

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**

**Best practice guidelines
for access services on
video on demand services
- Interim Report -**

Published 30th November 2011

Contents

Section One

Executive Summary	Page 3
-------------------------	--------

Section Two

Introduction	Page 4
--------------------	--------

Section Three

Stakeholder Responses.....	Page 5
----------------------------	--------

Section Four

ATVOD Response.....	Page 10
---------------------	---------

Section Five

Next Steps.....	Page 11
-----------------	---------

Section One

Executive Summary

- 1.1 In March 2011 ATVOD launched a consultation on a proposal for best practice guidelines for access services made available on video on demand services which meet the definition of an On Demand Programme Service (“ODPS”)¹.
- 1.2 The proposed best practice guidelines were modelled on the existing best practice guidelines developed by Ofcom for programmes shown on television broadcast services.
- 1.3 ATVOD received nine responses to this consultation, from ODPS providers, access service, and organisations representing people with disabilities.
- 1.4 Key findings
 - Respondents expressed broad support for the principal that the guidelines should be modelled on those existing for television broadcast services.
 - Two respondents expressed the opinion that the guidelines should be mandatory.
 - Several respondents felt the publication of guidelines to be premature, citing lack of industry standards and limitations on technology.
 - Concerns were raised over the technical compatibility of content provided and the platforms on which it is shown.
 - Specific comments were received on the proposals relating to subtitles, audio description and signing.
- 1.5 To consider these issues further ATVOD is establishing a working party comprising service providers, access service providers and organisations representing people with disabilities relating to hearing and sight. This working party will also consider the possibilities for international standardisation and ATVOD’s future role.
- 1.6 Key recommendations for working party to consider prior to ATVOD finalising its best practice guidelines:
 - Clarification of terminology in the guidelines.
 - A statement that the guidelines will be subject to review.
 - Amendments to ensure that the guidelines reflect the reality of VOD provision.
 - Recommendations for appropriate signalling of access services to consumers.
 - More realistic / flexible specifications for subtitles.
 - A statement that ATVOD considers that service providers should be encouraged to make content available with non-compliant access services in preference to making content available without any access services at all.

¹ See section 368A of the Communications Act 2003

Section Two

Introduction

- 2.1 Access services are means by which programmes can be made more accessible to people with disabilities relating to sight or hearing or both. Access services can take the following forms with respect to video on demand programmes:
- Signing for deaf people and those with partial hearing; or
 - Subtitling for deaf people and those with partial hearing; or
 - Audio description for people who are blind or partially sighted
- 2.2 In March 2011 ATVOD launched a consultation on a proposal for best practice guidelines for access services made available on video on demand services which meet the definition of an On Demand Programme Service (“ODPS”)².
- 2.3 It should be noted that the statutory requirements for On Demand Programme Services do not include an obligation to provide access services. Consequently, this consultation did not make proposals relating to the scale of provision of access services. It dealt only with how any such provision should be put into practice
- 2.4 ATVOD was designated by Ofcom on 18 March 2010 as the appropriate regulatory authority for editorial content made available in On-Demand Programme Services³. The duties of the appropriate regulatory authority for On Demand Programme Services are set out in Section 368C of the Communications Act 2003 (“the Act”) and include the following duty with respect to access services:
- “The appropriate regulatory authority must encourage providers of on-demand programme services to ensure that their services are progressively made more accessible to people with disabilities affecting their sight or hearing or both.”*
- 2.5 This duty is confirmed under Paragraph 5(v) and Paragraph 7(xx) of the Ofcom Designation. 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.
- 2.6 In accordance with Paragraph 7(xx) of the Designation, ATVOD produced an ‘Access Services’ plan by 30 June 2010 for approval by Ofcom. A final version of the plan was published on 18 February 2011⁴.
- 2.7 The Access Services plan included a commitment to consult on best practice in relation to the subtitling and audio description of programmes on video on demand services on different platforms, taking into account best practice already established in relation to linear TV services.

² See section 368A of the Communications Act 2003

³ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/tv-ops/designation180310.pdf>

⁴ See http://atvod.co.uk/uploads/files/Access_Services_Plan_Mar_2011.pdf

- 2.8 Preliminary discussions with a range of stakeholders, including groups representing those with the relevant disabilities, and Ofcom, suggested that it would be appropriate to model the best practice guidelines for video on demand services on the existing best practice guidelines developed by Ofcom for programmes shown on television broadcast services.
- 2.9 The main advantages of such an approach are that:
- The existing guidelines meet the needs of those with disabilities relating to sight, hearing or both; and
 - A common set of best practice guidelines avoids confusion and unnecessary duplication of work for service providers.
- 2.10 The video on demand best practice guidelines proposed were therefore identical in most material respects to the “Guidelines on the provision of television access services” set out in Annexe 2 of the Ofcom Code on Television Access Services⁵ published on 20 December 2010.
- 2.11 ATVOD received nine responses to this consultation (see below), from On Demand Programme Service (“ODPS”) providers (BT, Channel 4, STV, Virgin Media), from access service providers (Independent Media Support, ITFC), and from organisations representing people with disabilities: (RNIB, Action on Hearing Loss, Sense).

Section Three

Stakeholder Responses

Here we provide summaries of the responses received.

Question 1: Do you agree in principle that ATVOD’s best practice guidelines for video on demand access services should be modelled on the existing Ofcom guidelines on the provision of television access services?

- 3.1 All nine respondents expressed broad support for the principle, citing e.g. continuity of standards, user expectation and building on what ‘works’. Five respondents gave qualifications / reservations.
- 3.2 One respondent in particular, the RNIB, believed that the standards should be mandatory, rather than ‘best practice’, otherwise “*the provision of video on demand services is re-introducing a level of discrimination for blind and partially sighted people that is addressed in the linear broadcast area through the mandatory provision of audio description*”. The RNIB proposed a mandatory regime where service providers should be obliged to deliver existing audio description where available for the relevant content. Action on Hearing Loss (formerly RNID) believed that “*without mandatory requirements for subtitling, audio description and signing, service providers will not provide these vital services for people with sensory loss*”.

⁵ See <http://stakeholders.ofcom.org.uk/binaries/broadcast/other-codes/ctas.pdf>

Instead, cost will be considered a higher priority for providers rather than how accessible their service is”.

- 3.3 Of those who agreed a ‘best practice’ system in principle, some felt that the deployment of best practice guidelines is premature given current limitations on technology and lack of industry standards. Virgin suggested that a technical assessment period by ODPS and platforms is required to address key issues which remain regarding technical standards. STV felt it unrealistic to expect VOD providers to invest in creating access services before there is a commonality of technology between platforms and devices, especially when *“service providers are often not 100% in control of the technical capabilities of their video-streaming solutions”*. RNIB felt that technological requirements need to be developed at the outset in order to make future inclusion of Audio Description viable, rather than attempting to implement as a retrofit at a later stage.
- 3.4 Some drew attention to differences between broadcast and VOD with respect to access services. STV noted that the existing Ofcom guidelines are based on methodologies tried and tested within a mature broadcasting infrastructure, and compared this to a nascent VOD industry with an ever-growing variety of platforms and devices on which VOD can be made available. They suggested that it is not always technically easy to transpose existing access services to the VOD environment. Channel 4 gave an example of a specific difference whereby *“the provision of an appropriate “apology”...is not as straightforward in the on demand world as it is for linear services. While on linear TV there is an obvious scheduled moment to make such as “apology” adjacent to subsequent scheduled episodes, the same is not the case for on demand content”*. BT felt that *“[s]ervices delivered over broadband will have more constraints on data than those delivered over the air, and as such, the ability to offer access services to all customers may be limited by the speed of the broadband connection they have”*.
- 3.5 Concerns were raised over compatibility between content provided and the platforms on which it is shown. As a platform, BT felt that they had limited control *“when purchasing programmes which have been previously produced for TV linear broadcast or cinema”*. Virgin saw a need to ensure compatibility with the infrastructure of aggregators and that *“ODPS that deliver content directly to many platforms...as pre-encoded assets...will need to modify their encoding / transcoding platform in order to provide subtitles to the particular platform’s specification”*. STV commented that many content providers depend on 3rd party platforms and technologies which are beyond their control, including new mobile platforms, and that *“there is no ‘one size fits all’ access-solution”*. Channel 4 suggested that at present *“most of the third party platforms to which Channel 4 supplies content do not support access services and therefore, on these platforms, Channel 4’s content is not provided with subtitles”*.
- 3.6 BT suggested that service providers should *“be able to offer access services when available from the content provider in the form provided, rather than offer less content which meets the required guidelines”* and Virgin agreed that in such circumstances providers are unlikely to want to create new files specifically for the UK.

Question 2: Do you agree with ATVOD's best practice guidelines on subtitling for video on demand services?

- 3.7 Eight respondents agreed in principle, six with qualifications (either general as in Q1 or specific as below). One (C4) offered no specific comments.
- 3.8 There was specific agreement on revising previously live subtitles for accuracy (Action on Hearing Loss / Sense) as live subtitling *“is a challenging task and the accuracy of the subtitles sometimes suffers to a point where the subtitles are unusable”* (Sense).
- 3.9 Several respondents drew attention to the need to take into account varying delivery devices. IMS argued that the presentation section guidelines *“are not necessarily applicable to services viewed through devices other than a TV screen. The presentation of the subtitles in these cases is dependent on the programme and the device in question”*. ITFC commented that there *“will be no way of knowing how the services will be accessed and providing several formats to cover different devices will be prohibitively expensive. Supplying a common format will mean using the lowest common denominator, which might not be Tiresias”*. BT also suggested *“the guidelines should have flexibility to allow for developments in TV technologies (e.g. widescreen and High Definition formats). One way this might be achieved is to provide an outline of the technical specifications required (e.g. font specifications used in subtitles), or to recommend more than one solution which can be selected (e.g. the proposed guidelines only recommend “Tiresias” font for subtitles)”*.
- 3.10 Sense stressed the importance of *“high contrast subtitles...Subtitles need to use light coloured fonts on a solid black background and be an equivalent height to 20 lines of a PAL analogue television signal for a capital V in the Tiresius font. PAL broadcasting uses 576 scan lines of picture content allowing the minimum font height to be calculated based on a proportion of the screen height. Service providers should bear in mind that larger fonts may be appropriate for low resolution video, highly compressed video or video which is expected to be watched on a small screen where compression artefacts or choice of playback method may make the standard size unreadable....Subtitles which are too small, have poor contrast, have a semi-transparent background or no background at all will be unusable by many dual sensory impaired and elderly people. It would be disappointing if service providers went to the trouble of adding subtitles only to find that the people who need them most are unable to benefit”*. On the other hand, ITFC commented that *“a solid black background is not the norm on anything except teletext subtitles. Modern technologies allow an outline on each character for legibility”*.
- 3.11 RNIB recommended the *“ability to be able to change the visual characteristics of the text in the subtitles...as it would suit those with sight problems that are sensitive to particular combinations of colour and contrasts”*.

Question 3: Do you agree with ATVOD's best practice guidelines on audio description for video on demand services?

- 3.12 Seven respondents expressed agreement, five with qualifications (either general as in Q1 or specific as below). One (Action on Hearing Loss) referred to the RNIB's response (qualified agreement) and one offered no specific comment (C4).
- 3.13 ITFC stated that *"it will be important to know whether VOD requires an AD mix. This would increase costs. The iPlayer only supplies some AD at the moment and many other platforms do not."* Virgin went further in suggesting that discussions between ATVOD, industry and groups representing people with disabilities need to establish which access services are a priority.
- 3.14 RNIB's clear view was that not only should audio description for on-demand services be a priority but that it should be mandated, only using a best practice approach *"on ensuring measures are developed and deployed that would enable broadcasters and platform operators to overcome any technical barriers for delivery of Audio Description in their on demand content offerings"*. RNIB also felt that the wording relating to Audio Description production should be removed from the guidelines and instead the document should refer to the Ofcom 'Guidance on Standards for Audio Description' which cover good practice.

Question 4: Do you agree with ATVOD's best practice guidelines on signing for video on demand services?

- 3.15 Six respondents expressed agreement, five with qualifications (either general as in Q1 or specific as below).
- 3.16 While Sense agreed that BSL should be used as the default sign language, Action on Hearing Loss wanted to highlight that *"Makaton is not a language, it is a method of communication, particularly for people with learning disabilities... We would therefore urge caution in Makaton being used as an access service for people with hearing loss"*.
- 3.17 Action on Hearing Loss also suggested *"that the guidelines distinguish between interpreters and translators"* and urged VOD providers to ensure that interpreters/translators they use *"are appropriately qualified"*.

Other

- 3.18 Some respondents commented on the terminology of the guidelines. The ITFC felt that the documentation should make clear *"when referring to "service provider" whether the reference is to the VOD service provider or to the access services provider to make sure the lines of responsibility are clear"*. The ITFC and RNIB pointed out an error originating in the original Ofcom guidelines which refer to macular 'generation' rather than macular degeneration.

- 3.19 Respondents including BT, RNIB, Action on Hearing Loss and Sense suggested that access services information should be given at the point of choice of a service and/or programme, rather than being displayed simply at the start of the programme. BT suggested that *“subtitles should be identified as being available before a customer selects on-demand content...via the electronic programme guide or programme synopsis”* and Action on Hearing Loss similarly urged broadcasters to ensure that access services information *“is also made available alongside other programme information in advance of the broadcast”*. The RNIB believed that the *“guidelines in question need to ensure on demand content and platforms support suitable signalling which would enable blind and partially sighted users to easily identify whether on demand content carries Audio Description, or be able to search for Audio Described content”*. Sense went further, suggesting that *“a failure to notify customers about which access services are or are not available at point of sale may mean the product is not fit for purpose”* and so *“[p]ublicising the access services available is always important”* and ATVOD should also remind service providers that *“when advertising any TV on demand product disabled users may assume it is inaccessible for them unless accessibility information is provided”*.
- 3.20 Respondents (Action on Hearing Loss, RNIB, Sense) also stated that access services should be simple to use, to enable and disable, each using something equivalent to a single button on a remote, identifiable via tactile markings. More specifically, RNIB suggested that the user *“should have the ability to enable or disable Audio Description easily and with minimal visual cues yet with maximum audible feedback (such as an AD beep) provided”*. Sense felt that *“if possible, the industry should agree on a standard way of identifying the controls do to this...Sense recommend that users’ access preferences are stored so that they do not need to turn on the same access service for every video stream they watch”*.
- 3.21 The RNIB commented that they would like ATVOD to play a more proactive role in ensuring that *“all on-demand broadcasters put in place complaints and feedback processes that meet the needs of blind and partially sighted people. For example, a model that works well in linear broadcasting is the model used by BSkyB which has a dedicated special customer support unit trained on disability and access services”*.
- 3.22 Action on Hearing Loss suggested that *“these guidelines are reviewed on a regular basis to ensure that they are kept up to date with policy and technology changes”*.
- 3.23 Virgin suggested that the discussions are progressed through the ATVOD industry forum working group before the best practice guidelines are finalised, as ATVOD / industry / interest groups need to decide which access services are a priority, establish technical constraints, and have a view on whether all ODPS should have similar access levels given the wide variety of services provided.

Section Four

ATVOD Response

- 4.1 We note the RNIB's belief that these standards should be mandatory. One of ATVOD's designated functions is 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. However, ATVOD has no powers to **require** Service Providers to do so.
- 4.2 ATVOD acknowledges that VOD differs from broadcast television in ways which raise practical and technical difficulties and make standardisation of access services more difficult at this stage in the development of VOD services. ATVOD believes however that the publication of best practice guidelines is one part of a larger process whereby services are made more accessible. The publication of the guidelines should take place alongside other developments (for example in the area of technical standardisation) which may also increase their wider implementation. The guidelines will be subject to review from time to time, and in the light of such developments.
- 4.3 Difficulties arising from the sourcing of content from a range of countries were raised by a number of correspondents, and have also been raised with ATVOD outside this consultation. ATVOD believes that there may be benefits in the long term in seeking an international solution in this area, and will seek to pursue this with the relevant stakeholders in due course.
- 4.4 ATVOD aims to produce revised guidelines which, where practicable, reflect the recommendations we received in the consultation responses.
- 4.5 It is ATVOD's view that practicable amendments might include:
- Clarification of 'service provider' terminology
 - A statement that the Guidelines will be subject to review
 - Reference to 'organisation' rather than 'scheduling' to reflect reality of VOD provision
 - Emphasis on making apologies by 'appropriate means'
 - Recommendation that access services are signalled before point of choice
 - Reference to the desirability of making access services themselves 'accessible'
 - More flexibility with respect to font choice for subtitles
 - A more realistic recommendation for achieving high contrast subtitles
 - Removing the implication that Makaton is a language
 - A recommendation that service providers put in place specific complaints and feedback processes for those with sight / hearing difficulties
 - A reminder to service providers that provision of access services may assist in demonstrating that they have made 'reasonable adjustments' in relation to the provision of services to people with disabilities as required by the Equality Act 2010 and (in relation to Northern Ireland) the Disability Discrimination Act 1995
 - A statement that ATVOD considers that service providers should be encouraged to make content available with access services where practicable, and that

accordingly, providers may make non-UK content available with relevant access services which do not comply with its guidance in preference to making that content available without any access services at all (e.g. using US subtitles).

- 4.6 ATVOD feels that other points made in the consultation responses are already adequately addressed by the guidelines. These include:
- Urging service providers to ensure that presenters / interpreters are appropriately qualified
 - Practicable guidelines on audio description. Despite the suggestion that the audio description guidelines are replaced with a reference to the Ofcom guidelines, ATVOD feels it necessary that its best practice guidelines contain in full the audio description advice which in any case matches the Ofcom guidelines.
- 4.7 There remain several areas which would benefit from further discussion, including the following:
- Does the need to supply a common format across different delivery devices mean using the lowest common denominator, which might not be Tiresias? What might that 'lowest common denominator' be?
 - Makaton use in access services. ATVOD feels further discussion is needed before removing mention of Makaton as it appears in the Ofcom guidelines. We have however proposed removing the implication that it is a language in the same sense as BSL.
 - Possibilities for international standardisation
 - Whether ATVOD might have a future role to play in making available technical advice on how to provide access services or as a referral point for specialist access services providers.

Section Five

Next Steps

- 5.1 ATVOD aims to pursue these discussions with service providers, access service providers and organisations representing people with disabilities, establishing a working party through the ATVOD Industry Forum and other stakeholder contacts.
- 5.2 The purpose of the working party will be to:
- Recommend whether or not the amendments proposed by ATVOD in para 4.5 should be included in its Best Practice Guidelines.
 - Consider the issues for further discussion set out in paragraph 4.7. We do not consider that these wider issues need to be fully resolved before publication of ATVOD's Best Practice Guidelines.