Consultation Response

The BBC’s Draft Distribution Policy

April 2018

1. About Us

Action on Hearing Loss is the charity formerly known as RNID. Our vision is of a world where deafness, hearing loss and tinnitus do not limit or label people and where people value and look after their hearing. We help people confronting deafness, tinnitus and hearing loss to live the life they choose. We enable them to take control of their lives and remove the barriers in their way. We give people support and care, develop technology and treatments, and campaign for equality.

2. Our Response

Action on Hearing Loss welcomes the opportunity to respond to the BBC's Draft Distribution policy. There are 11 million people with hearing loss in the UK and this number is set to rise to 15.6 million by 2035. It is important that television and broadcast media is accessible for this large section of the population. We focus here on the provision of subtitles and sign language access services, but acknowledge the important role that audio-description plays for people with visual impairments, including people who are deafblind.

Within our response we use the term ‘people with hearing loss’ to refer to people with all levels of hearing loss, including people who are profoundly deaf. We are happy for the details of this response to be made public.

3. Quality and Accessibility

Access to the television for people with hearing loss has vastly improved in the last few decades. However, there are still many programmes that remain inaccessible due to a lack of subtitles or signed interpretation, poor quality subtitles, or inaudible speech. We support the BBC’s emphasis on quality in the draft policy, and we highlight that quality is dependent on accessibility. 1 in 6 people in the UK have hearing loss, and many rely on subtitles to enjoy television services. For others, sign language interpretation or presentation is key to their viewing experience.

We agree with (3.13) that audiences' and licence fee payers' experiences of BBC content should be of high quality. We recognise the generally high standards of the BBC with regard to accessibility and provision of access services, including sign-presented programming, subtitles, and sign language translation.
However, not all platforms and providers attribute the same value to accessibility, which can lead to people with hearing loss missing out when accessible content is missing or hard to find. We believe the BBC should be able to exercise an appropriate degree of control regarding the distribution of its content to ensure that high standards remain in place when content is broadcast via third party providers.

We note that, under the BBC's Royal Charter and Framework Agreement, the BBC is required to 'do all that is reasonably practical to ensure that audiences are able to access UK Public Services...' and that, '[i]n doing so, the BBC may impose reasonable conditions under which it will make its output and services available to third parties'. We believe that it is reasonable for the BBC to require its content to remain accessible when delivered by third parties, in order to meet these conditions.

To this end, third parties must do all that is reasonably possible to ensure that access services are made available on BBC content, and it is correct that the BBC expect platforms to facilitate deployment of these features. Third parties must also ensure that accessible content is given the prominence it deserves and that audiences who rely on these services are able to locate and access services easily and intuitively.

Therefore, with regard to access services and features related to accessibility, we strongly agree that platforms should not withhold functionality and enhancements which would be beneficial for audiences (whether audience-facing or otherwise) from BBC's content and services (3.15). We cannot at this time foresee circumstances in which removal of these services would be 'objectively in the interests of audiences' (3.15), given the importance of accessibility to viewers. The value of accessibility goes beyond the immediate ability to access a programme and touches on broader issues of social inclusion; as the Ofcom Consumer Panel 2017 report on access services found, a lack of access services can lead people with hearing loss to feel marginalised and isolated.