

Coimisiún na Meán

Accessibility Rules for Television Broadcasting Services and Audiovisual On-demand Media Services – Report on Targeted Consultations

September 2024

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1 Introduction

Coimisiún na Meán (“An Coimisiún”) is the regulator of broadcasting and online media in Ireland and carries out the regulatory functions previously carried out by the former Broadcasting Authority of Ireland (“BAI”).

The Access Rules for Television Broadcasting Services (“the Access Rules”) set out the standards and obligations required of Irish television broadcasters to increase the understanding and enjoyment of television for people who are deaf, hard of hearing, vision impaired, or hard of hearing and vision impaired. They also provide for targets that certain broadcasters must meet each year relating to the percentage of their programming that must have (i) subtitling, (ii) Irish Sign Language, and (iii) audio description facilities. The Access Rules were developed following consultation with various interest groups and broadcasters.

The Media Service Code & Rules for Audiovisual On-demand Media Services (“the video-on-demand” or “VOD Code & Rules”) proposes to introduce regulations that will apply to audiovisual on-demand services based in Ireland in respect of programmes made available on their platform.

An Coimisiún is currently undertaking the process of introducing updated Access Rules and introducing new rules relating to the accessibility requirements of audiovisual on-demand media services under the VOD Code & Rules. As part of the public consultation it has run on the new regulations, An Coimisiún has published two consultation documents which detail each of the proposed changes to the existing Access Rules and the proposed new rules on accessibility requirements under the VOD Code & Rules respectively.

In keeping with its statutory duties under the Act and its obligations under Section 42 of the Irish Human Rights and Equality Commission Act 2014, An Coimisiún is dedicated to engaging with relevant service users as part of its process for developing its rules and standards that will directly impact those users, and their enjoyment of programming scheduled by television broadcasters or included in a catalogue of an on-demand service.

In furtherance of this, An Coimisiún’s predecessor, the BAI, facilitated an initiative with a User Consultative Panel (“UCP”) to allow for direct engagement on user experience to inform regulatory policy. In addition, An Coimisiún is aware of Ireland’s ratification of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the prominence that it places on the involvement of Disabled Persons’ Representative Organisations (DPROs) in the development of policy.

Guided by the above, An Coimisiún’s public consultation was complemented by the following targeted consultations:

- Engagement with relevant DPRO’s during the consultation process via dedicated in-person meeting(s) to receive feedback on the proposed rules.
- Engagement with the UCP during the consultation process via dedicated in-person meeting(s) to receive feedback on the proposed rules.

Hugh O’Connor (OCS Consulting), following a tendering process, was appointed by An Coimisiún to provide support with the facilitation and reporting on the following four targeted consultation meetings:

- Meeting with the Irish Deaf Society (“IDS”) as the DPRO most relevant to this policy field.
- Meeting with Voice of Vision Impairment (“VVI”) as the DPRO most relevant to this policy field.
- Meeting with UCP sub panel membership with particular interest in subtitling and Irish Sign Language.
- Meeting with UCP sub panel membership with particular interest in audio description.

The meetings were held at the offices of An Coimisiún and, where relevant, facilitated live captioning and ISL interpretation, and remote participation on the part of meeting participants via video conference.

Each of the stakeholder engagement meetings ran for c. 90 to 120 minutes.

Meeting agendas, which outlined the key discussion questions, were circulated to participants in advance.

This report summarises common themes and issues emerging across the series of meetings together with a separate report on each of the four separate engagements. The report assumes prior familiarity with the Access Rules and the proposed changes that were the subject of consultation and set out in An Coimisiún's consultation document which may be viewed here: - <https://www.cnam.ie/coimisiun-na-mean-launch-consultation-on-revised-rules-to-improve-accessibility-of-television-broadcasters/>

2 Background information provided by An Coimisiún at each of the four meetings

The Access Rules have provided for targets that broadcasters must meet each year relating to the percentage of their programming that must have (i) subtitling, (ii) Irish Sign Language, and (iii) audio description facilities.

The Access Rules have been revised over the years, with the most recent version published in January 2019.

The 2019 Access Rules, as well as their previous versions, apply only to traditional television broadcasters based in Ireland. To date, they have not applied to audiovisual on-demand service providers.

An Coimisiún has proposed to introduce a number of changes to the current regulatory framework. The key changes proposed were summarised for participants attending each of the four stakeholder meetings as follows:

- (1) The introduction of updated obligations for broadcasters for the provision of subtitling, Irish Sign Language, and audio description, with targets covering the 2025 to 2027 period.
- (2) The requirement on broadcasters to develop an accessibility action plan detailing their efforts to increase the accessibility of their services.
- (3) New obligations for on-demand services relating to the accessibility of their services under the VOD Code & Rules.

An Coimisiún provided a brief summary of the key issues raised in the 2023 statutory review. This included reference to quality requirements and compliance; targets set for the provision of Irish Sign Language and audio description, and the complaints systems of the broadcasters.

The reasons for the introduction, by An Coimisiún, of the proposed changes were also outlined. This included alignment with the revised EU Audiovisual Media Services Directive ("AVMSD") and the Irish Broadcasting Act (2009).

The changes introduced to the current Access Rules are principally informed by the need to transpose into Irish law new requirements included in EU Legislation. Recent changes to the Act in the areas of compliance and enforcement have also required the 2019 Access Rules to be updated.

Furthermore, rules with respect to Irish Sign Language have also been updated to reflect the findings of the first review of the implementation of the Irish Sign Language Act 2017.

The proposed updated Access Rules set out new targets for broadcasters as they relate to subtitling, Irish Sign language, and audio description for the 2025 to 2027 period. The 2019 Access Rules only provide targets up until the year 2023. As the updated Access Rules are planned to come into effect in January 2025, An Coimisiún is not assigning targets for 2024 period. Targets for 2023 will therefore also apply for the 2024 period.

A significant change to the 2019 Access Rules relates to the complaint procedures. Under the previous system, complaints relating to the Access Rules fell outside of the BAI's statutory complaints process. Instead, non-compliance was considered under the BAI's Compliance and Enforcement Policy, which required a high threshold to be met before any investigation could commence.

Under the new rules, An Coimisiún has broader powers relating to compliance, including the power to receive complaints from members of the public, and where appropriate, investigate potential contraventions of the Access Rules and impose sanctions. This is an important change to the regulatory framework for television broadcasters in Ireland.

An Coimisiún also reminded participants that it is required, under the Act, to engage in a public consultation on any draft access rules it intends to introduce.

3 Common themes and issues emerging across the series of meetings

Four separate summary meetings reports are provided as part of section four of this document. Each sub section within section 4 outlines key discussion points surfaced at each of the four stakeholder meetings.

This particular section provides a summary of the key themes and issues which appeared to be common across the four stakeholder groups.

Importance of the Rules: The access services provided are relevant to a very significant population cohort and must be considered with an appropriate level of importance by both providers and regulator alike.

Quantity of access service provided and targets set: Calls were made for the quantity of access services provided to be increased. Higher targets than those proposed as part of the draft under consideration ought, therefore, to be set for broadcasters to attain in respect of the delivery of all three access services; subtitling, Irish Sign Language and audio description. The targets currently proposed were described as "too low".

More defined targets for audio description: Separate and "more closely" defined targets ought to be set to encourage the provision of audio described content across both "prime time viewing" and for "home grown material".

ISL and an 18-hour day: There was a welcome for the proposed change to the assessment of ISL targets based on an 18-hour day, from 7am to 1am.

The quality of subtitling provided, and in particular subtitling which accompanies live programming, can often be very poor. Subtitling provided must be more reliable, consistent, accurate and, in the context of live subtitling, not lagging significantly behind the spoken word. Often, subtitling is not of a "useable standard".

Quality of audio description: Much of the audio described content provided in Ireland was described as “high quality” and in some cases “excellent”.

Monitoring: Calls were made for more active monitoring of content which would spotlight sub-standard service provision and “account for it appropriately”, with sanctions applied where relevant.

Compliance: Figures relating to the quantities of access service provision made available by the broadcasters on an annual basis must not be relied upon “or taken at face value”. Sanctions, instead, “need to be applied in cases where there is non-compliance” with the provisions of the Rules; “The self-certification model whereby broadcasters have simply issued an annual notice of supposed levels of provision is not appropriate or acceptable”.

Quantity and Quality: The inter relationship between ‘quantity’ and ‘quality’ was also emphasised; “Provision (of subtitling) at the 80 and 90% level (for certain services) sounds good but if you strip out all the sub-standard stuff especially for live there’s no way they (broadcasters) are hitting the targets set”.

Enforcement: Enforcement on the part of the regulator will, according to participants, be “critically important” in bringing about “much needed” improvements in performance on the part of providers of access services.

Complaints: Complaints processes must be less onerous, more transparent and more responsive for service users and place clear requirements on providers to respond in a timely and comprehensive manner. Complaints systems supported by providers and regulators alike must accommodate all relevant accessible forms. The ability to submit complaints by telephone and ISL video were identified as being particularly important.

Promotion: The availability of the access services must be promoted by the relevant broadcasters and content providers through all relevant means.

4 Summary reports on each of the four separate meetings

- (1) Meeting with the Irish Deaf Society (IDS) as the DPRO most relevant to this policy field: Pages 5- 7.
- (2) Meeting with Voice of Vision Impairment (VVI) as the DPRO most relevant to this policy field: Pages 8 - 11.
- (3) Meeting with UCP sub panel membership with particular interest in subtitling and Irish Sign Language: Pages 12- 14.
- (4) Meeting with UCP sub panel membership with particular interest in audio description: Pages 15 – 16.

4.1 Meeting with the Irish Deaf Society (IDS), 11 September 2024, 11.00 – 1.00 pm

Meeting participants:

Irish Deaf Society (IDS): Joanne Chester, Brian Crean, Robyn Cunneen.

Coimisiún na Meán (CnaM) participants: Aoife MacEvilly (Commissioner for Broadcasting and Video on Demand), Robert Crowley, Niamh McCole, Declan McLoughlin, Alderik Oosthoek.

Meeting facilitator: Hugh O'Connor.

Introduction

The purpose of this dedicated engagement meeting is to provide opportunity for the Irish Deaf Society to connect directly with Coimisiún na Meán and to gather Irish Deaf Society feedback on the proposed changes to the Access Rules for television broadcasters and the introduction of new regulations relating to the accessibility of video-on-demand platforms.

Commissioner for Broadcasting and Video on Demand, Aoife Mac Evilly, noted how appreciative An Coimisiún is of the efforts made by the IDS in preparing for and participating in this meeting. The Commissioner also noted the importance which An Coimisiún attaches to accessibility, the lived experience of access service users and the feedback which IDS may provide in this area.

Summary of key discussions

Access Principles:

There are four access principles which set out the aims of the Access Rules and An Coimisiún's approach towards setting the Rules. These four principles are: access, excellence, incremental progression, and responsiveness.

The role of the Sound and Vision Broadcasting Funding Scheme in promoting access services:

All television programmes funded as part of the Scheme must make provision for access services and supporting broadcasters must commit to broadcast same.

Subtitling is mandatory on all TV programmes funded as part of the Sound and Vision Scheme. Subtitles are to conform to the Access Rules and must be available/accessible to viewers each time the funded programme is broadcast in the State.

In addition to subtitling, An Coimisiún strongly encourages the provision of Irish Sign Language (ISL) and Audio Description (AD) on all funded TV content. At least one of these services is mandatory for all drama and children's TV programming.

Overall position of the Irish Deaf Society:

The Deaf community is "very dissatisfied" with the lack of progress made in respect of the provision of both subtitling and Irish Sign Language. The following IDS views were noted as part of these discussions:

The access services provided, and in particular subtitling, are relevant to a very significant population cohort and must be considered with a level of importance by providers and regulator alike.

Quantities and targets:

The quantity of access services provided, and in particular subtitling and Irish Sign Language, must be increased. Higher targets ought to be set for broadcasters to attain in respect of the quantities of access services provided. It was proposed that “repeats should not count towards the targeted level of provision”. The importance of “consistent provision” of subtitling across any series was also emphasised; “It is so frustrating when you are watching a series and the subtitles are dropped for a particular episode. This often happens without any notice”.

There was a welcome for the proposed change to the assessment of ISL targets based on an 18-hour day, from 7am to 1am; “We go to bed at the same time as everyone else”. The quantity of ISL currently provided was, however, described as “very low”.

The targets proposed for ISL were described as “way too low”. The use of ISL ought to be more integrated into mainstream programming and, in particular, news and current affairs. The requirement to provide ISL to accompany key news bulletins at both six and nine o’clock each day was suggested; “The Deaf community depend on television news. Many would have a relatively low literacy level and are thus dependent on ISL (rather than subtitles accompanying news content.)”.

Quality of access services:

Any reference to “limited availability” of ISL interpreters is not “a reasonable argument” for broadcasters as “there are plenty of ISL interpreters available here in Ireland”. It was also suggested that ISL provision ought to be recorded “here in Ireland rather than in any overseas studio” so as to better ensure quality control”.

The quality of subtitling provided, and in particular subtitling which accompanies live programming, can often be “very poor”. Subtitling provided must be more reliable, consistent, accurate and, in the context of live subtitling, not lagging significantly behind the spoken word. Often, however, subtitling is not of a “useable standard”. Where such subtitling is “not of a useable standard” it “should not count towards the target set.

Monitoring currently undertaken “clearly does not” identify sub-standard provision given the limited sample which the regulator may include in their own monitoring processes. Calls were made for more active monitoring of content which spotlights sub-standard service provision and “accounts for it” appropriately. Providers, the regulator and those involved in the monitoring of content were, in particular, encouraged to consider subtitling content “when the television volume is turned off” so as to replicate the experience of any Deaf viewer who is reliant on the subtitles. The direct involvement of Deaf people in monitoring any subtitling content provided should be encouraged and actively facilitated by the regulator. In particular, the involvement of Deaf people whose preferred language is ISL must be considered when monitoring the quality and suitability of any ISL content: “We are the only ones who can tell if it (ISL) is of a reasonable standard”. Examples of poor quality, and in some cases “unacceptable” or “sub-standard” Irish Sign Language provision were also highlighted by participants. It was suggested that the Council of Sign Language Interpreters could usefully be consulted in this context. It was emphasised that An Coimisiún “cannot solely rely on the annual figures provided by the broadcasters” as these often include “large amounts” of sub-standard provision.

Definitions:

On the subject of definitions, it was emphasised that Irish Sign Language (ISL) rather than any other sign language format must be included within the Rules as the “only acceptable form”. The provision of any other sign language format is not an adequate or “appropriate” substitute. The ‘definitions’

accompanying the Rules could also usefully make a distinction between 'ISL interpreters' and (Deaf) 'ISL presenters' and the different roles of same. To ensure high quality provision all interpreters featured across programming/content must be registered and accredited at the appropriate level.

Complaint systems:

Complaints systems supported by providers and regulator alike must accommodate all relevant accessible forms and in particular the submission of ISL videos by complainants. The complaints process must be less onerous, more transparent and more responsive for service users and place clear requirements on providers to respond in a timely and comprehensive manner. The IDS suggested that there are a lot of viewers who are dissatisfied with current access service provision but are "weary from complaining...and not getting any satisfactory response".

'Equality' could usefully be considered as an underpinning principle of the Access Rules; "As members of the Deaf community we should have the same rights as you".

Promotion:

The promotion and the use of relevant symbols to indicate the availability of subtitles is appropriate but it is "so frustrating" when such a symbol is included as part of the programme listings but the associated programme then does not include subtitling.

Sound and Vision:

The Sound and Vision Scheme ought not provide programme makers with a choice as to whether they provide audio description or Irish Sign Language when in receipt of funding through this State scheme.

Conclusion and next steps

The meeting was closed and the participants thanked for their willingness to share their views and recommendations on the updated Access Rules and VOD Code & Rules under consideration.

When the consultation process is completed, An Coimisiún will compile and consider all submissions received. Following this consideration, the final versions of the new Access Rules and VOD Code & Rules will be published.

Once this process is complete, An Coimisiún intends to carry out at a future date a further review and consultation on the Access Rules. In particular, the Commission wishes to consider what further changes should be made following the publication in March 2023 of a statutory review on the 2019 Access Rules ("the Statutory Review") and any new issues highlighted by the current consultation process.

An Coimisiún intends to engage in further consultation with stakeholders as part of this process. It is expected that this process will commence in Quarter 1, 2025.

4.2 Meeting with Voice of Vision Impairment (VVI), 12 September 2024, 11.00 – 1.00 pm

Meeting participants:

Voice of Vision Impairment (VVI): Mena Fitzpatrick, Barry O'Donnell, Robbie Sinnott.

Coimisiún na Meán (CnaM): Aoife MacEvilly (Commissioner for Broadcasting and Video on Demand), Robert Crowley, Niamh McCole, Declan McLoughlin, Alderik Oosthoek.

Meeting facilitator: Hugh O'Connor.

Introduction

The purpose of this dedicated engagement meeting is to provide opportunity for Voice of Vision Impairment to connect directly with Coimisiún na Meán and to gather VVI feedback on the proposed changes to the Access Rules for television broadcasters and the introduction of new regulations relating to the accessibility of video-on-demand platforms.

Commissioner for Broadcasting and Video on Demand, Aoife Mac Evilly, noted how appreciative An Coimisiún is of the efforts made by VVI in preparing for and participating in this meeting. The Commissioner also noted the importance which An Coimisiún attaches to accessibility, the lived experience of access service users and the feedback which VVI may provide in this area.

Summary of key discussions

Structured DPRO engagement:

The following VVI statements and views were noted as part of these discussions:

VVIs role as "Ireland's national Disability Rights Organisation for visually impaired people".

DPROs, and in this case VVI, are "led and directed by disabled people".

VVIs "exclusive representative role comes from Article 4 (3) of the Convention on the Rights of Persons with Disabilities (CRPD), as clarified by the UN Committee in General Comment No. 7 (GC7).".

Ireland's obligations under the UN Convention on the Rights of Persons with Disabilities (CRPD) which oblige the State to disability-proof policy through "close consultation and active involvement" of disabled people through Disability Persons' Rights Organisations (DPROs).

Consultation processes supported by An Coimisiún must be "disability-proofed as per CRPD", so that they are "accessible to" and "prioritise engagement with Voice of Vision Impairment (VVI) as the collective voice of visually impaired people".

The views of the DPRO, in this case VVI, "must be prioritised above any service provider. Any other treatment would be a subversion of our role under UNCRPD".

"There is no need for any replication of engagement beyond the DRPO. It should be about An Coimisiún liaising directly with VVI as the one stop shop...Everything relevant should then be captured within this as part of structured engagement".

"Weight (in any analysis or consideration by An Coimisiún) must be given to the DPRO. The DPRO must be prioritised in any engagement process. If the User Consultative Panel (UCP) model is to be sustained

it could, perhaps, be facilitated through or by the DPRO in order for it to be UNCRPD compliant. Otherwise it's just about facilitating the blind elite".

"It must be worthwhile for us as the DPRO in terms of how our views are treated. Real weighting must be given to VVI as the DPRO in this space".

VVI's Manual of Accessible Communications provides further guidance for An Coimisiún and other State bodies in leading fully accessible consultation processes.

VVI, as a DPRO, does not require "mediation in consultation when engaging with An Coimisiún and would therefore question the requirement of and role for any independent meeting facilitator".

Access Rules and access service provision:

The access services provided are relevant to a significant population cohort and must be considered with a level of importance by providers and regulator alike.

Quantities and targets:

VVI would welcome the provision of additional audio described content and believe more "ambitious targets" for broadcasters and other relevant content providers, under the Access Rules, would enable the provision of same; "While it's great to see the AD numbers and the use of Irish voices increase...further increases (in the targets proposed) are in order". "The targets proposed are not yet high enough".

Quantities delivered by UK broadcasters were thought to provide an appropriate benchmark to aim for; "We should be reaching AD percentages akin to those of the UK as quickly as possible...the levels they actually deliver in practice...which are considerably higher, in fact, than the targets set by their regulator".

Separate targets ought to be, VVI proposed, set "for prime-time viewing" and "for home grown material" in order to encourage the provision of audio described content in both of these areas; "Using Irish actors should mean something".

Targets for audio described content should be "extended to include live events" such as sports and current affairs.

The setting of targets and associated goals under the Access Rules will, in time, "need to be extended to the video on demand space and applied to streaming services such as Netflix".

Quality:

Much of the audio described content provided in Ireland was described as "high quality" and in some cases "excellent".

AI/Synthetic voices:

Concern was, however, voiced around the use of 'synthetic voices' as part of AD content provided. VVI participants suggested that while this method can offer providers a means to "increase the quantity of AD provided" it is "not always up to the required standard" and "can be unpleasant to listen to". In its current form, this technology was described as being "not fit for purpose". Artificial Intelligence "is not yet good enough to make synthetic audio description to a standard which would be acceptable".

Promotion:

Calls were made for greater promotion of audio description where it is available; "It needs to be properly flagged and advertised". Announcements by continuity announcers and 'promos' were put forward as having important roles to play in this regard; "The continuity announcer needs to be including this (promotion) on a consistent basis". The broadcaster websites ought to be updated frequently to reflect content which is provided with accompanying audio description.

The Electronic Programme Guides (EPGs) also have a similar role to play in promoting the accessibility of audio described content.

Compliance:

Sanctions need to be applied in cases where there is non-compliance; "If the broadcaster or content provider is under performing there needs to be consequences". "Enforcement is critical and has been a major problem" (shortcoming to date). "The self-certification model whereby broadcasters have simply issued a notice of supposed levels of provision is not appropriate or acceptable".

Complaints:

Viewer complaints must be considered and responded to in a timely manner by all broadcasters "but this is not done so currently".

Complaints systems supported by providers and regulators alike must accommodate all relevant accessible forms, such as by telephone, for those who may wish to do so. Complaints processes must be less onerous, more transparent and more responsive for service users and place clear requirements on providers to respond in a comprehensive manner.

The complaints process must be more accessible for the complainant. Such processes should not place the onus on the complainant who may have a disability. In particular, a system whereby "the DPRO can make direct contact with relevant personnel within each broadcaster ought to be facilitated". The development of a "one stop shop" to "support complainants" was also recommended.

Apps, on demand services and other technology:

The provision of "both English and Irish language audio description should be made available for Irish language" programmes; "The viewer should be able to switch on whichever language would be most relevant to them".

There is a need "for broadcasters to provide masking volumes of either 19 or 18 to facilitate those with cognitive impairments".

Apps provided by broadcasters ought to be compatible with LGTV and compliant with accessibility guidelines published by VVI; "Currently the RTÉ Player does not work with audio direction which is a major shortcoming. The WCG or Web Content Guidelines are currently too vague and therefore VVI would prioritise the VVI guidelines in this space".

The role of set top boxes and other hardware technology in facilitating access to television must be considered. While this may not be part of the remit of An Coimisiún it may be relevant "to support relevant bodies" such as the CCPC (Competition and Consumer Protection Commission) in this space.

Conclusion and next steps

The meeting was closed and the participants thanked for their willingness to share their views and recommendations on the Draft Access Rules and VOD Code & Rules under consideration.

When the consultation process is completed, An Coimisiún will compile and consider all submissions received. Following this consideration, the final versions of the new Access Rules and VOD Code & Rules will be published.

Once this process is complete, An Coimisiún intends to carry out at a future date a further review and consultation on the Access Rules. In particular, the Commission wishes to consider what further changes should be made following the publication in March 2023 of a statutory review on the 2019 Access Rules (“the Statutory Review”) and any new issues highlighted by the current consultation process.

An Coimisiún intends to engage in further consultation with stakeholders as part of this process. It is expected that this process will commence in Quarter 1, 2025.

4.3 Meeting with UCP sub panel membership with particular interest in subtitling and Irish Sign Language, 11 September 2024, 2.00 – 4.00 pm

Meeting participants:

User Consultative Panel: Anne Coogan, Maire Mariga, Chris Carroll.

Coimisiún na Meán (CnaM): Aoife MacEivilly (Commissioner for Broadcasting and Video on Demand), Robert Crowley, Niamh McCole, Declan McLoughlin, Louise McLoughlin, Alderik Oosthoek.

Apologies: Marianne Campbell, Brendan Lennon, Rónán Lowry, Alicia McGivern, Damien Owens.

Meeting facilitator: Hugh O'Connor.

Introduction

The purpose of this dedicated engagement meeting is to provide opportunity for the User Consultative Panel, and in particular those with a direct interest in both subtitling and Irish Sign Language, to connect directly with Coimisiún na Meán and to gather UCP feedback on the proposed changes to the Access Rules for television broadcasters and the introduction of new regulations relating to the accessibility of video-on-demand platforms.

Commissioner for Broadcasting and Video on Demand, Aoife Mac Eivilly, noted the importance which An Coimisiún attaches to accessibility and the lived experience of access service users. Participants were encouraged to provide any and all feedback, no matter how critical this may be.

Summary of key discussions

The following UCP views were noted as part of these discussions:

New powers available to An Coimisiún:

There was strong welcome from those in attendance for the statement regarding the Commissions broader powers (in comparison to its regulatory predecessor) relating to compliance, including the power to receive complaints from members of the public, and where appropriate, investigate potential contraventions of the Access Rules and impose sanctions; "This sounds great. The responsiveness by broadcasters (to complaints) has (to date) been far too slow and passive. The sanctions, in the past, have also been way too soft".

Enforcement on the part of the regulator will, according to participants, be important in bringing about "much needed" improved performance on the part of providers of access services.

Quantities of access services and targets set:

The quantity of both subtitling and Irish Sign Language, "must be increased". The quantity of ISL provided currently was, in particular, described as "very low".

The proposed targets for subtitling provision were described as "low" while the targets set for ISL "are way too low".

Higher targets, therefore, "ought to be set" for broadcasters to deliver across the three-year period 2025 to 2027.

The absence of subtitling to accompany national emergency information in the past was noted as a significant concern.

Participants noted their concern and disappointment that set top boxes provided by an Irish based broadcaster no longer support recording of programming and instead direct viewers to their online service as an alternative. Very often subtitles are not available on such online services and therefore limit access to content.

Quality and monitoring of services provided:

The importance of "thorough and considered monitoring" was identified as being of "critical importance". Quality levels must be monitored closely and poor-quality provision "must not count" towards any target set for a given broadcaster.

The quality of subtitling provided, and in particular subtitling which accompanies live programming, can often be "extremely poor". Subtitling which accompanies live news and current affairs was described as being "very often of a poor quality" and "way off (the standard required)". Such sub-standard service provision ought not "account towards any target set" as it is of "no use or assistance to the viewer who needs it".

Complaints:

Any complaints systems supported by providers and regulator alike must accommodate "all relevant" accessible forms and, in particular, the submission of ISL videos by complainants; "It has to be user friendly for the relevant audience". Complaints processes, in general, must be less onerous, and more responsive for the person interested in making a complaint: "No one will be motivated to make a complaint if the provider does not respond or fobs them off". The need for providers to respond in a timely and comprehensive manner was also emphasised. The complaints app developed by the previous Broadcasting Authority of Ireland "showed real promise" and user-friendly tools of this kind "ought to be included" in complaints systems going forward.

18-hour day:

There was a strong welcome for the proposed change to the assessment of ISL targets based on an 18-hour day, from 7am to 1am.

Definitions:

On the subject of definitions, it was noted that "some nuance may need to be considered", over time, as demographic change influences Irish society. As Irish society continues to welcome increased numbers of asylum seekers and refugees it may be appropriate to "give consideration to" or "provide support for" sign language formats of other non-indigenous communities; "We have welcomed in so many refugees, Ukrainians fleeing from war...Should the use of such sign language formats be encouraged? I recognise this is a sensitive issue".

Use of Plain English:

The importance of plain English and the "use of clear language" was emphasised in order to widen the pool of people who read about accessibility and the role of the television access services. It was suggested that a 'plain English' guide could usefully be developed by An Coimisiún to support the current "very technical" documents which are currently available.

Conclusion and next steps

The meeting was closed and the participants thanked for their willingness to share their views and recommendations on the Draft Access Rules and VOD Code & Rules under consideration.

When the consultation process is completed, An Coimisiún will compile and consider all submissions received. Following this consideration, the final versions of the new Access Rules and VOD Code & Rules will be published.

Once this process is complete, An Coimisiún intends to carry out, at a future date, a further review and consultation on the Access Rules. In particular, the Commission wishes to consider what further changes should be made following the publication in March 2023 of a statutory review on the 2019 Access Rules (“the Statutory Review”) and any new issues highlighted by the current consultation process.

An Coimisiún intends to engage in further consultation with stakeholders as part of this process. It is expected that this process will commence in Quarter 1, 2025.

4.4 Meeting with UCP sub panel membership with particular interest in audio description, 12 September 2024, 2.00 – 4.00 pm

Meeting participants:

User Consultative Panel: Lina Kouzi.

Coimisiún na Meán (CnaM): Aoife MacEvilly (Commissioner for Broadcasting and Video on Demand), Robert Crowley, Niamh McCole, Louise McLoughlin, Alderik Oosthoek.

Apologies: Kevin Kelly, Martin Kelly, David Redmond.

Meeting facilitator: Hugh O'Connor.

Introduction

The purpose of this dedicated engagement meeting is to provide opportunity for the User Consultative Panel, and in particular those with a direct interest in audio description, to connect directly with Coimisiún na Meán and to gather UCP feedback on the proposed changes to the Access Rules for television broadcasters and the introduction of new regulations relating to the accessibility of video-on-demand platforms.

Commissioner for Broadcasting and Video on Demand, Aoife Mac Evilly, noted the importance which An Coimisiún attaches to accessibility and the lived experience of access service users. Encouragement was provided to put forward any and all feedback, no matter how critical this may be.

Summary of key discussions

The following UCP views were noted as part of these discussions:

New powers available to An Coimisiún:

The broader powers available to An Coimisiún (in comparison to its regulatory predecessor) relating to compliance were cautiously welcomed; "This sounds positive but there is an amount of improvement required on the part of the broadcasters".

Quantities provided and targets set:

The targets set for audio description for the three-year term 2025 to 2027 were described as "disappointingly low" and were thought to represent "very small incremental improvements"; These targets are "simply not ambitious enough". Regulator and broadcasters alike were encouraged to "look at best practice elsewhere and replicate what is being delivered in such jurisdictions".

The development of separate targets to distinguish between "home grown and purchased in audio described content" was recommended as a means to promote such local material. There would be strong welcome for any setting of defined targets for "home grown content" so as to drive an increase in provision in this area.

Quality:

Much of the AD content provided in Ireland was described as "high quality" and in some cases "excellent". In respect of good practice, RTÉ Jr was described as "doing well with some excellent provision".

Definitions:

Changes to the definitions, and in particular the use of “vision impaired’ in place of “partial sighted” was welcomed.

Annual accessibility plan:

The requirement, on the part of broadcasters, to develop an annual accessibility plan was welcomed on the condition that such plans “would require the inclusion of detailed steps to be taken by each broadcaster on an annual basis”.

Audio description

The promotion of available audio description does “need to improve” and ought to be “narrated where possible by continuity announcers”.

Complaints systems:

The accessibility of complains systems was highlighted as a point of concern with the need for the promotion of a range of relevant contact methods; “Will the broadcasters and the Commission be able to facilitate written complaints and complaints by telephone...It’s important that they would”.

Codes and rules relating to video on demand:

The development of draft codes and rules with provisions relating to accessibility for video on demand platforms was welcomed and described as a “first, modest step in the right direction which, ought, over time encourage more accessible content”.

Conclusion and next steps

When the consultation process is completed, An Coimisiún will compile and consider all submissions received. Following this consideration, the final version of the new Access Rules and VOD Code & Rules will be published.

Once this process is complete, An Coimisiún intends to carry out at a future date a further review and consultation on the Access Rules and VOD Code & Rules. In particular, the Commission wishes to consider what further changes should be made following the publication in March 2023 of a statutory review on the 2019 Access Rules (“the Statutory Review”).

An Coimisiún intends to engage in further consultation with stakeholders as part of this process. It is expected that this process will commence in Quarter 1, 2025.