

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.

THE AUTHORITY FOR TELEVISION **ON DEMAND**

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# Access Services Plan

Edition 1.1

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**Note on this Edition:** This Edition differs from Edition 1.0 in the following material respects only: all references to The Association for Television On-Demand have been replaced by references to The Authority for Television On Demand.

## Introduction

This document sets out ATVOD's detailed plan 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.

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 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.

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.

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.

Of the three types of access service, and taking into account benefits to audiences and costs to industry, 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.

While it is undoubtedly the case that some people do rely on signing to a greater or lesser extent for access to television, there is evidence to suggest that the proportion of the UK population using sign language is very small, so that there is a low likelihood of sign language users benefiting from signing on those VOD services that currently reach relatively few people. ATVOD notes that there is also evidence that many of those who claim to use and understand sign language actually prefer to use subtitling when watching television. In 2005, Ofcom commissioned quantitative and qualitative research into access services. Two thirds of hearing-impaired people with the strongest signing skills expressed a preference for subtitling over signing.

In encouraging the use of subtitling and audio description, ATVOD will have due regard to the best practice already established in relation to linear TV services, as set out in the Ofcom guidelines on the provision of television access services.

ATVOD considers it reasonable to expect large scale service providers to take a lead in demonstrating best practice in the area and will focus its efforts accordingly.

## 1. Before 31 March 2011

In the shorter term, and taking into account the resources available to ATVOD during its first year of operations, ATVOD considers that the most appropriate way in which it can fulfil its duty is to act as a repository of information about access services, for users, service providers and platform providers, in order to encourage providers of ODPS and the platforms on which they are made available to make services more accessible to people with disabilities affecting their sight or hearing or both. ATVOD will publicise those service providers (and, where applicable, those platforms) who do provide access provision to on-demand services so that users would know where to find such content. ATVOD would update its website on a regular basis, as appropriate.

Accordingly, in the period before 31 March 2011 ATVOD will do the following in fulfilment of its duties concerning access services:

- A) ATVOD will engage with and start to develop its own relationships with relevant stakeholders and interest groups.

In this regard ATVOD requests Ofcom's assistance in identifying and contacting the relevant stakeholders. As a first step in this process of engagement, before finalising the interim Guidance to Service Providers (see (B) below), ATVOD will meet leading disability advocacy groups such as the RNIB and RNID to discuss the planned interim Guidance and the plan outlined in this letter.

- B) As soon as possible after any such meeting/s, and prior to 31 March 2011, ATVOD will publish interim Guidance to Service Providers setting out:
- i. ATVOD's duties;
  - ii. a statement as to different forms of access service available in respect of VOD;
  - iii. an invitation to provide information as to those on-demand programme services which currently provide access services;
  - iv. a general encouragement that service providers use access services to make their services more available to users with relevant disabilities; and
  - v. a reminder that measures they take to provide access services could help to demonstrate that they were making the 'reasonable adjustments' that section 21 of the Disability Discrimination Act 1995 requires of service providers

ATVOD would seek Ofcom's approval of this document prior to publication.

- C) In addition, before 31 March 2011, ATVOD will:
- i. complete 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 publish a summary of this information on its website

- ii. 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. Between April and October 2011

In the longer term, and as resources allow, between April and October 2011, ATVOD will:

- A) conduct as necessary a full survey of all regulated service providers to ascertain the state of provision of access services in on-demand programme services;
- B) as necessary, make additional enquiries of other relevant stakeholders, including providers of platforms who provide access to ODPS and relevant respondents to Ofcom's VOD consultation such as the RNIB and RNID;
- C) 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 (based on the preliminary survey and enquiries and other information referred to above);
- D) use the information gathered to formulate potential strategies to encourage take up of access services. ATVOD would aim, if appropriate, to conduct a public consultation on those potential strategies; and
- E) publish updated Guidance to Service Providers (for which approval from Ofcom would be sought prior to publication).

ATVOD will consider the extent to which it should make provision in next year's budget for sufficient resources to carry out the longer term objectives set out in (A) to (E) above.