Ofcom's Review of the BBC's television access service requirements

BBC Response

January 2020

Introduction

The BBC welcomes the opportunity to respond to Ofcom's Review of the BBC's television access service requirements. The BBC designs its products, services and work environments to be accessible to everyone by removing barriers and facilitating inclusion. We support Ofcom in taking a pragmatic approach to the regulation of the Access Services on both the BBC and other broadcasters.

We set out our responses in relation to your questions in the annex to this document, but below draw out two points that we consider require further consideration from Ofcom.

First, the scope of the application of Ofcom's Code on Television Access Services at paragraph 1.2 states the code applies 'regardless of the means of delivery'. We agree that the access service requirements should apply regardless of distribution method and that such wording may futureproof the code. However, we consider that as currently phrased this could lead to some unintended consequences.

Potential consequences arise as, alongside traditional means of broadcast, the BBC's live channels are available over IP via BBC iPlayer. BBC iPlayer is currently available on over 15,000 different devices, which have different technological requirements and capabilities. As a result full BBC iPlayer capabilities are not available on all devices. For example, currently subtitles and audio description cannot be delivered for live viewing on the iPhone. Such limitations on IP delivery need to be taken into account in how the code applies to this distribution method.

BBC iPlayer delivers both live-over-IP and video on-demand for the BBC. As we have previously stated, for ODPS we consider a broadcast-led approach is most appropriate for the application of access services to broadcaster ODPS. Ofcom should consider carefully any impact of a delineation between live-over-IP and ODPS where they are delivered via the same service. This is both to avoid double regulation of those services and to limit additional costs above those necessary to deliver access services over traditional broadcast.

We are keen to engage on the development of an access services code for ODPS. We see Ofcom's separation of the detailed guidance from this code as a key step in ensuring that a consistent approach is taken to both broadcast and on-demand provision of TV-like programming. Consistency across the two types of service is key to ensure viewers' expectations are met when accessing TV-like content.

Second, Ofcom raises the possibility of the application of a code on access services to short-form media. We welcome the fact that Ofcom has not incorporated video clips into the current code as it applies to the broadcast of TV-like programming. Video clips are delivered through a different production pipeline and are delivered through our BBC online service and some social media outlets rather than via BBC iPlayer.

We are happy to discuss with Ofcom the steps we are taking to make the short form content provided via our website and other outlets accessible.

Annex

Question 1: Do you agree with our proposal to continue to apply guidance to BBC UK Public Television services, and not to introduce guidance for the BBC's radio programme services for the foreseeable future?

We agree with both of Ofcom's proposals in applying a code to the BBC UK Public Television services and not applying a code to BBC's radio programmes.

Question 2: Do you agree with our proposal to consider relevant guidance in relation to the BBC's UK ODPS separately?

Yes. We consider it is imperative to maintain consistency in the provision of access services across various service providers, tackling all ODPS in a single code facilitates this. A uniform approach will embed a consistent expectation amongst audiences and allow them access to the widest possible range of content on comparable terms.

Question 3: Do you agree with our approach to maintain the existing targets and guidance for the BBC's UK Public Television Services?

Yes. We welcome Ofcom's maintenance of the targets at their current levels and the consistency with other industry providers. Such an approach enables the BBC to achieve its mission of serving all audiences while remaining flexible in its delivery of access services. The BBC already goes beyond these targets in a number of areas as part of its ongoing commitment to creating a BBC for everyone.

Question 4: Do you agree with the proposed modifications of the TV Access Code set out in Annex 3 to ensure it applies to BBC UK Public Television Services under the 2016 Agreement?

Yes.

Question 5: Do you have any other comments regarding our proposals in relation to how the BBC should make its UK Public Services accessible under the 2016 Agreement?

We welcome Ofcom's pragmatic approach to accessibility. We are keen to engage with Ofcom and other industry providers on the development of a code for ODPS. The BBC publishes a significant amount of its own guidance on the application and development of accessibility across all of its services. We hope that our transparent approach to accessibility supports development across the industry and enables only targeted and necessary interventions from Ofcom. Our various guidance documents are available online via the following links:

- BBC Statement on Accessibility
  http://downloads.bbc.co.uk/aboutthebbc/insidethebbc/whatwedo/accessservices/bbc_accessibility_statement_2017.pdf

- BBC Editorial Guidelines on accessibility
  https://www.bbc.com/editorialguidelines/guidelines/editorial-standards#17accessibility

- BBC Editorial Guidelines' guidance for visually and hearing impaired audiences
  https://www.bbc.com/editorialguidelines/guidance/visually-and-hearing-impaired-audiences)

- BBC Accessibility for Products
  https://www.bbc.co.uk/accessibility/forproducts/

- BBC's GEL (Global Experience Language)
  https://www.bbc.co.uk/gel/guidelines/category/how-to
  https://bbc.github.io/gel/

- BBCs Subtitle Guidelines
  http://bbc.github.io/subtitle-guidelines/

Question 6: Do you have any comments on our proposed changes to Ofcom's Code on Television Access Services?

As raised in our cover note above we encourage Ofcom to consider the implication of the scope of the application of the code.

Question 7: Do you have any comments on our proposed amendments to the guidance in relation to the dates by which broadcasters should apply to Ofcom for alternative signing arrangements, and request exemptions on technical grounds?

We have no comments on these proposed amendments.

Question 8: Do you agree with our assessment of the impact of our proposals on the relevant equality groups? If not, then please explain why you do not agree.

We have no comments on your assessment of the impact of your proposals.