisation options and choice for viewers is also welcome, and it is in line with the above-mentioned criticism of 'one size fits all'

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<sup>1</sup> Titchkosky, Tanya. (2011). *The Question of Access: Disability, Space, Meaning*. Toronto: University of Toronto Press..

<sup>2</sup> Ellcessor, E. (2015). *Blurred lines: Accessibility, disability, and definitional limitations*. *First Monday*, 20(9). <https://firstmonday.org/article/view/6169/4904>

approaches to media accessibility. [As put by Damien Cole](#), CEO of University of Atypical, there is a growing agreement (at least in the arts sector) that full accessibility or even equal access for all is not achievable, as every user is different and has different needs and different experiences. The aim is thus to be as accessible as possible for as many users as possible. Far from being discouraging, this realisation pushes access providers and producers to look for new and alternative ways to engage different groups of users. This is the integrated, innovative and creative access that these Ofcom guidelines are pointing at, where customisation and viewer choice have a particularly important role to play.

- Accessibility and diversity in production

We wholeheartedly agree with Ofcom's recommendation for providers to consider accessibility issues in the commissioning and production process and to ensure that their teams reflect the diversity of their audiences and are appropriately trained. In our views, these three aspects are related and to some extent co-dependent.

Having spent over ten years promoting the notion of [accessible filmmaking](#), it has become clear to us that the presence of disabled people as artists and/or accessibility experts is the most effective way to ensure that access is considered during production. Access is a non-negotiable requirement for them to work in a production, so it is highly unlikely that accessibility issues will be relegated as an afterthought at the end of the process.

Training is essential to ensure that there are disabled people prepared to take on accessibility roles. As mentioned above, the film industry is currently offering [training for accessibility coordinators](#), a position for which disabled people are encouraged to apply. We welcome Ofcom's acknowledgement that media accessibility requires considerable expertise and must be trained appropriately. We wonder, however, if it would be possible to mention the importance of training disabled people for access roles, especially given that their presence in the media access industry may help expedite the consideration of access during production, as requested by the new guidelines.

- Monitoring of quality

It is encouraging to see that Ofcom is advising providers to combine viewer feedback with assessment models to study the quality of their access services. The proposed guidelines state that quality assessments should include monitoring against specific goals, as featured in accessibility action plans, to ensure that providers continue to track progress against these plans. We would like to know if access providers will be asked to report on this progress, so that viewers can be informed about the quality of the access they are receiving.

Recent research<sup>3</sup> shows that pre-recorded subtitles are generally well received. Ofcom's proposal to remove specific guidance leaves this open to change and may therefore necessitate increased monitoring of quality to ensure that high standards of access remain in place. We

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<sup>3</sup> A comprehensive audience reception study looking across audiences views on subtitling on television can be found in section 5.3.3. of Moores, Z (2022). Training professional respeakers to subtitle live events in the UK: A participative model for access and inclusion. [https://pure.rochampton.ac.uk/ws/portalfiles/portal/12254477/Moores\\_Zoe\\_Final\\_thesis.pdf](https://pure.rochampton.ac.uk/ws/portalfiles/portal/12254477/Moores_Zoe_Final_thesis.pdf)

hope that users are part of this discussion, for instance through focus groups or regular consultations.

**Question 4: Do you have any views on how developments in technology may inform the production of access services in the coming years?**

We believe that the focus on quality and, most importantly, its materialisation in regular reviews and assessments, are essential to ensure that new technologies are not introduced to the detriment of the user experience. In the area of automatic live subtitling, for instance, this means that viewers are entitled to expect the same quality as (or better than) that of subtitles produced by human subtitlers. Since most automatic live subtitles are, for the time being, almost entirely verbatim, it is important to ensure that automatic subtitles for programmes with fast speech or overlapping dialogue are not displayed too fast for the viewers to follow both audio and images (see our response to Question 6 on subtitling speeds).

Finally, the latest research we have been carrying out shows that AI tools may be able to help significantly in the assessment of quality. This may enable the (semi)automation of assessment tools such as the NER model, which can help ascertain whether live subtitles meet the required standards.

**Question 5: What do you think about the proposed list of external sources/ guidelines in Annex 3? Are there any additional sources which Ofcom should refer to?**

Since the new guidelines are moving away from a ‘one size fits all’ notion of media access towards a more flexible approach, it is important that the resources included in Annex 3 reflect this transition. We propose the inclusion of:

- The “[Toolkit for Inclusion & Accessibility](#)” produced by FWD-DOC (Filmmakers with Disabilities) in association with Doc Society. Based on the experience of making the documentary *Crip Camp*, this toolkit outlines how access can be embedded in a film production. It covers not only how to make a film more accessible for different types of audiences but also how to make the filmmaking process accessible for team members and on-screen representation of disability more equitable.
- “[Demystifying Access](#)”, a guide for producers and performance makers designed by Unlimited, the leading arts commissioning body that supports, funds and promotes new work by disabled artists for UK and international audiences. Although initially focused on the visual arts, a great deal of the content is applicable to the audiovisual sector. Particularly relevant here are the sections on how to integrate audio description, subtitles and sign language interpreting during the production process and the case studies (some of them film-based) using some of the alternative and creative forms of media accessibility mentioned in the proposed Ofcom guidelines.
- “[Accessibility as a Conversation](#)”, an open access article that charts the transition from a traditional conception of media access to a more modern approach that opens the door to subjective and creative practices involving meaningful contributions by disabled and non-

disabled people. This article is useful to understand why this transition is happening and how it is materialising in practice, which can give producers and access providers ideas as to what options are available.

**6: Do you have any comments on the following suggested changes relating to subtitling? Please provide any additional evidence that you think we should take into account.**

- Subtitling speeds

(Response by Pablo Romero-Fresco, Jan-Louis Kruger and Agnieszka Szarkowska, three of the researchers mentioned in section 5.3. of Ofcom-s consultation document)

We understand that recommended subtitling rates have increased over time, as per changes in technology, content and viewer habits. However, we believe that a maximum subtitling rate and a minimum exposure time should be set and that this is consistent with the research findings that have now been obtained in a significant body of rigorous studies.

Jan-Louis Kruger points out that in the study mentioned in the consultation document (Kruger et al. 2022)<sup>4</sup>, he found that when exposed to fast subtitling speeds (over 20cps), viewers start skipping words: 37% of the words in the subtitles are skipped when the subtitling rate is 20cps and up to 45% of the words in the subtitles are skipped when the subtitling rate is 28cps. Also, when subtitles are presented at or over 20cps, viewers can no longer read to the end of the subtitles before they disappear. 20% of words at the end of subtitles are not read when the speed is 20cps, which increases to 25% of words when the speed is 28cps. The bottom line is that at speeds over 20cps, the limit currently set by Netflix, most viewers can no longer read subtitles fully, let alone read subtitles, watch the images and attempt to lip read.

Recent research by Kruger shows that actual subtitling speeds on Netflix often surpass the stated 20cps limit to match the speed of speech. This also means that some subtitles are displayed for shorter than 1 second. Given that it takes viewers on average almost half a second after a subtitle has appeared to start reading it, these short subtitles at high speeds will very often disappear before viewers can read them.

It is widely accepted that listening to a programme soundtrack is faster than reading subtitles while also looking at images and potentially lip-reading, especially for programmes with fast speech rates. We therefore believe that the present recommendation for subtitles to match the speed of the speech, without a maximum subtitling rate, will result in inaccessible subtitles.

We believe that research on subtitling rates should look not only at user preferences but also at comprehension. Based on the extensive research carried out so far, we recommend a maximum subtitling rate of 20cps (which equates to 200wpm or over), as set in the [Netflix guidelines](#), and a minimum display time of 1 second.

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<sup>4</sup> Kruger, J., Wisniewska, N., & Liao, S. (2022). Why subtitle speed matters: Evidence from word skipping and rereading. *Applied Psycholinguistics*, 43(1), 211-236. doi:10.1017/S0142716421000503



- Live programming

While we agree with Ofcom's initiative to focus on key outcomes rather than on specific requirements, we believe that some minimum standards should be met to ensure that subtitles, audio description and signing are accessible for the viewers. This applies to the maximum subtitling rate discussed above and, in the case of live programming, to the two issues that have consistently been identified by viewers as problematic in live subtitling: delay and accuracy.

We support Ofcom's proposal to change the maximum latency from 3 seconds to 4.5 seconds, which is both realistic and consistent with [relevant research findings](#). We hope that broadcasters keep looking for ways to reduce it further, for instance by experimenting with antenna delay or continuing to share scripts so that live subtitles still contain the current mixture of segments that are cued live and segments that are respoken.

Given that, as stated in the consultation document, "the quality of live subtitling is a particular area of concern for viewers" (page 24), we would like Ofcom to consider recommending a minimum accuracy of 98% for live subtitles, which is consistent with user-informed research findings and with [current practices](#) and [legislation](#) in Europe, Australia and North America. This is particularly important to ensure that automatic live subtitles meet the standards expected of human-made live subtitles.

## **8: Is there anything additional that you think should be added to the revised guidelines on subtitling?**

We very much welcome Ofcom's recommendation for subtitlers to use their creativity in order to capture the essence of sound effects, which we would like to see applied to other facets of subtitling. It may be particularly useful to point subtitlers and access providers here to the resources mentioned in this response (see Response to Question 5 in this document) and, in general, to disability culture-informed access practices, which may be found under labels such as "collective access", "creative access", "alternative access" or "radical accessibility".

The current guidelines primarily refer to programmes that are broadcast on television, leaving out relevant content such as advertisements, trailers and links. We believe this content should be included in order to ensure equitable access for the viewers. When reviewing the responses to the audience reception studies she led, Moores (2022: 199)<sup>5</sup> noted that many users did not consider coverage on television being adequate without these being included:

"Often, in academia, we talk of the shift in focus that has taken place from quantity to quality, which seemingly implies that coverage on television is sufficient. Certainly, broadcasters come very close to reaching their Ofcom quotas (Ofcom, 2021: 5-6)<sup>6</sup>, but for many participants, this is not sufficient. For them, the first step for improvement would be to further increase the coverage of subtitles, across channels and also on the adverts and links that appear between programmes."

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<sup>5</sup> Moores, Z (2022). Training professional respeakers to subtitle live events in the UK: A participative model for access and inclusion.

[https://pure.roehampton.ac.uk/ws/portalfiles/portal/12254477/Moores\\_Zoe\\_Final\\_thesis.pdf](https://pure.roehampton.ac.uk/ws/portalfiles/portal/12254477/Moores_Zoe_Final_thesis.pdf)

<sup>6</sup> Ofcom (2021) Ofcom's Code On Television Access Services. (Accessed: 21 November 2021).

Advertisements and trailers are as much part of the cultural experience as watching scheduled programmes and we believe that consideration should be given to how to make their content accessible too.

**9: Do you have any comments on the following suggested changes relating to audio description? Please provide any additional evidence that you think we should take into account.**

We fully support Ofcom's decision to a) move away from the requirement to use an impersonal/objective style of AD and b) encourage providers to consider different approaches to AD and tailor provision to their given audience's needs and the genre/ programme type.

We also welcome the recommendation to use additional audio accessibility features, many of which are described in the resources mentioned in this response (see Response to Question 5).

The use of integrated descriptions by the Canadian media company AMI, described in the consultation document, is a very apt example, and one that shows that this new approach can be used by mainstream stakeholders. Again, we believe that embedding access into the production process and involving blind professionals in the creative and access service teams is essential to ensure that these recommendations have an actual impact in practice.

**12: Do you have any comments on the following suggested changes relating to signing?**

(Response by Ana Tamayo and Veru Rodríguez)

We agree with Ofcom's proposed changes on signing, which are generally, as applies to the rest of the document, very well informed, timely and relevant. We support Ofcom's views on Makaton and sign systems and the inclusion of Irish sign language. The recommendation for providers to consult their audiences when deciding between sign-interpretation or sign-presentation is relevant, but we wonder if, as has been mentioned above, anything can be done to ensure that this takes place. Otherwise, there is a risk that sign-interpretation may be prioritised, which ensures accessibility but not necessarily inclusion.

Here are some specific responses regarding some of the statements made in the consultation document:

- On page 34:

“In our TV Access services code, we acknowledge that signed television programs meeting the targets may need to be shown outside peak viewing hours given that signing is generally only provided in open format (i.e. it cannot currently be turned on or off by the user).”

In addition to considering sign language (SL) interpreting as an accessibility tool, it is essential to promote content created directly in SL for all types of audiences. As we know, the Deaf community constitutes a cultural and linguistic minority. It is essential to find ways to ensure that signed content can effectively reach a broad audience tuning in to television during peak viewing hours, which can help to promote not only the normalization of this content but also of SL and Deaf individuals in audiovisual media. After all, accessibility and inclusion are not only about offering SL interpreting, but also about educating the non-signing audiences on the



need for, and existence of, SLs. From this point of view, offering signing but hiding it from non-signing audiences does not equate meaningful inclusion.

- On page 51: “Signed programs should be subtitled”

We agree, but we would like to add that consideration should be given to revoicing and audio describing signed programmes so that they are not only viewed by signing and non-signing deaf audiences. Signed programs should also be accessible to people who do not have access to the images or who prefer revoicing.

### **Concluding remarks**

“It is absolutely vital that non-disabled people working in the arts are committed to anti-ableism, but it is all the more vital that there are more disabled people in senior and leadership roles to produce more embedded and long-term change, as well as creating opportunities throughout creative projects to work with disabled collaborators.” ([Ruth Garde](#), 2023)

We would like to thank Ofcom for reaching out to a wide range of stakeholders to update its access services code and best practice guidelines and, especially, for pointing to a new form of media accessibility that allows for flexibility, innovation and creativity. This is important not only for the UK but also for other countries that are likely to be influenced by these proposed changes.

As discussed in our response, we believe that with this greater flexibility come a series of risks, namely the need to maintain some minimum requirements for access (see our comments on maximum subtitling rates and accuracy of live subtitles) and to ensure that these recommendations turn into actual practice. We believe that this requires the involvement of disabled people not only as users and informants, but also as decision-makers. We hope that Ofcom can take an active stance in this regard so that these new guidelines can lead to not only equitable access but also meaningful inclusion.