

**ITC Response to the DCMS Consultation Paper: Review of the Statutory Requirements for the Provision of Subtitling, Sign Language and Audio Description Services on Digital Terrestrial Television (DTT)**

**A. Main Points**

Review of Statutory Targets for DTT

1. For subtitling, the ITC supports increasing the long-term targets from the current figure of 50 per cent. Experience with analogue television already has shown that levels of subtitling in the region of 80 per cent are feasible, and the BBC has recently set targets for its new digital services that rise all the way to 100 per cent after ten years. It remains to be seen whether 100 per cent subtitling will be entirely feasible, or whether certain programme exemptions will be required in order to enable this very demanding target to be met. Subject to practical feasibility, it is clearly in the interests of audiences that these much higher levels of access should be available in future on at least the most watched commercial digital services.
2. We consider that the most appropriate vehicle for increasing subtitling targets will be within the planned forthcoming legislation on communications reform. In this way the increase in the targets for DTT can be considered at the same time as their possible application to other digital delivery systems including satellite and cable.
3. For sign language and audio description, the ITC recognises that these forms of provision are as yet at an early stage of development – in terms of both user demand and means of reception. The ITC therefore considers that it is too early to say whether, if the targets applying to DTT were increased, they could actually be achieved. The legislative process on communications reform should be used, however, to review the policy and mechanisms for the provision of these forms of assistance across all digital platforms. The ITC sets out below some of its preliminary views on this important issue.

Other Issues Relating to the Provision of Subtitling, Sign Language and Audio Description on Television

4. The ITC believes that Government should review its policy on this area as part of the legislative process on communications reform. We consider that this review should be based on the following principles:
5. *Technology Neutrality*. The application of requirements of this type should be technology neutral, ie, DTT, digital satellite and digital cable should be treated on the same footing.
6. *Practicability balanced with Benefit*. Subtitling and audio description are important

means of providing improved access to television services for the deaf or hard of hearing and for the blind or partially sighted respectively. The long-term goal should be to see these forms of provision on all digital television programmes wherever they offer a significant benefit to the intended audience and wherever it is practicable for the broadcasters to provide these forms of assistance.

7. The current legislation recognises that these forms of assistance are not necessarily appropriate for all types of programme. The ITC is therefore given the discretion to exempt classes of programmes for which provision is considered by the regulator, following consultation, to be inappropriate (eg, because the programmes can already be adequately understood and enjoyed by deaf or hard of hearing, or blind or partially sighted, people). It is important for future legislation that this discretion is wide enough to cover not only programme genres but also programme technical formats (eg, multimedia formats with combined video, sound and text).
8. In addition to this, we consider that the ITC or its successor body will need to be given additional discretion to exempt whole channels from these requirements on the basis of either very small audience share or very low revenue. This will be a vital tool for the regulator in ensuring the right balance between practicability and benefit. Otherwise, if the same requirements have to apply equally to channels with audience reaches of 10 million and 10,000 respectively, there will be a danger of a “lowest common denominator” approach emerging. The discretion given to the regulator on this issue should not be **too** broad, however, and so the legislation will need to spell out clearly the principles that the regulator must apply in arriving at such exemption decisions.
9. *Recognition of the Special Role of Sign Language.* British Sign Language (BSL) can be considered as an important minority language within the UK as well as being a means of providing access to television services for the profoundly deaf. The responsibility to serve the audience dependent on this language (up to 70,000 people) can appropriately be seen as one of the positive programme requirements making up the public service broadcasting obligation. The ITC therefore considers that the statutory requirement for an appropriate amount of sign language provision should be applied in future legislation to all public service TV channels (whatever the method of delivery to the home). Lower targets might be set for analogue services than for digital, since there is the prospect with the latter for the provision of sign language interpretation in a closed format.
10. The multi-channel capabilities of digital might also make it feasible in time for a dedicated sign-language TV channel to be created. It should be noted also that receiver technology developments aimed at converting subtitle information into sign language presentation<sup>1</sup> are continuing, and that these may improve access

---

<sup>1</sup> Progress in this area is being made in the ITC-led European Visicast project. Although not yet at

for the profoundly deaf in future not only to a wider range of television programmes, but also to services on the internet.

## **B. More Detailed Comments**

### Measurement of Requirements

11. Future targets should not be measured weekly, as currently required by the 1996 Broadcasting Act section 20(3), but instead follow the 1990 Act where for analogue services the weekly quota is averaged over the year. This provides valuable scheduling flexibility to broadcasters while not undermining the basic purpose of the requirements.

### Bundling of Subtitling etc Requirements across Several Channels

12. We understand that on DTT the BBC uses the flexibility of being a multi-channel broadcaster to “bundle together” programmes with sign language on a single service in order to meet overall targets across a number of services. However, the drafting of the 1996 Broadcasting Act denies this option to commercial services. Increasing the flexibility in this area could be of benefit to sensory impaired viewers, provided that certain safeguards are applied to ensure that this is not used by broadcasters as an avoidance mechanism.

### Consumer Issues, Including Equipment Costs

13. There are parallels here when compared to the early introduction of subtitles on analogue television where viewers needed to purchase a teletext set before gaining access to subtitles. These early receivers were comparatively expensive yet the teletext service became popular with demand causing prices to fall. The dilemma for the provision of sign language in a closed format and for audio description is that neither service is likely to have a popular appeal in its own right. While legislation has mandated the provision of all three services there is no defined mechanism to ensure an affordable means of access for viewers.
14. The ability to receive subtitling is already built in to digital receivers. To receive audio description services a plug-in module is required – unless future receivers have built-in the necessary additional audio decoder. The required funding for the marketing, distribution, and installation support of modules is currently uncertain. A significant investment is being made by the terrestrial broadcasters into the provision of audio description services and they have also provided the initial funding for the development of receiver modules. We are hopeful that a final funding and distribution package will come together, but the reality is that due to the potentially small number of end users it is likely

---

a stage of development to provide automatic translation in the receiver from text into British Sign Language, this approach promises to be able to provide sign language interpretation as a viewer-option in the future for **all** programmes that carry subtitles.

that some form of subsidy will be required. The overall demand for a closed-signing module is likely to be even lower than that for audio description and more costly to implement.

15. There is no easy solution to this receiver dilemma. Ideally, future receivers will become powerful and flexible enough for audio description and closed-signing decoding capability to be included at minimal extra cost. Government may wish to consider providing funding support, through DTI technology initiatives, for research aimed at achieving this. In the meantime, however, plug-in modules are unlikely to be available in the right numbers and at appropriate costs without some form of subsidy (provided from charitable or social funds, for example).

#### Skill shortages

16. In general, all forms of provision have staff shortages. Of all, sign language provision is identified as the most problematic where there was already a shortfall in qualified interpreters even before digital terrestrial services commenced. For subtitling and audio description, already considerable use is made of computer technology and more can be expected. This is especially the case for subtitling with the promise in future of being able to derive most subtitle text directly from speech.
17. However, shortages of trained staff are expected to remain a problem for some years yet. The ITC considers that the right approach here is for the broadcasters to train more staff, rather than to limit the targets on this basis. Nevertheless, training issues (including costs) will inevitably have some influence on the judgement of how much provision it is reasonably practicable to require of broadcasters.

21 September 2000