RNIB’s response to the consultation on the BBC’s Draft Distribution Policy

1. About us
RNIB is the largest organisation of blind and partially sighted people in the UK and welcomes this opportunity to respond to the consultation.

With blind and partially sighted people at the heart of everything we do, our community of over 33,000 people brings together anyone affected by sight loss. More than three quarters of our Board of Trustees are blind or partially sighted. We support, empower and involve thousands of people affected by sight loss to improve lives and challenge inequalities. We engage with a wide range of politicians, organisations and professionals to achieve full inclusion through improvements to services, incomes, rights and opportunities.

We campaign for the rights of blind and partially sighted people in each of the UK’s countries. Our priorities are to:

1. Be there for people losing their sight.
2. Support independent living for blind and partially sighted people.
3. Create a society that is inclusive of blind and partially sighted people’s interests and needs.
4. Stop people losing their sight unnecessarily.

2. Importance of TV to blind and partially sighted users

Since our Needs Survey in 1991 showed that a large majority of blind and partially sighted people watch television¹, RNIB has taken an active role in highlighting TV access issues. It has worked to try to ensure access to programmes, services and equipment, both by direct work with broadcasters and manufacturers and by influencing legislation and regulation.

¹ RNIB Needs Survey (1991) Blind and partially sighted adults in Britain: the RNIB Survey Volume 1, by Ian Bruce, Aubrey McKennell and Errol Walker
In this digital age, being able to watch TV remains important to blind and partially sighted people. In 2006 Research by the University of Birmingham\textsuperscript{2} found that around 87 per cent of blind and partially sighted people regularly watch TV and videos or DVDs. The media plays an important role in the lives of blind and partially sighted people by providing access to news, information and entertainment.

Research conducted by Access Economics in 2009 found that one in five people aged 75 or over were living with sight loss and this rose to one in two people aged 90 or over\textsuperscript{3}. The research also suggested that by 2050 the number of people with sight loss in the UK would double to nearly four million.

In RNIB's "Update on the inclusive society 2013" report respondents were asked to select from a list of statements about what kind of impact fully accessible television and radio would have on their lives:

- 56% said that it would make them more independent;
- 56% said it would make them happier about life;
- 56% said it would make them feel less socially isolated;
- 51% said it would make them feel better about their sight loss

In addition 68% of respondents selected at least one of these impact statements and 38% selected all four of them.

More recently, in February 2018, The American Foundation for the Blind (AFB) with Comcast released results from a survey of people with sight loss which showed that a majority of those who participated watched four or more hours of TV per day – almost as much as the general public. Many of those surveyed also reported that assistive technologies like AD, text-to-speech and voice control were helpful when they watched TV\textsuperscript{4}.

This survey was carried out in the US and did not take into account the views of people with sight loss living in the UK. There is no reason to believe however that the viewing figures would be any different for blind

\textsuperscript{3} Access Economics, July 2009, Future Sight loss UK (1): The economic impact of partial sight and blindness in the UK adult population
and partially sighted people in the UK and RNIB has had substantial correspondence from people who find accessibility measures invaluable in watching television.

### 3. Consultation Response

The BBC Framework Agreement sets the BBC a duty to “…do all that is reasonably practicable to ensure that viewers, listeners and other users (as the case may be) are able to access the UK Public Services that are intended for them.” As a result of this one of the BBC’s distribution objectives is Universality:⁵ "Universality - ensuring that almost everyone continues to benefit from the BBC’s services (currently 95% of the UK public watch, listen and/or read the BBC’s content each week)". This includes blind and partially sighted people.

In addition, as a public sector broadcaster the BBC has a duty to “…advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it”⁶.

To these ends in 2009 the BBC was the first TV Catch-up service provider to offer audio description and have since made efforts to make iPlayer accessible to blind and partially sighted people across the various platforms where it is available.

On-demand programme services in the UK have a poor level of accessibility, despite efforts to improve, and many lag behind the BBC in making players accessible to blind and partially sighted people.

Ofcom has proposed the addition of two further requirements to the BBC’s Framework Agreement:

“a. The BBC must offer the public services to third parties in response to reasonable requests for supply, except where the BBC has an objective justification for not doing so.

b. In offering the public services for supply, and in supplying those services, the BBC must act on a fair, reasonable and non-discriminatory basis.”

---

⁵ BBC Distribution strategy section 23a
⁶ under section 149 of the Equality Act 2010
RNIB is concerned that the wording of Ofcom’s proposed additions could result in BBC content being displayed on platforms and services that lack accessibility where the content would have been more accessible had it been displayed on iPlayer.

For this reason if the proposed wording is introduced then a target platform being less accessible than the iPlayer must be considered to be a valid objective justification for denying a request to supply content (in line with the BBC’s Framework agreement, distribution policy and public sector equality duty). We would expect any such assertion to be backed up by a comparative evaluation of the accessibility of the target player against the iPlayer and an assessment of the AD capability of the target player. This would be an objective assessment of the two players and would need to be fair, reasonable and non-discriminatory.

John Paton
Innovation and Technology Officer
John.Paton@rnib.org.uk