

Response to BBC's consultation on the BBC's draft Distribution Policy By The National Association of Deafened People (NADP) Registered Charity No. 294922

The National Association of Deafened People (NADP) is a nationwide charity run by its members who are deafened. Our members have experienced hearing loss to varying degrees during their lifetimes. Some have had a hearing loss since birth or early childhood, others may have become deafened suddenly during adulthood. Many share a gradually deteriorating hearing loss with age and have become increasingly reliant on using subtitles when viewing television broadcasts as their hearing has deteriorated. Many of our members either use hearing aids to enhance their limited hearing or have a Cochlear Implant which means they are likely to use both audio and subtitles to enjoy viewing TV.

NADP welcomes the opportunity to respond to the BBC's consultation on its draft Distribution policy on behalf of its members.

Consultation

In accordance with clause 62(3) of the Agreement we are seeking views from the public on whether the draft Policy meets the Clause 62 requirements, 6 which are set out above. In particular:

- a) Has the BBC identified reasonable conditions in relation to the distribution of its public services?
- b) Are the conditions appropriate to ensure that the distribution of the UK public services enables the delivery of the BBC's public purposes and the fulfilment of the BBC's mission in the interests of its audiences across the UK?
- c) Are the conditions proportionate and targeted given the BBC's duty under Article 11 of the Charter to have particular regard to the effect of its activities on competition?

Our Response

It is of no surprise that deafened people feel they should be able to enjoy content in the same manner as the hearing population on whichever format this may take and wherever they may be in the world. This is particularly relevant to content provided by the BBC both as a PSB but also as a national institution. Many of our members have expressed their disappointment when finding content with no subtitles despite knowing that the same content was broadcast with subtitles. Two particular areas of dissatisfaction are BBC news items shown on websites and lack of subtitles on BBC content on DVDs. We recognise that the BBC has worked to reduce the incidence of these cases but want reassurance that this afterthought of provision is not repeated for content on other new media and the respective distribution channels.

It is estimated that 1 in 6 people¹ in the U.K. suffers from some form of hearing impairment. We also understand that according to research by Ofcom there are over 7 million users of subtitles and that recent research by BBC R&D suggests 20% of adult content and 40% of children's content is viewed on the BBC iPlayer with subtitles switched on. There is therefore a significant demand for subtitles on content. Whilst we recognise the importance of each of the conditions set out in the Draft Distribution Policy, unfortunately we do not feel that subtitling, tucked away under accessibility in the Quality condition, receives adequate importance. We believe subtitling should be recognised more predominantly in the conditions and that it is recognised alongside audio and visual as a key element of the content being provided without which the content would

¹ <https://www.actiononhearingloss.org.uk/about-us/our-research-and-evidence/facts-and-figures/>

not meet the high standards required by the BBC for onward distribution on any platform. In this way the BBC would act in the best interest subtitle users.

The BBC prides itself on its technological innovation and is required to promote it with industry. We believe that ensuring all content is subtitled would encourage industry to follow this example and become more competitive as a result. Offering content with subtitles ensures content is accessible by a significantly larger audience, much of which is likely to be y of most interest to the older generation who are most likely to have a hearing loss. We have been impressed by the insistence of the BBC iPlayer team that all platform providers must ensure that the accessible features of content should be displayed on each platform that the BBC iPlayer is available. We believe this model should be applied to all distribution channels.

There may be instances where a platform provider may be unable to provide subtitles on its platform but the BBC believe it is in the best interest of the population that this content has wide distribution. In this situation we believe content should be provided with open subtitles - i.e. subtitles are “burned in” to the video to ensure that the audience dependent on subtitles are not excluded. This may also be helpful for hearing people who may be unable to access audio or may need it switched off.

We are also mindful that whilst content may be provided with subtitles by the BBC, other platforms maybe required to convert the file into a format which can be played in which case there may be inaccuracies or timing errors introduced. We believe that the BBC should take full editorial control of the subtitles as well as audio and visual to ensure that it accurately equates to the quality service provided by the BBC. This would apply to content shown on YouTube and Facebook, for example, which often show misleading and/or inaccurate subtitles.

We respond to some of the specific points in the consultations below.

Section 3 The BBC’s Conditions for Distribution

Prominence

We believe the inclusion of subtitles on content should be included in the information provided on BBC content and that this should be included in EPG information. Given the focus on subtitling by the BBC that subtitles should be available as a search feature within an EPG to allow deafened people to identify this feature.

Editorial Content

It is important that subtitles are recognised as a key element of meta data and that editorial agreement is necessary if these are edited. The BBC should ensure that the subtitles reflect the same conditions as audio and visual elements of the content. It should be recognised that producers of content may intend a certain representation of content from the perspective of the subtitle viewer and that these need to be considered and translated with the content.

Branding & Attribution

Details of the subtitle provider should be presented to the viewer at some stage of the subtitle provision to ensure they are able to recognise the provider. The platform should ensure that subtitles are presented in a format and in a position which does not obscure the subtitles or image beyond that provided in the original content.

Quality

Given that all BBC content is subtitled, subtitles should be identified as a key requirement and recognised as such in the measure of quality for BBC content rather than included as an accessibility feature.

Data

We understand that the BBC iPlayer is able to identify if the subtitles are viewed and therefore would expect the BBC to request this information as part of its request for data.

Free Access

We assume that subtitles would be included in the definition of “in full” with reference to BBC content and services.

Value for Money

We are concerned that the focus on value for money could result in subtitles not being shown by a provider. It is unclear where subtitle users would fit in in relation to wider distribution of content and at what point the BBC would drop a requirement for subtitles for wider reach. How would the BBC determine whether or not this intended audience were in a greater or lesser need of subtitles? How are they able to establish the level of hearing loss of this audience and their need for subtitles?

We expect all subtitle files to be provided with audio and visual at no extra cost on the understanding that the BBC had covered the cost of provision at the time of original broadcast.

Where a platform is unable to display subtitles provided with content, we believe it should be provided with subtitles permanently displayed or burned in.

Section 4. Changes to third party services or use of BBC content and services

It would be useful to understand where subtitles are not provided how the BBC would establish the number of affected users. We do not believe there will be any circumstances where this number will be insignificant and as such it should be established clearly that the lack of subtitles on content would not be accepted. This would help platforms recognise the BBC’s commitment to subtitles, and ultimately ensure the onward transmission, streaming or availability on demand of BBC content with subtitles and the continual inclusion of accessibility in design.

Section 5. Exceptions

Events of Exceptional National Importance

By definition “widely available” would include deafened people in all groups of the population. Deafness does not differentiate. Anyone can become deafened, suddenly or gradually, at any age although age related hearing loss will impact most on that part of the population more reliant on broadcasts for information. On this basis we do not believe subtitles should be missing from any events of exceptional national importance. If onward distribution of subtitles is likely to be an issue then the subtitles should be burned into the content to maximise the audience reach.

Promotional Activity

Given that all BBC content has subtitles, we are unclear why promotional activity would not be promoted with subtitles. We have expressed our concerns in the past when the BBC has

promoted its own material on its broadcast channels without subtitles and have argued to Ofcom that this should be included in the subtitle performance targets. However we note that BBC has since rectified this issue. We believe that this is an example to set to all providers.

Experimentation

We can understand why it may be necessary for subtitles to be excluded from some technological innovation but we believe that consideration should be taken from the outset as to how subtitles will be included at an early stage. There have been too many occasions where new products are launched which have failed to address the needs of deafened people, and because of this afterthought take some time to develop. Particular examples include the state of subtitles on Video on Demand content, quality and lack of subtitles on YouTube and other websites including BBC news website. Whilst we do not wish to slow down progress, deafened people will not benefit from this progress if subtitles are not available. As such we believe that with all such requests consideration should be given to how subtitles will be included and at what stage. Such a requirement would instil the need for subtitles in the early development stage before it becomes too arduous to include. Subtitles would then become engrained in the mindset of developers and the BBC could then be comfortable that it is promoting its ethos of accessibility in technological development.

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