

# *Irish Hard of Hearing Association*

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## **IHHA BAI “2011 Access Rules Review” submission**

### **Introduction**

This submission is that of the Irish Hard of Hearing (IHHA) to the Broadcasting Authority’s (BAI) 2011 Review of Access Rules process as outlined on the BAI website at [http://www.bai.ie/?page\\_id=2006](http://www.bai.ie/?page_id=2006). We welcome the opportunity to contribute to the Review.

We hope this review is completed promptly and remind BAI that the 2008 review was abandoned shortly after its launch.

The requested Consultation Questions are answered commencing on Page 4

This document deals largely with subtitling issues that directly impact on the quality of life of our members but the IHHA is also an integral member of the TV Access Coalition and support all of its recommendations and the submissions of its member organisations including 3 fellow sensory disability organisations DeafHear.ie, IDS and NCBI

### **Numbers of people with poor or no hearing**

Television is a vital means of communication and entertainment for people with hearing loss and for many of them subtitles are essential so that many deaf and hard of hearing people can watch and enjoy television.

It is not possible to estimate precisely how many people make use of subtitles. There are question marks concerning definition & measurement issues in different countries

Internationally the World Health organisation uses the guideline 10% figure. In the recent HSE review of Audiology services, the HSE say that more than 8% of the Irish population has a significant hearing loss.

Higher Figures are used frequently by various medical and non government agencies dealing with impaired hearing. The table below is used extensively and suggests 17% of the population have some degree of loss classified as follows

Mild Loss	11%	Get some benefit from subtitles
Moderate Loss	6.4%	Get a lot of benefit from subtitles and a majority of these people are reliant on them
Severe Loss	0.5%	totally reliant on subtitles
Profound Loss	0.1%	totally reliant on subtitles

Age and exposure to noise over a long period mean that 50% of people over 60 years of age have some degree of loss.

So how many people actually use subtitles? Based on the table above and extensive experience, we suggest that 10% of the population gain benefit from subtitles and that a  $\frac{1}{3}$  to a  $\frac{1}{2}$  of these actually use subtitles regularly / all the time. This is 150,000 to 225,000 people based the April 2011 Census (preliminary) figures.

Research by Ofcom in the UK, suggests that many people without diagnosed hearing loss also use subtitles. Their research suggests a figure of 7.5m of the total population of 62m make use of Subtitles i.e. 12%; of these 1.4m acknowledge their hearing loss (2.3% of population or 19% of people who sometimes watch subtitles)

There is no definite figure but there is a very large number of people dependant on subtitling access measures. Many of these also turn up volume very loud and/or use personal loop systems. Many simply skip the news and current affairs programs because of poor quality subtitling.

## **BAI Role**

Ireland's equality legislation is very clear. The desire of the Irish people and Government to maximise the inclusion of people with disabilities is very clear. This is also reflected in the 2009 Broadcasting Act and Department of Communications sectoral plans

The UN Charter of Human Rights, the UN Convention on the Rights of Persons with Disabilities and the proposed European Accessibility Act amongst others all promote greater access. Subtitling achievements and targets are going up in almost all European Countries

It is **shocking** therefore that BAI propose reducing targets in the current review. As an example BAI propose to reduce RTE1's target (RTE1 is Ireland No.1 publicly funded television channel) from 98% in 2012 to 78-83% and are watering down the 100% target for 2014 to 85-90% target by 2016. National TV Stations all over Europe are achieving 100% subtitling or are targeting to do so. The BAI propose the deaf and hard of hearing are not entitled to full inclusion and access.

We see the industry as having undue influence on the BAI. We strongly suggest BAI should be more assertive in promoting access. The BAI should pursue a policy that access is an integral part of broadcasting.

## **IHHA Subtitling Recommendations**

We answer the Review Questionnaire below but first an overall Summary

1. We recommend greater visibility in the monitoring process
  - a. Monitoring should be done more regularly than once a year
  - b. Subtitles on all communication means should be monitored. (Irish people watch broadcasted TV via Terrestrial Aerials, Relay Companies (Cable, MMDS & Satellite) and over the internet.
  - c. Results should be displayed publicly on the BAI website promptly and discussed with the planned user consultative group
  - d. Failures to comply by Broadcasters should be followed up by BAI and explanation published
  - e. Finally appropriate action should be taken against failure
2. We recommend that the 2005 targets remain as they are or increased and that current failures to meet targets are addressed. Developing technology make this easier and cheaper.
3. At times, the Quality of live subtitles are very poor. It is hard to be prescriptive but we recommend each broadcaster adopt a policy of improvement and the guidelines on access services in the 'Universal Design guidelines for digital TV equipment and services' soon to be published by the NDA Centre for Excellence in Universal Design (CEUD) adopted by BAI as its standard required.

## **Consultation Questions**

**What are your views on the change from a ten-year timeframe to a five-year timeframe for the reasons set out above?**

We have no problem in principle changing a 10 year timeframe to 5 years with reviews every two years. However we note the BAI failed to carry out the reviews in 2008 and 2010. These biennial reviews will become more important

We do not go along with the reasons. Technology is getting better and costs are not very significant in terms of the overall costs of broadcasting.

Live Domestic programmes is an area of weakness and improvements need to be targeted

**What are your views on the move from a single target to a target range?**

We disagree

We agree that quality is important but we cannot see how reducing targets by using ranges helps this.

Human nature being as it is, in effect the minimum in the range becomes the target

A quality enhancing initiative may help explain why a target was not achieved after the event

**What are your views on the proposed targets, as detailed above?**

We reject the proposed subtitling targets. BAI are ignoring the requirement of the general public.

BAI's proposed reductions of between 15% and 47% are very large.

Many other countries have targets at or near 100%. At least eight countries (UK, France, Sweden, Denmark, Finland, USA, Canada and Australia) have requirements of 100% or near 100% subtitling for some broadcasters. See Appendix 1

Over that last few years the Subtitling targets have been missed by an increasing margin and the BAI simply seem to be accepting this and are now reducing the requirements rather than insisting standards and targets be met.

It is clear that more effective procedures for enforcement are required. Ideally, this would take the form of sanctions for non-compliance

We recommend that the 2005 targets remain as they are or increased. And performance monitored more effectively.

**Are you satisfied that the level of subtitling provided would continue to be measured over an 18-hour day?**

Yes for official measurement purposes.

**What are your views on the approach to**

- **Existing digital channels?**

We agree with proposal that existing targets simply transfer from analogue to digital and logic applying to RTE1 +1, News and Jr re original broadcasted subtitled programmes

- **New digital channels?**

BAI needs to be pro-active in ensuring reasonable targets are set from Day 1.

We note that no question have been asked re AD and ISL. Why completely ignore the needs of these people?

**What are your views on:**

- **the change to the time period for measuring audio description, and;**

The IHHA do not have expertise in the area of Audio Description and refer you to the NCBI's submission

- **the retention of the 24-hour measuring period for Irish Sign Language**

The IHHA do not have expertise in the area of ISL and refer you to the DeafHear.ie and IDS submissions

**What are your views on this approach to other broadcast services?**

Where programs are available over the internet, Subtitles broadcast originally on television should be available.

Broadcasters should not be encouraged to increase inclusion for one group at the expense of another.

The statement "other services may choose to provide audio description and/Irish Sign Language" does not constitute encouragement in our opinion. BAI need to be more proactive

**What are your views on this approach to compliance?**

The requirement for all broadcasters to consult with access users prior to meeting the BAI is welcome and progressive. The IHHA would be very happy to contribute.

The BAI quality standards should be revised to match the latest CEUD recommendations. (soon to be published)

We would like to see the Monitoring approach fully documented and compared with that of Ofcom and other regulators

### **What are your views on the setting up of a User Consultative Panel?**

We greatly welcome this initiative in principle and would be happy to provide a representative.

We would need to see how this develops in terms of aims/objectives, who are involved, means of working etc. Some access groups work well and others achieve little. There is a need for clear terms of reference and an understanding on the role the group will play within BAI's wider role of promoting access

### **What are your views on the retention of the current approach in respect of captioning, the prioritisation of programmes and the promotion of Access Services?**

6.1 We require the availability of high quality screen text be they captions or subtitles. It is best to set out the required standard by adopting the CEUD universal standard document

Where subtitles / captions are very poor they should not count in measuring subtitle percentages

6.2 At this point of time, Priority should be given to developing live subtitling skills as this addresses current quality concerns and supports domestic live programming. This will also facilitate the overall aim of 100% subtitling

6.3 "(S)" is our preferred indicator for Subtitles

Yours Sincerely

Michael Tighe

IHHA Vice President and Access Officer

## **Appendix 1 – Countries targeting 100% or near 100% subtitles**

Many countries have targets at or near 100%. At least eight countries (UK, France, Sweden, Denmark, Finland, USA, Canada and Australia) have requirements of 100% or near 100% subtitling for some broadcasters.

In the UK, all BBC channels apart from BBC HD had a subtitling target of 100% in 2011. Several independent channels ITV, Channel4, E4, and More4 etc achieve over 95%

In France, since February 2010, all channels with over 2.5% of the total TV audience must subtitle 100% of their programmes.

In Sweden, the public service broadcaster SVT must achieve 100% subtitling on all Swedish language programmes by the end of 2013.

In Denmark, a new public service agreement states that the Danish public service channels are to subtitle all programs by 2012.

In Finland, the Finnish Broadcasting Company, YLE, is required to achieve 100% subtitling of all its domestic Finnish- or Swedish- language programmes (with the exceptions of children's programmes, musical performances and sports programmes) in the appropriate language by the year 2016.

In the USA, all programming produced in English language since 2006 or Spanish language since 2010 must be captioned, with some exceptions, unless it imposes an undue burden.

In Canada, the Canadian Broadcasting Commission's Closed Captioning Policy states that television broadcasters must caption 100% of programs aired during the broadcast day.

In Australia, by the end of 2012, 100% of programming on the major channels between 6am and midnight must be captioned, including all news and current affairs programming and all programming from 6pm to 10.30pm.