



A Consultation Paper

Review of the Statutory Requirements for the Provision of Subtitling, Sign Language and Audio Description Services on Digital Terrestrial Television

1: Introduction

1. The Government fully recognises the importance of access to television services for people who are deaf or hard of hearing or are blind or partially sighted. Digital television has huge potential for improving services and we want to ensure that all groups can benefit. We therefore want to ensure the maximum amount of subtitling, sign language and audio description provision on digital terrestrial television (DTT) services as is practical. We are therefore reviewing the requirements set out in the Broadcasting Act 1996 and by Statutory Order, for the provision of these services.
2. The 1996 Act and the Broadcasting (Sign Language) Order 1997 set targets of 50% for subtitling, 10% for audio description and 5% for signing by the tenth anniversary of the start of the digital terrestrial television programme service. The Secretary of State can amend these targets by Order. The Independent Television Commission (ITC) has the power to set interim targets. All these targets are incorporated in a Code drawn up by the ITC on promoting the understanding and enjoyment of programmes by persons who are deaf or hard of hearing and blind or partially sighted. Further details of the legislation and the ITC's Code are in Appendix 1.
3. DTT services began in November 1998 and the Government announced in February 1999 that it would be reviewing the targets on subtitling, audio description and signing in November 2000, two years from the start of the first services. This consultation initiates the promised review.
4. The Department for Culture, Media and Sport (DCMS) has held preliminary discussions with the ITC; consumer organisations representing viewers with sensory disabilities; broadcasters; companies who provide subtitling, sign language and audio description services for the broadcasters; and electronic equipment manufacturers. Some of their concerns are raised in this consultation paper. We are sending this paper directly to the groups we have met, other consumer groups and others in the broadcasting industry, but would also very much welcome comments from others, in particular viewers who are hearing or sight impaired.
5. Once the review is completed in November, the Government will publish the results.

6. The Government has also announced its intention to publish a White Paper later this year setting out its proposals for the reform of the framework of communications legislation. Therefore as part of this review, we want to take the opportunity to consult on wider issues of concern about the provision and reception of subtitling, signing and audio description on all television services including cable and satellite channels. Although there is no statutory requirement for cable and satellite broadcasters to provide these services, the Government is encouraging cable and satellite broadcasters to increase provision on their digital services.

Note

Under current broadcasting legislation, the Government has no powers to change the targets in the Broadcasting Act 1990 for the provision of subtitling on analogue terrestrial services or to require cable and satellite broadcasters to provide subtitling, signing and audio description on their services. These changes would require primary legislation.

2: Review of the Statutory Targets for DTT

7. The Government's aim is for the highest practicable amounts for subtitling, signing and audio description to be provided. The Government wants to assess whether the present targets are still appropriate or should be changed.
8. At present there are technological difficulties with both sign language and audio description services. In July 1999, the ITC announced that it was offering broadcasters a six month delay in meeting the first interim target for sign language provision, provided that the provision lost was made up before the second interim requirement applies. This was in response to broadcasters' requests that sign language provision should begin only when a reliable closed format solution was ready. The ITC set a deadline of 15 May 2000 after which open signing would have to be provided. As such a closed system is still not available, broadcasters began open signing on screen which all viewers see.
9. In September 1999, the ITC similarly agreed to a delay of up to six months to the introduction of audio description services as the plug-in modules needed to receive audio description were not available. The Commission stipulated that any provision lost is to be made up by November 2001 and that proposals for a trial service should be established as soon as possible in order to ensure the reliable introduction of the service. This began on 15 May.
10. The broadcasters have also expressed their concern about the costs of providing the services both in terms of the high cost of developing equipment and the large amount of broadcast spectrum needed to deliver the services.
11. The main issue which we will be considering is whether it would be practical to change the targets given the difficulties experienced so far in launching the new services, particularly audio description and signing services; difficulties with receiving equipment; and costs to broadcasters in developing and delivering the services.
12. Given the delay in the start of signing and audio description services, we would also like views on whether it would be better for the targets to remain unchanged at this stage and to have a further review, when the services are longer established.
13. We would welcome comments on:
 - Should the targets be changed or are they about right?
 - If the targets remain unchanged should there be a further review and, if so, when?
 - What are the costs of delivering and receiving the services?
 - Would the quality of subtitling be affected if targets were increased?
14. The Government would also find it useful to know of any information about the rate of take-up of digital services by people with sensory disabilities and the potential demand.

3: Other Issues Relating to the Provision of Subtitling, Signing and Audio Description on Television

15. The Government also welcomes comments on any other aspects of the provision of subtitling, sign language and audio description of television programme services (ie including cable, satellite and analogue terrestrial). This will help inform Government in developing future broadcasting policy and legislation in this area.

16. Some particular issues that have been raised in our discussions include:

The possibility of different targets for different broadcasters

17. At present the targets apply to each channel broadcast on a digital terrestrial television multiplex. Some of those we have consulted suggested that it may be more practical in terms of costs to broadcasters and achieving maximum benefit to viewers with sensory impairments for different targets to apply to different broadcasters. For example, some felt that the costs of providing subtitling, signing and audio description services could be a barrier to launching new channels on DTT or might result in existing channels with a small audience share ceasing to broadcast on DTT. Some broadcasters, who have a number of digital channels, and are required to meet the targets on each channel they broadcast, felt that it would be better if they could aggregate targets across their channels which would enable them to direct resources to their more popular programming.

18. We would like comments on

- should there be different targets for different broadcasters perhaps based on audience share of channels?
- should new channels be exempt from targets or have lower targets at first?
- should broadcasters who broadcast several channels be able to bundle their subtitling output between channels in order to meet an overall target?
- which programmes or channels should be priority for subtitling, signing and audio description?

19. Costs

In addition to costs to broadcasters in developing and providing subtitling, signing and audio description services, there is a cost to the consumer in investing in equipment to receive the services. Some felt that broadcasters should do more to ensure that viewers were able to receive services, whilst others felt the Government should do more, for example by requiring that reception of audio description services should be incorporated as standard in all equipment. Other things being equal, more expenditure by broadcasters in this area means less expenditure on programmes.

20. We would welcome comments on :

- How should equipment costs to the consumer best be met?
- If the targets are increased, what will be the financial impact on broadcasters' programming?
- What are the opportunity costs to broadcasters in terms of alternative possible uses of spectrum in providing subtitling, signing and audio description services?

Provision of services on cable and satellite

21. Consumer organisations thought the statutory targets should be extended to require cable and satellite broadcasters to provide subtitling, signing and audio description on their channels.

22. We would be interested to have comments on:

- Should cable and satellite channels be required to provide these services?
- If so, should requirements apply to all cable and satellite services, or, for example, only to those with a large audience share or over a certain income threshold?

Shortage of skilled subtitlers, signers and audio describers

23. We also understand that there is a shortage of skilled subtitlers, signers and audio describers. For example there are only 24 active television signers in the UK. The providers of these services and consumer groups were concerned that increasing the targets might affect the quality of the services.

- Is there a need to train more subtitlers, signers and audio describers in the future; will technological developments help combat the skills shortage?

24. We would also like to know what would most encourage people with disabilities to take-up digital services and which services would be most valued.

Who is being consulted?

25. A list of those directly consulted is in Appendix B, but the Government would like to consult as widely as possible and welcomes comments from others, particularly from viewers with sensory disabilities. We are happy to accept joint responses from groups. We would find it helpful if organisations representing groups could also let us know how they have consulted their members and any estimates they may have of the potential number of people using each service.

26. This paper is also available on the DCMS web site and in braille and large print from DCMS.

Deadline for response

27. Responses should be sent to David Gookey, Broadcasting Policy Division, Department for Culture, Media and Sport, 2-4 Cockspur Street, London, SW1Y 5DH or by e-mail to david.gookey@culture.gov.uk, by Friday September 15. DCMS will publish the names of those who respond to the consultation, and unless confidentiality is requested, will include the responses when a report of the review is announced.

Appendix A: The Provisions of the Broadcasting Act 1996 and the ITC Code

1. Section 20 of the Broadcasting Act 1996 requires the Independent Television Commission (ITC) to draw up and from time to time review, a code on promoting the understanding and enjoyment of programmes by viewers with sensory impairments. The Code includes specified minimum proportions laid down in the Act and by Order for the subtitling, 10% for audio description and 5% for signing by the tenth anniversary of the start of the service. The Secretary of State can amend these targets by order, having consulted the ITC. The Act allows for the ITC to set interim targets and to exclude specified categories of programmes from the statutory requirements.
2. The ITC issued its Code in February 1997. For subtitling, the Commission has set interim targets of 5% of programmes to be subtitled in the first year, rising by 5% each year; for sign language, at least 1% by the start of the second year, rising by 1% every two years; and for audio description, 2% by the start of the second year rising by 2% every two years. The Commission decided not to exclude any categories of programming from the minimum requirements. In July 1999, after further consultation the Commission incorporated guidelines setting out the required quality standards for sign language provision into the Code. In December 1999, the ITC consulted further on technical standards for sign language and audio description.
3. The Code applies to all digital programme services licensed by the ITC . The requirements relating to audio description and sign language also apply to the digital simulcast Channel3, 4 and 5 services and S4C.
4. The review will not include the arrangements for subtitling on analogue terrestrial services to which the requirements of different legislative requirements apply. The Broadcasting Act 1990 set a target of 50% of subtitling of programmes by 1998 for Channel 3 services and by the fifth anniversary of the start of the Channel 5 service. Thereafter it is for the ITC to set targets which are reasonably practicable. The Commission has proposed that the amount of subtitling should increase to a minimum of 80% of Channel 3 programme hours subtitled from 2004.
5. There are no legislative requirements on cable and satellite broadcasters to provide subtitling, audio description and signing on their services.

Appendix B: Organisations Consulted

Independent Television Commission

Consumer groups

RNID

Deaf Broadcasting Council

Hearing Concern

British Deaf Association

National Deaf Children's Society

RNIB

SENSE (The National Deafblind and Rubella Association)

The National Consumer Council

Consumers' Association

Voice of the Listener and Viewer

National Viewers and Listeners Association

ITC Viewer Consultative Councils

Broadcasters

Carlton

BSkyB

Granada

BBC

Flextech

Turner Broadcasting

MTV

ONdigital

Channel 4

ITV

Scottish Television

Ulster Television

GMTV

S4C

Channel 5

The Adult Channel

Discovery Communications

Broadcasters' Disability Network

Service providers

BBC

Independent Media Support

Intelfax

ITFC

CHASE

Programme producers

PACT

Manufacturers

BREMA

FEI

