

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**

Video on Demand Access Services: Initial Survey

A first report on the level of provision by major video on demand services of subtitling, audio description, signing and other services for people with disabilities relating to sight or hearing or both

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Introduction

ATVOD is designated by Ofcom as the appropriate regulatory authority for editorial content on video-on-demand (“VOD”) services that meet the definition of an on-demand programme service (“ODPS”), as defined in s368 of the Communications Act 2003 (“the Act”). Under Paragraph 5(v) and Paragraph 7(xx) of its Designation, 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*”. ATVOD welcomes this obligation and is committed to 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. Making services more accessible will normally mean providing programmes with subtitling, audio-description or signing. We refer to such techniques as “access services”.

On 18 February 2011, ATVOD published its Access Services Plan (“the Plan”) setting out how it would encourage services providers over the short to medium term. The Plan included a commitment to complete by 31 March 2011 an initial survey of major service providers (including platform providers) to ascertain the state of provision of access services in on-demand programme services, and subsequently to publish a summary of this information on its website. This report constitutes a summary of the information provided in response to the initial survey.

The Plan also includes commitments to:

- Undertake a full survey of all ODPS providers by 31 October 2011. The fieldwork for this larger survey is already underway and a report is expected to be published in Autumn 2011
- 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. A public Consultation closed on 12 May 2011 and a Statement is expected to be published in Autumn 2011

The Survey

The aim of the survey was to provide an initial snapshot of current levels of provision of access services on a selection of major VOD services. Respondents were also asked to indicate future plans. VOD providers who also operate platforms which provide access to third party VOD services were asked to set out details of the access services supported by the platform together with any future plans. A full copy of the questionnaire is provided at Annex 1.

Thirteen service providers were asked to respond: the nine largest providers of notified ODPS (as measured by the turnover of the service provider) plus, to the extent that they were not included in the largest nine, the public service broadcasters and major platform operators who operate their own VOD service and also carry third party VOD services on their platforms. The full list was

British Sky Broadcasting Ltd
British Telecommunications PLC t/a BT Vision
Channel 4 Television Corporation and 4Ventures Ltd
Channel 5 Broadcasting Ltd
ITV Consumer Ltd
ITV Studios Ltd
Microsoft Ltd
Seesaw IPTV Ltd
The Walt Disney Company Ltd
Tiscali UK Ltd t/a TalkTalk TV
Virgin Media Ltd
Vodafone Ltd
Warner Bros. International Branded Services a division of WB TV Distribution Inc.

The questionnaire did not constitute a demand for information under section 368O of the Act and participation in the survey was therefore voluntary. Those who were asked to participate were informed that their names may be made public, but that any information provided would be published only in an aggregated format, or in another manner which prevents identification of the source.

The Responses

Responses were received from eight service providers. Of these responses, three did not include a completed questionnaire, however those that did complete questionnaires responded in relation to nine on-demand programme services.

Services for people with disabilities relating to hearing

According to the responses:

- Four of the nine services currently provide some programming with subtitles and intend to increase this provision in future
- Between them, these four services provide 3,492 hours of subtitled programming in 5,364 individual programmes
- One of the services makes more than 50% of its programmes available with subtitles
- Three further services are currently considering providing subtitling in the future
- None of the services currently provide programmes with signing
- Two of the services are currently considering providing signing and other (unspecified) access services in future

Plans for future provision include:

- Increasing the percentage and volume of programmes with subtitles over time as technical systems are adapted and platform capacity limits allow
- Working with third party syndication partners to encourage the development of such services
- Encouraging third party platforms such as You Tube to support subtitles

Services for people with disabilities relating to sight

According to the responses:

- Two of the nine services currently provide some programming with audio description and intend to increase this provision in future
- One of these services provided 314 hours of audio described content over an 11 month period which constituted 14.3% of total programme hours
- One of these services provided audio described programmes for a specific season of programmes
- Five further services are currently considering providing audio described programmes in the future

Plans for future provision include:

- Exploring technical solutions to begin provision of audio described programmes, hopefully within 12 months
- Increasing the volume of programmes with subtitles over time as technical systems are adapted and platform capacity limits allow

Platform capabilities

For services provided through a platform (such as a set-top-box) operated by a third party platform operator, the ability to provide access services depends significantly on the extent to which the platform supports access services. For that reason, among others, we included in the survey a number of major platform operators who operate their own VOD service and also carry third party VOD services on their platforms. Such respondents were asked to complete specific questions about the extent to which the platform supports the provision of access services on VOD services provided by third parties.

Responses were received in relation to four platforms. According to the responses:

- Of the platforms that carry third party VOD services, two of the four included in responses enable third party VOD services to provide access services for people with disabilities relating to hearing
- One platform enables all third party VOD services to provide programmes with subtitling and audio description
- One platform enables a specific third party VOD service to provide both subtitling and signing but this functionality is not currently available to all third party providers
- This platform expects to enable any third party VOD service to provide programmes with subtitles by the end of 2011, and is testing the functionality required to allow third party VOD services to provide programmes with audio description
- The other two platforms are currently considering plans for enabling third party VOD providers to provide programmes with subtitling and audio description but have no specific timetable set.

The platforms that enable access services generally do so by supporting audio description and subtitles that are embedded in the tape provided to the platform for inclusion in the third party VOD service. Users can then elect to watch the programme with subtitles or audio description, or without access services, as appropriate.

Barriers to provision of access services

Respondents identified the following barriers to providing access services:

- Lack of unified standards: the need to ensure that third party VOD providers on a platform all adhere to the necessary technical specifications when supplying programmes with subtitles or audio description. One respondent suggested that many formats used overseas may be incompatible with UK platforms and that

subtitles provided on non-UK programmes may require reformatting or rewriting which may result in 'significant and potentially disproportionate costs'

- Changes from the broadcast version of programme: many programmes previously broadcast on TV with access services cannot simply be transferred to a VOD service. For example, there will often be a need to remove ad breaks in programmes originally prepared for broadcast and this may also require significant changes to the access services related to that programme
- Timing issues: as many television programmes are subtitled very close to transmission, the 'catch up' VOD version may need be in place on the platform before the subtitles are available
- Quality control: not all subtitled programmes provided to services or platforms conform to the relevant guidelines for access services

Other responses

Of the three respondents who did not return a completed questionnaire, two made substantive comments on the provision of access services.

- One respondent stated that for service providers operating in many jurisdictions, the provision of access services was a global issue which required a more harmonised, and preferably global, approach. The same respondent argued that, as provision on VOD services in EU Member States was less developed than for television broadcast services, there was an opportunity for the UK to take the lead in developing a common approach
- Another respondent stated that the provision of access services is largely dependent on the development by platform operators of the necessary functionality, and expressed a commitment to working with each platform operator (to the fullest extent practicable in line with the service provider's general commercial objectives) to utilize available technologies to promote access services

Next steps

Over the coming months, ATVOD will continue to take the steps outlined in the Plan. In particular, it will :

- Publish a statement on best practice in relation to the subtitling and audio description of programmes on video on demand services on different platforms following the consultation that closed on 12 May 2011
- Complete the full survey of all regulated service providers that is currently underway to ascertain the state of provision of access services in on-demand programme services
- As necessary, make additional enquiries of other relevant stakeholders, including providers of platforms who provide access to ODPS and relevant respondents to consultations on this issue such as the RNIB and RNID
- Publish updated information on which service providers are providing services which make those services more accessible to people with disabilities affecting their sight or hearing or both and information on such services
- Use the information gathered to formulate potential strategies to encourage take up of access services. If appropriate, ATVOD would conduct a public consultation on those potential strategies

Annex 1

Survey questionnaire

Access Services Survey

As part of ATVOD's duty to encourage service providers to ensure that their services are made progressively more accessible to people with disabilities relating to their sight or hearing or both, and in accordance with ATVOD's Access Services plan published on 18 February, we are conducting an initial survey of major service providers (including platform operators) to ascertain the state of provision of access services in on-demand programme services.

For the avoidance of doubt, this is not a demand for information under section 368O of the Communications Act 2003, but an invitation to provide information to assist ATVOD in the performance of its duties with regards to Access Services.

The names of those who have been asked to participate may be made public, but any information provided will be published only in an aggregated format, or in another manner which prevents identification of the source.

Respondent details

Name of ODPS:

ODPS reference number:

Contact name:

Contact email:

Contact phone number:

Part A – services for users with disabilities relating to hearing

Q A1. Do you provide access services for users with disabilities relating to hearing on this ODPS?

Q A2. Do these access services take the form of:

Subtitles?

Signing?

Other (please specify)?

- Q A3. What are your plans for providing such services in the future (eg date on which you intend to begin provision, or timetable for increasing current scale of provision)?
- Q A4. If you provide, or intend to provide, access services other than subtitles or signing for users with disabilities relating to hearing, please give a brief description of the services including the technical means by which you make or propose to make these services available.
- Q A5. What is the total number of hours of programming made available on this ODPS with subtitles?
- Q A6. What is the proportion of total hours of programming made available on this ODPS with subtitles?
- Q A7. What is the total number of programmes made available on this ODPS with subtitles?
- Q A8. What is the proportion of the total number of programmes made available on this ODPS with subtitles?

Part B – services for users with disabilities relating to sight

- Q B1. Do you provide access services for users with disabilities relating to sight on this ODPS?
- Q B2. Do these access services take the form of:
- Audio description?
 - Other (please specify)?
- Q B3. What are your plans for providing such services in the future (eg date on which you intend to begin provision, or timetable for increasing current scale of provision)?
- Q B4. If you provide, or intend to provide, access services other than audio description for users with disabilities relating to sight, please give a brief description of the services

including the technical means by which you make, or propose to make, these services available.

- Q B5. What is the total number of hours of programming made available on this ODPS with audio description?
- Q B6. What is the proportion of total hours of programming made available on this ODPS with audio description?
- Q B7. What is the number of programmes made available on this ODPS with audio description?
- Q B8. What is the proportion of the total number of programmes made available with audio description?

Part C – platforms providing access to third party ODPS

This section should only be completed if you operate a platform which provides access to one or more ODPS provided by a third party.

Although such platforms do not fall under ATVOD's regulatory remit, their role in enabling access services on ODPS is of great importance and we therefore invite responses to the following questions.

- Q C1. Does the platform you operate currently enable third party ODPS providers to provide access services for users with disabilities relating to hearing?
- Q C2. Do the access services for users with disabilities relating to hearing supported by your platform take the form of:
- Subtitles?
 - Signing?
 - Other (please specify)?
- Q C3. What are your plans for enabling third party ODPS providers to provide access services for users with disabilities relating to hearing in future (eg date on which you intend to begin enabling provision, or timetable for improving the current capability)?

Q C4. Does the platform you operate currently enable third party ODPS providers to provide access services for users with disabilities relating to sight?

Q C5. Do the access services for users with disabilities relating to sight supported by your platform take the form of:

Audio description?

Other (please specify)?

Q C6. What are your plans for enabling third party ODPS providers to provide access services for users with disabilities relating to sight in future (eg date on which you intend to begin enabling provision, or timetable for improving the current capability)?

Q C7 If you currently enable, or have plans to enable access services in relation to the ODPS available on your platform, please give a brief description of the technical means by which these services are or will be enabled.

Please return completed questionnaire by soft copy to:

contact@atvod.co.uk

or by hard copy to

Access Services Survey, ATVOD, Thames Court, 1Victoria Street, Windsor, SL4 1YB

Closing date for responses: 31 March 2011

Thank you for responding to this survey. The information you have provided will assist us performing our duty to encourage service providers to ensure that their services are made progressively more accessible to people with disabilities relating to their sight or hearing or both.