

Response to open letter

A communications review for the digital age (DCMS) 30 June 2011

About us

Action on Hearing Loss is the new name for RNID. We're the charity working for a world where hearing loss doesn't limit or label people, where tinnitus is silenced – and where people value and look after their hearing.

Our response will focus on key issues that relate to people with hearing loss. Throughout this 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.

Summary

1. Hearing loss affects over ten million people in the UK – one in six of the population. As our population ages this number is set to grow and by 2031 there will be more than 14.5 million people with hearing loss in the UK¹.
2. Television and video on demand services are capable of delivering access services such as subtitling but are not doing so due to the lack of quotas which currently only exist for traditional TV. Quotas must be extended to these new technologies.
3. The total hours of subtitled programming required must increase in order to improve access to television for a growing audience.
4. The UK was once a world leader in accessibility however we are now falling behind. The US recently introduced legislation to address the lack of accessible content on the internet.
5. The needs of all users must be taken into account from the earliest stages of technological development to achieve broader inclusion in the final product. HDTV is a prominent example of where accessible content was delayed by retrofitting.
6. Access services such as subtitles are currently an optional add-on often taken away when programme content is syndicated or traded to other channels or platforms. Access services must be a compulsory part of any exchange of content where they are pre-existing.
7. The fixed and mobile communications market is unnecessarily limited for people with hearing loss. Newer solutions used in other countries are either limited or not available at all in the UK, even though the technology to implement them is readily available.

¹ Action on Hearing Loss (2011) Hearing Matters: Taking action on hearing loss in the 21st century

Introduction

Action on Hearing Loss welcomes the open letter from Jeremy Hunt, Secretary of State for Culture, Olympics, Media and Sport. Hearing loss affects over ten million people in the UK – one in six of the population. Communications technologies have changed and developed substantially over the past decade. Unfortunately people with hearing loss have been left behind, with many not being able to access or appreciate the benefits from the new technology. We therefore urge the government to ensure that they consider accessibility issues at the heart of their every decision to ensure that the growing numbers of people with hearing loss have an equal opportunity to participate in the digital age.

1. What could a healthier communications market look like? How can the right balance be achieved between investment, competition and services in a changing technological environment?

Action on Hearing Loss believes that a healthier communications market is one that is accessible to everyone. Currently, people with hearing loss are excluded from or do not have access to an equivalent service. Without regulation, services do not generally make themselves accessible, particularly when these services are often exempt from the Equality Act. Whilst competition can often deliver the best solutions for mainstream users in mainstream markets, such market mechanisms do not always produce functionally equivalent access for disabled consumers. Therefore, whilst we recognise that de-regulation may work in some areas, we believe that regulation is necessary to ensure that the communications market is accessible to people with hearing loss, and continues to be so in the future. The new regulatory structure must therefore ensure continued improvements in accessibility to enable the widest possible audience.

Television and video on demand (VOD)

New ways of watching films and television programmes are increasingly popular and yet many remain inaccessible to people with a sensory impairment, with no subtitles, signing or audio description provided. For example, HDTV, IPTV and other video on demand (VOD) services are often provided without access services.

According to Ofcom's research², around 7.5 million people had used subtitles to watch television. 67% of hearing impaired people agreed that TV is important to them, rising to 74% of people with a severe or profound hearing loss. People with hearing loss watch TV for 4.3 hours a day, compared with average viewing across the UK of 3.46 hours a day³. It is therefore extremely important that the hours of subtitled programming continues to increase in order to improve access to television for people who are deaf or hard of hearing, as well as other people who may use subtitles, for example those for whom English is not their first language.

² Television Access Services: Review of the Code and Guidance (2006) Ofcom

³ from Television Opinion Monitor (2005), cited in Television Access Services: Review of the Code and Guidance (2006) Ofcom

Fixed and mobile communications

A healthy telecommunications market would give choice to the consumer, and equal access to the telephone network for all, including people with hearing loss. We believe that people with hearing loss should be able to choose the method of communication that best suits their preferences. For example sign language users may prefer to use a video relay service, or a person with hearing loss and good speech may prefer to use a captioned telephony service. Ofcom is currently reviewing the provision of Relay Services. We believe that they should be aiming for functional equivalence in use of the telephone network for people with hearing loss, in a way that also keeps up with the development of new technologies in the future.

2. What action can be taken to facilitate greater innovation and growth across the wider competition regime, and how can deregulation help achieve this?

Television and video on demand (VOD)

We believe that the regulatory framework, at the very minimum, should address the lack of accessibility on television and VOD for people with sensory impairment. See question 3 for further detail.

Fixed and mobile communications

Under current regulations the UK text relay service is narrowly defined as a traditional speech-to-text service and the main telecommunication method for deaf people is through the BT Text Relay service (TRS). Other services, already available in other countries, like IP based access to Text Relay, video relay for sign language users, captioned telephony and voice-to-voice relay for speech-impaired individuals are either not at all or only in very limited way available in the UK, even though the technology to implement them is readily available.

In 2011, Opinion Leader⁴ conducted further research into relay services. The research consisted of both quantitative and qualitative research. The main findings were that barrier free communication was seen as a basic human right and participants did not feel this was available.

Ofcom has commissioned several studies looking at relay service provision over the last few years, yet no tangible progress in provision has been made. We would therefore like the government to ensure that real improvements are made to the regulatory and financial framework to deliver improved access to the existing Text Relay service as well as the deployment of additional relay services.

3. Is regulatory convergence across different platforms desirable and, if so, what are the potential issues to implementation?

Yes, we believe regulatory convergence regarding accessibility for broadcasting and VOD would be desirable. This would help to ensure a consistent approach to regulation between platforms, and improve access to services for the 10 million people with hearing loss in the UK. Currently, the Communications Act 2003 requires Ofcom to set quotas for access services for traditional broadcasting, but not VOD

⁴ Opinion Leader (February 2011) Ofcom Relay Services

services or services available through other platforms. People with sensory impairment are therefore currently excluded from much of the new technology. We do not believe this is fair, particularly when VOD is becoming increasingly popular and organisations are investing greater sums of money in further developing this technology. Access services are a key accessibility feature for broadcasting content. The cost of providing them must be considered a normal cost of producing content where this burden represents only a small proportion of the overall programme cost.

The Audiovisual Media Services Regulations 2009 regulated VOD services for the first time. However, the regulations only place a requirement that the Authority for Television On Demand (ATVOD) 'must encourage providers of on-demand programme services to ensure that their services are progressively made more accessible to people with disabilities affecting their sight or hearing or both.' This means that people with hearing loss continue to be excluded from an increasing number of services. We therefore believe that the government should use this opportunity to introduce new regulations or to amend the current regulations to ensure that a minimum level of access services are provided on programmes, regardless of the platform through which they are made available. We would also urge the government to ensure that this regulation is future proof, to ensure ongoing improvements in accessibility for people with sensory impairments, regardless of technology developments.

In October 2010 America passed the Twenty First Century Communications and Video Accessibility Act. This requires all subtitled TV programmes to be subtitled when delivered over the internet. The UK was once a world leader in accessibility however, we are falling behind as viewers watch increasing amounts of media through alternative platforms.

4. What barriers can be removed to facilitate greater exports and inward investment and make the UK more globally competitive in digital communications?

Accessibility must be considered at the early stages of innovation rather than adding it on once the technology has been released. When the needs of all users are taken into account from the earliest stages of design and implementation, the cost and effort to achieve broader inclusion is negligible. However, if this is not done, there is considerable danger that by the time this technology reaches maturity and becomes a mainstream service, many disabled users (including people with hearing loss) will find themselves wholly or partly excluded. The costs of retrofitting additional functionality might at that point have become prohibitive. HDTV has been available for several years however subtitles were not initially available despite being shown with subtitles on the identical non-HD channel. Even now, the availability of access services on HDTV is not equivalent to that on traditional TV.

5. What further market and regulatory developments would lead to widespread take-up of superfast broadband? What regulatory action would government need to take to make superfast broadband more readily available in a) urban areas; and, b) rural areas?

We would urge the government to take note of the ‘Consumer Expert Group (CEG) report into the use of the internet by disabled people: barriers and solutions⁵’. This report highlights the key issues facing disabled people using the internet and makes recommendations for how government can help to reduce these barriers.

According to research by Ofcom, only 32% of people with hearing impairment have access to home broadband⁶ compared with 70% of the general population⁷. People with hearing loss may face numerous barriers to accessing the internet. For example, they may struggle to find accessible training, video content online is often not accessible, with no subtitles or sign interpretation provided, help and advice for computer troubleshooting is often only available by telephone.

13. Where has self- and co-regulation worked successfully and what has can be learnt from specific approaches? Where specific approaches haven’t worked, how can the framework of content regulation be made sufficiently coherent and not create barriers to growth, but at the same time protect citizens and enable consumer confidence?

The communications Act 2003 has been extremely successful in increasing the availability of access services on traditional linear television without being a burden on broadcasters. We would like to see this success replicated for all programmes, regardless of the platform. See question 3 above for further detail.

We would urge Ofcom to encourage broadcasters to amend their contractual arrangements and intellectual property rights frameworks so that access services are considered an integral part of programme content when they syndicate content or trade them with other channels or delivery platforms. For example, a television programme may be shown with subtitles on the originating channel, however, when it is sold to another channel, the subtitles are no longer present. We therefore believe that the government must take action in this area in order to encourage and provide incentives for channels to share their access services content. This would enable an increase in the number of hours of television with subtitles and audio description with very little impact on costs for broadcasters.

Conclusion

We welcome the government’s review of the communications framework and we believe this is an excellent opportunity to improve the accessibility of this sector for disabled people including those with hearing loss. Rapid growth and the development of new and emerging technologies can happen whilst ensuring accessibility for all. We understand that deregulation is a key aim for this government. However, whilst this could be desirable in some areas, we believe that robust regulation and guidance is essential to ensure equal access for people with hearing loss. We would therefore urge the government to introduce regulations to

⁵ Consumer Expert Group, Report into the use of the Internet by disabled people: barriers and solutions, 2009

⁶ Ofcom’s Consumer Experience report 2008
<http://www.ofcom.org.uk/research/tce/ce08/>

⁷ Accessing the Internet at Home – A Quantitative and Qualitative Study Among People without Internet at Home, Ipsos Mori

require quotas for access services on all programmes, regardless of the method through which they are delivered (for example linear television, IPTV, HDTV or VOD). This would make a huge difference to people with sensory impairment and help to ensure that future technological developments are also covered as part of these regulations.

I know that you are familiar with our work, and with the importance of ensuring full access for people with hearing loss, from your time as Shadow Disabilities Minister. We would welcome the opportunity to meet with you in person to update you on our work since then, including our change from RNID to Action on Hearing Loss and to discuss the importance of full access to communications and arts and entertainment for people who are deaf or hard of hearing. We would be happy to meet with you in Westminster or at Conservative Party conference, if that is more convenient.

Yours sincerely

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Action on Hearing Loss