

The logo for The Authority for Television On Demand (ATVOD) features the letters 'ATVOD' in a bold, white, sans-serif font, centered within a solid black rectangular background.

ATVOD

THE AUTHORITY FOR TELEVISION **ON DEMAND**

Access Services Plan 2014-16

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1. Introduction

- 1.1 This document sets out ATVOD's revised plan¹ as to how it will fulfil its duties under Paragraph 5(v) and Paragraph 7(xx) of the Ofcom Designation, as well as its proposals in respect of guidance to service providers.
- 1.2 ATVOD is required "*to encourage Service Providers to ensure that their services are progressively made more accessible to people with disabilities affecting their sight or hearing or both*".
- 1.3 ATVOD welcomes this obligation and is committed to playing a significant part in encouraging service providers to make their services more accessible to people with disabilities affecting their sight or hearing at a key time in the development and use of on-demand services.
- 1.4 ATVOD notes that, just as on-demand services are at a nascent stage in their development, so the regulation of on-demand programme services is in its infancy as compared to the detailed regulations imposed on linear broadcast services. Furthermore, although many on-demand programme services comprise content that is also included in linear broadcast services, and may therefore be expected to benefit from the existing requirements as to the proportion of programming containing appropriate access services, the range of on-demand programme services falling within ATVOD's jurisdiction is much wider and of a less uniform format than linear services, with content provided from a variety of sources.
- 1.5 Although the Communications Act 2003 does not give the appropriate regulatory authority powers to require service providers to subtitle, audio describe or sign given percentages of programmes made available in an ODPS, ATVOD notes the very significant progress that has been made with regard to linear broadcast services in recent years and aspires to build on these achievements with regard to VOD services.

2. Background

- 2.1 Since 2011 ATVOD has conducted an annual survey of Access Service provision, detailing levels of provision of subtitles, signing and audio description across different services and on different platforms. The results of these surveys can be found on ATVOD's website.²
- 2.2 In 2012 ATVOD published 'Best Practice' guidance in relation to access service provision, developed via the ATVOD Industry Forum working party with service providers and other stakeholders including those representing the interests of people with relevant disabilities. This guidance took into account best practice already established in relation to linear TV services.

¹ The first edition of ATVOD's Access Services Plan was published in February 2011, re-published with minor amendments in September 2012.

² <http://www.atvod.co.uk/regulated-services>

- 2.3 In 2013 the 'Best Practice' working party developed into a technical forum which continues to share information and consider in detail the most promising technical standards for access service provision. ATVOD's view is that this is currently the best way to encourage ODPS providers and platform operators to overcome the technical barriers to the provision of access services that have been identified in its annual surveys of providers.
- 2.4 Users of access services, and groups representing those with relevant disabilities, have consistently told ATVOD that they expect access services in particular on non-linear programmes that have already been broadcast on linear services with access services present. For example, if a user watches a series with subtitles on broadcast television, they expect to be able to view it with subtitles on the related 'catch-up' service. Given the widespread availability of subtitles on feature film DVDs, users of access services also expect access services to be present when viewing films via an on demand service.

3. Priorities

- 3.1 ATVOD's priorities in this area will take into account, among other factors, those services, platforms/outlets, and genres which have potentially the largest impact on the relevant audience.
- 3.2 Taking into account benefits to audiences and costs to industry, and research conducted by Ofcom³, ATVOD considers that VOD service providers and platforms would maximise the consumer benefit if they concentrated their efforts on the provision of:
- subtitling for deaf people and those with partial hearing, and
 - audio description for people who are blind or partially sighted.
- 3.3 ATVOD acknowledges that the requirements relating to audio description and subtitling can be different, both in terms of audience expectation and mechanisms of delivery.
- 3.4 ATVOD also encourages service providers to provide signing services in line with best practice guidelines, and/or to contribute to the British Sign Language Broadcasting Trust's ("BSLBT") fund for the BSL Zone on Film 4 and the Community Channel, as all BSL Zone programmes are provided on demand via the BSL Zone Player⁴.
- 3.5 ATVOD considers it reasonable to expect providers of large scale services, whose services can have the greatest impact on audiences, to take a lead in demonstrating best practice in the area and will focus its efforts accordingly.

³ <http://stakeholders.ofcom.org.uk/binaries/consultations/accessservs/annexes/provision.pdf>

⁴ <http://www.bslzone.co.uk/bsl-zone/>

- 3.6 In doing so, ATVOD will focus its efforts on catch-up television and movie-on-demand services where content has previously carried access services on linear broadcast or cinema/DVD release.
- 3.7 In particular, ATVOD will focus its efforts on service providers who are already required by Ofcom to provide subtitles / audio description on related linear services, along with providers of large scale movie-on-demand services.
- 3.8 ATVOD will seek to work with both service providers and the platform operators who deliver those services, though such platforms are not subject to regulation by ATVOD.
- 3.9 These priorities will not prevent ATVOD from engaging with other providers, as appropriate, and encouraging them to provide access services.

4. Plan

- 4.1 Therefore keeping these priorities in mind, and as resources allow and requirements dictate, ATVOD will:
- a. Seek individual meetings with senior personnel from specific service providers, taking into account current levels of access survey provision, audience reach of services and platforms, and the expectations of access service users. These service providers may include those with VOD services related to linear services carrying subtitles/audio description, and providers of major movie-on-demand services. The purpose of the meetings will be to discuss the service providers' plans and timetables for providing access services and to encourage them to demonstrate significant progress over the next two years.
 - b. Seek individual meetings with operators of major platforms in order to discuss any technical or administrative obstacles relevant to provision of access services.
 - c. In Q1 2014, publish an interim report from ATVOD's Access Services technical working group. This report will outline a generic workflow model for provision of access services, offer a consolidated list of perceived barriers to access service provision, and identify the most promising technical standards for provision.
 - d. Continue to conduct an annual survey into levels of provision of access services, and use these surveys to inform future work.
 - e. Make responses to these surveys compulsory by using a demand for information under s368O of the Communications Act 2003.
 - f. Publish each year a report on the annual survey.

- g. Work with relevant stakeholders, including those who represent relevant access service users, to publicise information on which services are providing access services.
 - h. Conduct regular reviews of ATVOD's Best Practice Guidelines, as appropriate. These will include usability of access services, and issues as dictated by developments in technology and viewing habits (for example, size of subtitles on smaller mobile screens).
 - i. Continue to engage with service providers and other relevant stakeholders, for example by means of the ATVOD working party on access services and in particular its technical working group as above.
 - j. Continue to assess priorities in this area, with reference to stakeholders' views as above and any relevant research into audience viewing habits and requirements.
- 4.2 ATVOD will consider the outcomes of its 2014 and 2015 surveys and will review this plan in early 2016 in light of the progress demonstrated.