

RNIB's response to Ofcom's call for evidence: Review of the interaction between BBC Studios and the BBC Public Service

About us

RNIB is the largest organisation of blind and partially sighted people in the UK and welcomes this opportunity to respond to the consultation. With blind and partially sighted people at the heart of everything we do, our community of over 33,000 people brings together anyone affected by sight loss. More than three quarters of our Board of Trustees are blind or partially sighted. We support, empower and involve thousands of people affected by sight loss to improve lives and challenge inequalities. We engage with a wide range of politicians, organisations and professionals to achieve full inclusion through improvements to services, incomes, rights and opportunities.

We campaign for the rights of blind and partially sighted people in each of the UK's countries. Our priorities are to:

1. Be there for people losing their sight.
2. Support independent living for blind and partially sighted people.
3. Create a society that is inclusive of blind and partially sighted people's interests and needs.
4. Stop people losing their sight unnecessarily.

RNIB welcomes the opportunity to respond to this consultation. Blind and partially sighted people have expressed a great deal of interest in IoT technology and its potential benefits for them.

Consultation Response

The BBC has a reputation for accessibility which has been earned over many years. The broadcaster was involved in early trials of audio description technology in the UK. They have committed to subtitle as close to 100% of broadcast content as possible [i] and have made a voluntary commitment alongside other channels to a 20% quota for audio

description, double the legal quota. The BBC's iPlayer was the first TV catchup service in the UK to carry audio description and the iPlayer has remained one of the more accessible catchup services in the UK. The BBC has produced the GEL (Global Experience Language) framework, a design language which considers accessibility throughout and BBC's free whitepapers and recommendations on accessibility are often referred to by the broadcasting industry. BBC's commitment to accessibility is driven by its culture and backed up by the Public Sector Equality Duty[ii].

The BBC logo and branding are associated with accessibility best practice which BBC studios will benefit from. BBC content sold by BBC Studios to third-parties carries the BBC logo and to viewers will be associated with the BBC brand. Despite this, BBC content that is sold to external VOD services often has no audio description sold with it. An example is "The Fall", a BBC show first broadcast in 2013. The series has 3 seasons and until recently was available on Netflix.

On the 11th of September twitter user TheBlindJournalist tweeted "Just finished watching the first series of #TheFall on @netflix with audio description but none of the episodes on series two are available with #audiodescription so what ar #blind customers supposed to do? @RNIB_campaigns @NetflixUK"[iii]

The presence of AD on the first season and lack on further seasons means that viewers had time to get invested in the show before they found out that they are unable to continue. The content clearly displayed the BBC logo however which led viewers to expect all three seasons to be described.

RNIB has argued in the past that when content that has been audio described is sold between organisations the audio description should be made available for free or under FRAND terms. Due to the nature of the BBC, viewers have an expectation of accessibility from content that bears the BBC logo and BBC studios will benefit from that reputation.

The lack of accessibility was also evident at the launch of Britbox, a collaboration between BBC Studios and ITV plc which carries no audio

description at all. Much of this content was broadcast recently enough that it would have been audio described. ITV has since announced that they will be adding audio description to their content by the end of 2020. RNIB is aware of no such plans from BBC studios.

Section 23 part 5 of The Agreement^[iv] states

“In carrying out the commercial activities, the BBC must be satisfied that all of the following criteria are met-

- (a) the activities must fit with the Mission and the Public Purposes;
- (b) the activities must exhibit commercial efficiency;
- (c) the activities must not jeopardise the good reputation of the BBC or the value of the BBC brand; and
- (d) the activities must not, as a result of the relationship of the activity with the UK Public Services, trading activities or non-service activities, distort the market or create an unfair competitive advantage, (“the commercial criteria”).”

By failing to provide audio description on Britbox and by failing to supply third-party video on demand services with the audio description tracks BBC Studios are jeopardising the good reputation of the BBC and the value of the BBC brand. Every time a user with sight loss tries to watch BBC content but is unable to because it lacks the access services they require it chips away at the value of the BBC brand and the BBC’s good reputation. That reputation has been hard won and should not be taken lightly.

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i https://www.ofcom.org.uk/data/assets/pdf_file/0035/179954/tv-access-services-code.pdf section A1.2

ii <https://www.legislation.gov.uk/ukpga/2010/15/section/149>

iii <https://twitter.com/SaI9594/status/1304551212931526656>

iv

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/584329/57965_Cm_9366_Print_1.pdf