



Communications Consumer Panel and ACOD response to Ofcom's consultation on proposed improvements to Electronic Programme Guides (EPGs)

The Communications Consumer Panel, established by the Communications Act 2003, is a group of independent experts with direct sectoral experience. We ensure the citizen and consumer voice 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 carry out research, provide advice and encourage Ofcom, governments, the EU, 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 liaise 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.

Response

We strongly support Ofcom's core aims in amending the EPG Code: to make it easier for people with limited or no useful vision to use EPGs and to make it easier for people with some useful vision to read the text of EPGs. Our recent research, *"Access to broadcast and on-demand content: Time to Catch Up!" (October 2017)* made a series of recommendations related to the accessibility of on-screen content. These included:

- Ofcom should pursue the Panel's previous recommendations¹ on improvements to EPGs;
- All stakeholders, including Ofcom, communications providers, broadcasters, retailers, platform providers and charities should work together to promote access services and adaptive technology to the general public, not just to those with visual or hearing impairment; and all stakeholders should work together to make guidance and support available for users in how to activate and use on-screen and voice menus and access services across devices;
- Broadcasters and platform providers should promote the personalisation options of EPGs, where available;
- Providers should add an 'accessibility' filtering option on EPGs.

¹ <http://www.communicationsconsumerpanel.org.uk/downloads/epg-code-amendments-oct-2015-final.pdf>

Following our previous policy work in this area and our research, we believe that improvements to the accessibility of EPGs are long overdue.

Improvements to accessibility should be a matter of priority

Ofcom's amended proposals to the EPG Code, taking into account technological and market developments since 2015, appear proportionate and should be implemented without further delay. We agree that on the basis of industry action so far, this is unlikely to happen without regulatory intervention. Visually impaired people who want to access the same range of TV and on demand programmes as everyone else need the support of Ofcom to make sure this happens.

The Panel has argued for some time that provision of services for people with disabilities should be built into technology as standard, rather than as a separate piece of kit or an app. We see no reason why EPGs should fall into a different category - particularly given the importance of TV to people with partial sight or blindness, as highlighted in the consultation document. While apps provide a useful, additional, tool for some people we do not believe that it is fair or reasonable to expect visually-impaired people to pay extra to access information on the same programmes as their sighted counterparts.

This goes to the heart of creating a more inclusive society for all citizens and its importance should not be underestimated.

We welcome providers' willingness to compete to provide more accessible EPGs, but consider that this would only be fair practice once access to a basic, but useful and effective, level of EPG information is available to all consumers who need it.

Raising awareness and use of inclusive services

The Panel conducted quantitative and qualitative research, published in 2017 (referred to previously and in the consultation document) which examined the awareness, use and availability of access services (audio description, subtitles and signing). Many participants already found it physically challenging to use equipment such as TVs, set top boxes and remotes, and to find and navigate access services on them. The physical barriers were even more challenging due to inconsistent design and the lack of signposting. The following observations from two of our research participants illustrate this.

"The [EPG] can only come as one size on the television... to be able to enlarge the text so I can read it...would be useful." Kelly, 42, visually impaired participant, Greater London

"If you go to the Blue Filters [on the EPG] you get Entertainment, HD, Sports, but you don't have [accessibility], it's a logical thing to have. I often go to films and it will show me all the film channels but why not show the audio describing and subtitled channels?" Nikki, 45, hearing impaired participant, London

There was relatively low awareness of access services among people with sensory impairments. Just over a quarter (26%) of people with visual impairments within our UK representative sample were aware of audio description.

One of our qualitative research participants discovered audio description purely by chance:



"...My husband actually discovered it by accident, he was trying to get whatever it was and there was this box came up and it said Audio and he put it on." Claire, 65, visually impaired participant, Scotland.

We do not believe this is good enough. There is clearly a need to improve awareness and we believe the best way to do this is to bring the information to visually impaired audience members and others who may benefit, via speaking EPGs, with the ability to filter accessibility information and adjust the contrast and size of text. We support the proposal to require high contrast of the text to not less than 7:1, as recommended by RNIB and WCAG. As well as ensuring compliance with technical standards, it is vital to ensure usability - the practical activity of using the package and not just its coding.

Given that there is a higher proportion of visually impaired consumers in the over 65 age group and on lower incomes, we agree with Ofcom's argument that the requirement should apply across all of the next generation of TV receivers, from the date that the Code changes apply and that, where practicable, software on existing smart TVs in people's homes is also updated. In order for this timetable to be meaningful, the Code changes must take place without delay. Taking into account the flexibility that Ofcom has built into its amended proposals, we believe Ofcom should stand firm on these proposals and not delay by entering into lengthy discussions with providers.

Lastly, we continue to believe that annual reporting remains necessary. We support Ofcom's proposal that providers set out step-by-step the improvements they have made, especially where these are different to those specified by Ofcom. They should also set out why there is a difference and how the alternative measures benefit the visually impaired audience (and other user groups which may benefit from improvements in usability, such as people with low dexterity or neuro-difference), with evidence of user testing and engagement with consumer representative bodies, such as the RNIB and others. This will also help service providers to keep in mind their legal obligations under the Equality Act 2010 and section 75 of the Northern Ireland Act 1998.

Summary

- We support the implementation of the improvements Ofcom recommends;
- We believe it is necessary to retain an annual reporting requirement and to monitor implementation of improvements, checking that these are informed by user experience;
- We believe the Code amendments should take place with no further delay, to ensure information on TV programmes can be accessed by all;
- We agree that the wording of the Code should be amended to reflect the update in legislation from the Disability Discrimination Act 1995 to the Equality Act 2010 and section 75 of the Northern Ireland Act 1998.