



Broadcasting Authority of Ireland

BAI Access Rules

Statutory Report

6th March 2023

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1. Introduction

Section 43 (c) of the Broadcasting Act 2009 (“2009 Act”) requires the BAI to develop rules that set out the specific steps that each broadcaster must take to promote the understanding and enjoyment of television programmes by those who are blind or partially sighted and those who are deaf and hard of hearing and those who are hard of hearing and partially sighted.

In that context, the BAI published its Access Rules in 2005. The rules set down quantitative and qualitative requirements which broadcasters are required to meet in respect of the provision of subtitling, Irish Sign Language and audio description. The targets were set having regard to a range of principles and factors, for example, whether the broadcaster is a public service or a commercial broadcaster. A copy of the current Rules is attached at Appendix 2.

Section 45(3) of the 2009 Act also requires the BAI to review the effect of its codes and rules on a periodic basis and to provide the Minister for Tourism, Culture, Arts, Gaeltacht, Sports and Media with a report on the outcomes of its statutory review which is then laid before the House of the Oireachtas. The rules were reviewed and revised in 2009, 2012, 2014 and 2019.

This report sets out the findings of the latest statutory review of the BAI Access Rules undertaken in 2022. Implementation of the outcomes of the review will be a matter for Coimisiún na Meán but the outcomes of the review will facilitate an Coimisiún to carry out this work from an informed position.

The report is set out under the following headings: -

- Section 2 – Review Methodology. This section summarises the different activities undertaken to inform the findings of the review.
- Section 3 – Review Findings. This section summarises the key themes and other issues that have emerged from the review.
- Section 4 – Compliance. This section provides an overview of the compliance history to date on adherence to Rules.
- Section 5 – Conclusions.

Appendices are also attached which provide copies of relevant documentation.

2. Review Methodology

The approach to the BAI’s review of the Access Rules comprised the following: -

- **A Targeted Consultation with Stakeholders**
This involved a set of targeted stakeholder engagements with individual access users, access user representatives, broadcasters, and providers to broadcasters of access services (Irish Sign Language, Audio Description and Subtitling/Captioning) to discuss the Access Rules.

- **An Operational Review**

This examined issues arising from the practical implementation of the Access Rules, with input from broadcasters, BAI staff and the Compliance Committee. Feedback from meetings of the User Consultative Panels established to provide the BAI with regular feedback on the implementation of the Rules were also reviewed.

OCS Consulting Limited was appointed to undertake engagement with stakeholders, including on operational matters. Input from the Compliance Committee was sought at their November 2022 meeting and the review had regard to prior consideration by the Committee of performance against the Access Rules.

Both aspects of the review set out to explore several topics as well as seeking input on the Rules as whole. These topics include the following: -

- The percentage of audio description required of Irish broadcasters, in particular, as it relates to home-produced content.
- The percentage of Irish Sign Language required of Irish broadcasters as well as the issue of whether broadcasters should be required to air ISL during the 7am-1am time period, which is not currently the case.
- The quality of subtitling, captioning and Irish Sign Language and the BAI's approach to monitoring quality standards in respect of Irish Sign Language.
- The practical way that the Access Rules could give effect to Section 8 of the Irish Sign Language Act 2017 ("the 2017 Act"). This section of the 2017 Act requires that broadcasters, in fulfilling their obligations in relation to Irish Sign Language, to adhere to principles of equality, dignity and respect in terms of the promotion and broadcasting of such programmes.
- Failure by television platforms to carry-through access services e.g., it is relayed by the broadcaster but not made available via the television platform provider's set-top box.
- Provision of emergency information and other aspects of the revised Audiovisual Media Services Directive ("AVMS Directive") as they relate to broadcasting and audiovisual services (including on-demand). Other aspects relating to the AVMS Directive include the obligation on EU Member States to designate a single, easily accessible, including by persons with disabilities, point of contact for complaints about access services.

3. Review Themes and other issues emerging

This section sets out the top-line findings of the themes identified in the review. These are set out under the following headings: -

- Percentage of audio description required of Irish broadcasters.
- Percentage of Irish Sign Language (ISL) required of Irish broadcasters.
- Quality of subtitling, captioning and ISL.
- Failure by television platforms to carry-through access services.
- Provision of emergency information.
- Barriers to access service provision.
- Promotion.

- Monitoring and compliance.
- Practical way that the Access Rules could give effect to Section 8 of the Irish Sign Language Act 2017.
- Other issues arising.

3.1 Percentage of Audio Description (“AD”) required of Irish broadcasters

On this issue, the review highlighted two main issues for access users as it relates to Audio Description (“AD”). Firstly, the level of AD provision, which they consider low. Secondly, a request that home-produced programming be prioritised. While users welcome the provision of AD, they feel that targets could be increased significantly, with what they describe as some easy wins in terms of AD being available for internationally acquired content.

Regarding home produced programming, users participating in the Consultative Panels and in terms of responses to prior reviews have consistently called for the prioritisation of provision of additional AD for home produced programming, while some users have called for separate AD targets for home produced programming.

Users have noted the value of the BAI’s Sound and Vision Scheme in promoting accessible programme content, but feel that the Scheme, as currently constructed, allows programme makers to choose between access services. Some users felt that there should be a “must carry AD rule” for all programming that receives state funding, while targets for AD should be extended to +1 services.

One broadcaster was praised by users in particular for high quality AD content, supported by talented local voices and skilled readers. There was also a call to ensure that synthesised voices do not replace human involvement in AD provision as this was seen as unacceptable by many access users.

3.2 Percentage of ISL required of Irish broadcasters

On this matter, the review has highlighted two key issues for access users availing of ISL. Firstly, the percentage of ISL available, which they consider needs to be significantly increased, particularly in view of the passing of the Irish Sign Language Act 2017. Secondly, the fact that ISL programmes are generally carried during the night. Although the non-ISL version of a programme will be carried during prime time, for example, the ISL version may be carried at a later date during the early hours of the night. Since their inception, the rules have permitted broadcasters to meet their ISL commitments overnight on account of the fact that ISL cannot be turned on or off as is the case with AD and subtitling. There was also mention from users that the use of simulcast playout of ISL versions on another channel was marginalising.

Users identified good practice examples of ISL provision, e.g. ISL provision of the RTÉ Toy Show, and ISL to accompany the centenary of the First Dáil on Oireachtas TV.

3.3 Quality of subtitling, captioning and Irish Sign Language (ISL)

The review highlighted that access users consider that significant levels of subtitling provision are not of an appropriate standard, with this being particularly evident for live programming. This has arisen in meetings of the User Consultative Panels over recent years and in the last review of the rules. Issues highlighted by the users include time lags, spelling mistakes and subtitles running through ad breaks.

Some users state that they have therefore switched to non-Irish based news providers, such as the BBC and Channel 4, who they feel provide high quality live subtitles. While some users are encouraged by the increased *quantity* of subtitling, the majority feel that the absence of a comparable level of improvement in the *quality* of subtitles makes the additional quantities immaterial. Some users also feel that issues raised by broadcasters such as the role of platform providers or set top box issues are no longer valid.

The review indicates that while some users have encouraged broadcasters not to invest in live subtitling of news and current affairs and instead divert resources to subtitling of popular programming, others have praised the quality of ISL and the provision of subtitles as a translation service. Users also, in general, do not agree with the BAI's assessment of broadcaster performance against the targets set. They are of the view that the many quality-related issues that they have highlighted means that figures supplied by broadcasters to the BAI are not accurate. They argue that if the subtitling is not fit for purpose/of high quality then it should not be included by the BAI when assessing whether the percentage target set out in the Rules has been met by the broadcaster.

Broadcasters have highlighted that the provision of access services is a significant cost and increasingly requires broadcasters to make programming decisions about whether, for example, a sports magazine programme goes out live, or is pre-recorded to allow for better quality subtitling provision. One broadcaster noted that they continue to address the issue of poor quality subtitles with their providers. They are also looking closely at the "time lag" issue between what happens in the studio and when received by the viewer, and the use of better technology to improve the quality of live subtitles.

3.4 Failure by television platforms to carry-through access services

While accepting that there will be occasions where access provision does not meet the required standards, broadcasters noted that the absence of complaints from users was evidence that the quality of subtitles is of a sufficiently high standard in most instances. Broadcasters also suggest that poor quality subtitles are very often due to generic set top boxes and non-Saorview approved devices which are "not fit for purpose". They are therefore of the view, in these cases, that poor quality subtitles are not their fault. In this regard, broadcasters noted that users can be reluctant to complete the complaints form that has been created to address issues relating to quality (including matters relating to set top boxes) and in these circumstances it can be difficult to diagnose the underlying issue of poor quality access provision.

Some broadcasters also feel that the platform providers have a role to play in the carry-through of subtitles. Broadcasters can verify the accuracy of subtitles in their systems but have no control as to whether the subtitles have been carried through to the viewer correctly.

Users are of the view that the complaints process is too onerous, the complaints form is too long and takes time to fill in, with a lack of responsiveness from some broadcasters and difficulty in finding the location of the complaints form on the broadcaster's website. Users felt that the complaints system should be made more user friendly. Users also felt that neither the BAI nor broadcasters should rely on the number of complaints as a measure of user satisfaction as many users are frustrated at the lack of responsiveness of some broadcasters.

3.5 Provision of emergency information

Users welcomed the increased visibility of ISL in recent years, particularly during the Covid-19 pandemic but did note that ISL was provided at the behest of the Government, rather than the broadcasters. Some users questioned why the ISL interpreter was presented as picture-in-picture rather than beside the speaker.

3.6 Barriers to access service provision

As part of the review, broadcasters highlighted challenges and issues relating to the provision of access services. These include: -

- Capacity issues based on the use of UK and Irish subtitling providers.
- Reduced budgets due to licence fee evasion and commercial advertising.
- Extra cost of dual language provision in the case of Irish language services.
- Extra cost to provide live subtitling.
- It may not be possible to provide access services on programmes that are delivered late for broadcast.
- Upgrade of technical equipment is expensive.
- Non-standard set top boxes which may not carry access services correctly (as noted above).
- Lack of ISL interpreters, especially given the added demands of the Irish Sign Language Act 2017.
- Lack of technology to allow for closed ISL. Non-ISL viewers may not want to see an ISL interpreter on screen.

3.7 Promotion

Broadcasters highlighted their efforts to promote access service availability via on-screen symbols, EPGs and websites. In the case of AD, users outlined their frustration that broadcasters did not sufficiently promote AD provision which is a particular issue for those who are blind or partially sighted. Broadcasters commented that although continuity announcers announce the availability of AD, commercial pressures of “every second counts”, may mean that this method is not always used. Users also noted the lack of regular updating of web page listings. Users did note some examples of good practices in relation to the promotion of AD for “North Sea Connection”.

3.8 Monitoring and Compliance

Broadcasters, especially the community sector, felt that reporting requirements were onerous and presented an undue regulatory burden. For users, they consider that a more effective enforcement regime is needed, and that the BAI needed to be harder on broadcasters who do not meet targets. Users also felt that more weight should be given to the quality aspect of monitoring and that users of subtitles and ISL should be involved in the monitoring process.

3.9 Practical way that the Access Rules could give effect to Section 8 of the Irish Sign Language Act 2017

The Irish Sign Language Act 2017 (“2017 Act”) was enacted on 24th December 2017 and commenced on 23rd December 2020. The 2017 Act recognises the right of ISL users to use ISL as their native language, and to develop and preserve it. The Act places a statutory duty on all public bodies to provide ISL users with free interpretation when availing of or seeking to access statutory entitlements and services provided by, or under, statute. In addition, the 2017 Act provides for specific obligations in the areas of legal proceedings, educational provision and broadcasting.

Section 8 of the 2017 Act deals with broadcasting and states that broadcasters should adhere to principles of equality, dignity, and respect in terms of promotion and broadcasting programmes with ISL. The 2017 Act contains no descriptions or requirements as to what this might mean in practice.

In early 2023, the National Disability Authority (“NDA”) provided the Minister for Children, Equality, Disability, Integration and Youth with its statutory report on the implementation of the 2017 Act to date. On the matter of broadcasting, the report states that, currently, programmes with ISL are predominantly broadcast during sleeping hours and notes that greater clarity through review and amendment of this section of the 2017 Act, guidance on the practical interpretation of the principles of this clause and consequently a review of the BAI Access Rules is needed to support equality, dignity, and respect in ISL broadcasting. The report includes a number of specific recommendations for the BAI and for broadcasters as follows: -

BAI

Ensure broadcasting through ISL that is undertaken as part of meeting targets under the BAI Access Rules is:

- *Provided during popular times and ISL targets are based on an 18-hour day from 7am to 1am.*
- *Balancing the ratio of repeated and non-repeated content to provide a diversity of content equivalent to that provided to other viewers.*

Relevant broadcasters

Provide guidance and clarity for broadcasters and the BAI as to the practical implementation of the principles of equality, dignity and respect in Section 8 to include: -

- *Reviewing and amending the wording of Section 8 to improve support for television programmes with ISL.*
- *Establishing monitoring processes that assess the quality of ISL in programming, and assess broadcaster delivery of targets based on daily provision.*

The BAI engaged with the NDA as part of their review process. In addition, the BAI sought, as part of the statutory review of the Access Rules, opinions on how the provisions of the ISL Act should be implemented. Engagement with ISL users and their representatives highlighted requests to shift the time period during which assessment of broadcaster compliance with the ISL rules would be used as well as matters relating to repeats. As the NDA report highlights, there are wider issues in terms of providing clarity on what the legislative provisions under Section 8 should mean in practice. The NDA report also highlighted issues in terms of the availability of ISL interpreters and this will be a relevant consideration in terms of expanding ISL content on broadcast services. Additional observations are provided in the conclusions to this report.

3.10 Other issues arising

Broadcasters stated that they are committed to access service provision, with a common goal being cited as supporting greater access for audiences. They all agreed that access service provision is a challenging and complex task that is difficult to get right all of the time. The review highlighted that most broadcasters consider any increased targets would be challenging, while some felt that their targets were already close to, or at, the ceiling. Broadcasters also feel that increased targets may impact on their ability to provide accessible online content.

Broadcasters continue to use technology, including re-speak and artificial intelligence, to try and improve the quality of subtitles in particular.

Many broadcasters are disappointed that no recognition is given for the provision of access services for on-demand which provide additional access to users to content. It should be noted that on-demand provision will be factored into revised rules which will apply to such services. Broadcasters welcomed the flexibility to be able to meet targets across a number of combined services, or to offset the excess provision of one access service against another.

Broadcasters also emphasised the unique nature of their particular services, be it public service, Irish language community etc. They also noted the difficulty of providing high quality live subtitles, where fast paced dialogue and multiple speakers are involved. One broadcaster suggested that the Irish Sign Language Act 2017 has prompted them to aim to provide best in class ISL services and they have therefore recruited two full time ISL interpreters and developed a bespoke ISL studio. Another broadcaster has trained a panel of AD readers to support “high quality AD provision” and “strong Irish voices”.

User Consultative Panel (UCP) members continue to recognise the rationale for the variation in approach and targets set for different types of broadcast services, with expectation levels for broadcasters with a public service remit being particularly high. Many users are frustrated that there is no formal requirement for broadcasters to provide online content with access services.

4. Compliance

The BAI assesses compliance on an annual basis and this compliance assessment is overseen by the Compliance Committee of the BAI. In evaluating and measuring performance against these Rules, the BAI may undertake some or all of the following activities: -

- Request reports from broadcasters every six months in respect of the programmes that have been broadcast with accessible content.
- Assess programme content for compliance with the standards developed by the BAI for the provision of subtitling, Irish Sign Language and audio description and to cross-check broadcaster reports provided against output. The BAI may have regard to the quality of access provision provided when determining the extent to which targets have been attained by broadcasters.
- Seek feedback from the User Consultative Panels established by the BAI.
- Meet with broadcasters on an annual basis to discuss performance against the Rules having had regard to reports provided and the outcomes of monitoring.
- Produce a report annually for the Compliance Committee of the BAI dealing with performance by broadcasters against the Rules.
- Apply the BAI Compliance and Enforcement Policy in instances of apparent non-compliance with the Access Rules.

Quantitative Results

The BAI's assessment of compliance with quantitative targets indicates general compliance by linear broadcasting services with targets set for access services. Some challenges remain with respect of the quality of certain types of access provision, specifically subtitling/captioning and in particular, around live subtitling/captioning (which are challenging by their nature). However, the BAI consider that overall compliance is good.

An overview of compliance data in terms of access provision (subtitling/captioning, audio description and Irish Sign Language) is set out in the tables below.

Table 1: Subtitling Provision 2019-2021

Subtitles	2019		2020		2021	
	% Target (prime time)	Comment	%Target (prime time)	Comment	% Target (prime time)	Comment
RTÉ One	87 (95)	Exceeded	88 (95)	Exceeded	90 (96)	Exceeded
RTÉ2	73 (85)	Exceeded	74 (85)	Exceeded	76 (87)	Exceeded
Virgin Media 1	51 (51)	Exceeded	53 (52)	Met	54 (54)	Exceeded
Virgin Media Two + Virgin Media Three	50 (Combined Output)	Not Met	52 (Combined Output)	Not Met	53 (Combined Output)	Not Met
TG4	57 (60)	Exceeded	57 (60)	Exceeded	58 (60)	Exceeded
RTÉ+1 Channels	Carry Through Required	Met	Carry Through Required	Met	Carry Through Required	Met
RTÉ News Now	24	Met	25	Met	27	Met
RTÉ jr.	48	Met	49	Exceeded	51	Exceeded
Oireachtas TV	16	Exceeded	16	Exceeded	17	Exceeded
CCTV	11	Exceeded	11	Exceeded	11	Exceeded
DCTV	11	Exceeded	11	Exceeded	11	Exceeded

Table 2: Audio Description Provision 2019-2021

Audio Description	2019		2020		2021	
	% Target	Comment	% Target	Comment	% Target	Comment
RTÉ One & RTÉ2	5 (Combined Output)	Met	7 (Combined Output)	Not Met	8 (Combined Output)	Not Met
RTE jr.	6	Exceeded	7	Exceeded	8	Exceeded
RTÉ One+1	Carry Through Required	Met	Carry Through Required	Met	Carry Through Required	Met
RTÉ 2+1	-	-	-	-	Carry Through Requirement	Met
Virgin Media 1	-	-	2	Not Met	3	Exceeded

Table 3: Irish Sign Language Provision 2019-2021

Irish Sign Language	2019		2020		2021	
	% Target	Comment	% Target	Comment	% Target	Comment
RTÉ One & RTÉ2	3 (Combined Output)	Met	3.5 (Combined Output)	Exceeded	4 (Combined Output)	Met
RTE jr.	2	Not Met	2.5	Met	3	Exceeded
RTÉ One +1 & RTÉ2 +1 channels					Carry Through Required	Met
Virgin Media 1	0	0	0.5	Not Met	1	Not Met
Oireachtas TV	4	Exceeded	5	Exceeded	5.5	Exceeded

The BAI has issued Compliance and Warning notices¹ in recent years to two broadcasters for: failure to meet ISL targets, failure to meet subtitling targets, and failure to meet with user groups. In most cases the broadcaster in question has acted upon the notice to bring themselves back into compliance with the Rules.

Qualitative Results

The qualitative aspect of the Rules is the most difficult to monitor and report on. Although there can be issues with the quality of AD and ISL, by far the biggest area of concern for users is the quality and reliability of subtitles. The BAI has therefore focused its monitoring efforts on the provision of subtitles.

Monitoring of the quality and reliability of subtitles is done by recording a sample of programming and assessing any subtitling provision against the standards specified in the Rules, and via feedback from users. Although direct user feedback to broadcasters provides first hand feedback, it can sometimes be difficult for broadcasters to determine exactly where the fault lies for poor quality subtitles due to the multitude of systems and pathways between the studio and viewer.

A subtitling complaints form was developed, following consultation with broadcasters and users, in early 2019. The form was designed to provide more information to the broadcaster about how the viewer receives and views content, with the aim of better identifying where the loss of subtitle quality occurred. However, access users have not been keen on using the new complaints form due to the level of detail required and prefer to send an email. The BAI is currently working on the development of an app that should allow viewers to submit a complaint to the broadcaster directly from their mobile phones.

Of note regarding the carry-through of access services by platforms is the forthcoming transposition of the European Accessibility Act into Irish law. While the AVMS Directive places European-wide obligations on television broadcasters to make programme content accessible, the Accessibility Act will include obligations intended to ensure that the device on which a person is accessing audiovisual content is itself access-friendly and that the functionality of that device ensures accessible access to services such as subtitling etc., provided further to the AVMS Directive.

As noted elsewhere in this report, the issues raised by viewers and user groups regarding subtitles have tended to be very similar over the past number of years. The issues include delays on live programming, subtitles not carrying on after an ad break, subtitles staying on screen during an ad break, subtitles freezing, and no subtitles provided when they have been advertised as being available.

Monitoring by the BAI has identified some of the above broadcasting issues, particularly delays in live subtitling, which are the most challenge form of access provision to provide. However, due to the limited amount of in-house monitoring that can be done, it is not possible to identify all of the issues that have been highlighted by viewers and user groups. The BAI does not have the in-house skills or capability to monitor the quality of ISL programming is therefore liaising with deaf and hard of hearing organisations as to whether they can provide such a service.

¹ The BAI Compliance Enforcement Policy provides for the issuing of compliance and warning notices depending on the extent of non-compliance with a compliance notice at the lower end and a warning notice being more significant and requiring the broadcaster to agree a plan with the BAI to remedy non-compliance.

Broadcasters have undertaken several steps to ensure compliance with the Rules and improve the quality of output. This includes the following measures: -

- Improvements in the process of subtitling provision, e.g., reporters filing scripts earlier to allow for the creation of subtitles in a timely manner.
- Access provision companies using more experienced subtitlers and focusing on quality. UK companies provide subtitling services for some Irish broadcasters. The speed at which some presenters speak, the dialects used, and the pronunciation of some words commonly used in Ireland can be problematic for such companies.
- Installation of more modern equipment.
- Recruiting a panel of people for AD provision.
- Consulting with Deaf users when planning for major television shows.
- Adding information about AD at the top of the access listings webpage to reduce the time taken for blind or partially sighted users to determine which programmes carry AD.

5. Conclusions

The statutory review has provided a rich and detailed insight into the current effectiveness of the BAI Access Rules. The review is being completed just prior to the establishment of a new media regulator with significantly more powers and this will positively impact on access provision and will give the new regulator improved compliance tools and mechanism to enforce the rules in comparison to the legislative framework under which the BAI has been operating.

In summary, some of the key conclusions arising from the review include the following: -

- Compliance levels with the Rules overall remains good and where issues have arisen, broadcasters have been responsive and addressed these issues. However, compliance with quality requirements continues to be an issue, to a greater or lesser extent depending on the broadcaster and/or the type of access provision – subtitling, Irish Sign Language, audio description. On the issue of quality, there are several factors that come into play, some of which are under the control of broadcasters while others are not. The quality of live subtitling continues to be an ongoing issue. Issues relating to quality have been a consistent theme in prior reviews of the Rules and this reflects the complexity of access provision as well as systems employed by broadcasters, systems which have been enhanced over time via investment and engagement by broadcasters. The issue of quality should continue to be collaboratively explored in order to improve it and address, where possible, any barriers to high quality content.
- Targets for audio description and Irish Sign Language, remain modest and there continues to be scope to increase these levels. The approach in this regard will need to have regard to the capacity of broadcasters to increase provision as well as any human resource, financial or technical limitations overall in respect of access provision.

Increasing audio description output may prove less challenging than ISL provision given the relatively straightforward technical nature of this type of provisions and taking into account limitations on the availability of ISL speakers and interpreters as highlighted in research reports published in recent years.

Nevertheless, it is important for the regulatory approach to achieve successful outcomes for both ISL and audio description users and to examine creative ways of addressing challenges that might arise individually in terms of audio description and/or ISL. On the issue of audio description, a continued focus on home produced programming is important and consideration should be given to how programming funded via Sound and Vision might enhance provision of audio description and also ISL. Separately, the use of current resources for live subtitling needs to be considered in terms of value for money in terms of output.

- The BAI has found that broadcasters continue to be engaged meaningfully in their approach to their requirements to provide access services and overall compliance with the rules is strong. While broadcasters and users hold different views with respect to the degree of compliance against the Rules, ongoing dialogue between the BAI and broadcasters has allowed for a more effective understanding of the successes, failures and challenges of access provision and has also facilitated the BAI's critical evaluation of performance. Broadcasters have also continued to engage, in the large majority of cases, with user groups on an annual basis. The role of the User Consultative Panels in assessing compliance has also been vital.
- A significant change in the regulatory environment since the rules were last updated in 2019 is the forthcoming establishment of Coimisiún na Meán and the implementation of new provisions with respect to access services following commencement of the OSMR Act 2022. This includes the expansion of statutory regulation to on-demand audiovisual media services including the online players of broadcasters. In addition, the new Act includes a significantly more robust compliance framework. This introduces for the first time a statutory complaints mechanism for the Access Rules and strong sanctions for contraventions of the Rules, including financial sanctions.
- Another significant change in the regulatory environment is the commencement of the Irish Sign Language Act 2017. This places specific obligations on broadcasters in terms of ISL. As noted in the statutory report of the National Disability Authority ("NDA") on the implementation of the 2017 Act, the provisions of this Act as they apply to broadcasters need updating and guidance on their implementation and the BAI and Coimisiún na Meán will contribute actively to improving the implementation of the provisions of the 2017 Act.

The NDA report includes several recommendations for the BAI and the Access Rules. In this respect, the BAI supports and proposes to implement the recommendation that the time period during which compliance against the ISL targets is assessed be moved so that it aligns with the 7am-1pm period used for subtitling and audio description. A final decision in this regard will be taken following public consultation on draft revised Rules. In addition, the BAI supports the recommendation that future monitoring of ISL should be undertaken by a qualified ISL speaker or interpreter. This is an operational matter that the BAI can implement itself.

The NDA report also recommended that the mix of repeats of ISL programme be considered. In this regard, repeat programming has arisen as an issue when the Rules were being developed and in subsequent reviews. Repeat programming can be of benefit to the ISL community in that they allow this audience (as with audiences as a whole) to see programming that they may have missed first time around. At the same time, these audiences can also access programme via on-demand, so the importance of repeats has arguably declined over time. The issues of repeats will be considered as part of the revision of the Rules.

- Finally, the OSMR Act 2022 transposes updated provisions on accessibility contained in the revised AVMS Directive. Many of the updates to the Directive are already implemented via the current Rules but some are outstanding and will need to be given effect. In particular, each EU Member State is required to designate a single, easily accessible, including by persons with disabilities, and publicly available online point of contact for providing information and receiving complaints regarding any accessibility issues referred to in the Directive and this role falls to Coimisiún na Meán on account of the provisions of the OSMR Act 2022. How this is given operational effect will need to be explored and will need to align with the complaints and enforcement provisions of the OSMR Act 2022. Separately, the AVMS Directive requires Member States to ensure that emergency information, including public communications and announcements in natural disaster situations, is made available to the public in an accessible manner. While the current Rules place requirements on broadcasters with respect to emergency situations, the effectiveness of accessible content in emergency situations relies on government support and good communication between broadcasters and public agencies. For this reason, ensuring a consistent and clear approach by both broadcasters and government will be needed so that Ireland can ensure that it meets this requirement of the AVMS Directive.

The findings have highlighted the effectiveness of the Rules to date and have also sign-posted aspects of the Rules and their implementation that need to be addressed, either via revisions to the current Rules or via supporting activities.

Appendix 1

OCS Consulting Limited

Report on Stakeholder Engagement



Broadcasting Authority of Ireland (BAI)

Stakeholder engagement to inform Access Rules Review

25 November, 2022

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Appendix 1: Access Targets and Timeframes 2019 – 2023

1. Introduction

In order to promote the understanding and enjoyment of programmes by persons who are deaf or hard of hearing and persons who are blind or vision impaired the Broadcasting Authority of Ireland (BAI) Access Rules set out the levels of subtitling, sign language and audio description that broadcasters in Ireland are required to provide.

The Broadcasting Act 2009 makes a number of provisions in respect of the rules to be made by the BAI and the relevant provisions of the Act are Sections 43(1)(c), 43(2), 43(3) and 43(6).

The Access Rules apply to broadcasters within the jurisdiction of Ireland, specify individual subtitling targets for each broadcast service and broadcasters are required to comply with the targets and timeframes applying to their service(s). These subtitling targets have been specified in percentage terms. Specific Irish Sign Language targets apply to RTÉ One, RTÉ Two, RTÉjr, RTÉ Plus One, Oireachtas TV and Virgin Media 1. Specific audio description targets have been set for RTÉ One, RTÉ Two, RTÉjr, RTÉ Plus One and Virgin Media 1.

All of the targets set for each of the broadcast services were based on a five-year timeframe commencing in 2019 and running through to 2023. The timeframes and targets which apply to each of the broadcasting services as part of the current set of Access Rules are detailed at Appendix 1. Broadcasters are also required to comply with standards and guidelines set out within the BAI Subtitling, Irish Sign Language and Audio Description Guidelines.

The Rules are, in accordance with the Broadcasting Act 2009, reviewed by the BAI periodically to assess the extent to which they are fit for purpose and the degree to which they offer greater access to better quality programmes for people who are deaf or hard of hearing, persons who are blind or partially sighted and persons who are hard of hearing and partially sighted.

User consultation has informed the development and ongoing monitoring of the Rules since their inception. The Rules were developed initially following a substantial consultation process with broadcasters and representatives of the deaf, hard of hearing, blind and vision impaired communities. User Consultative Panels (UCPs) were also established to assist and further inform the BAI with its assessment of broadcaster compliance with the Access Rules.

OCS Consulting was commissioned by the BAI to conduct a targeted stakeholder engagement process in order to inform the 2022 review of the Access Rules. In particular, the stakeholder engagement process was to involve television access service users, together with access users' representative groups and broadcasters in order to gather views on the provisions of the Access Rules, the quantity and quality of access service provision and the current costs associated with the provision of the various access services – subtitling, Irish Sign Language (ISL) and audio description by television broadcasters in the Republic of Ireland.

2. Methodology

The stakeholder engagement process involved a number of strands of work, summarised as follows;

- **Review and synthesis of the approved minutes and associated notes arising from the meetings of the BAI Television Access Services User Consultative Panels (UCPs)** facilitated since the publication of the current set of Rules in January 2019. In this period, 2019 to November 2022, 14 meetings of the BAI UCP were facilitated. Across this series of 14 meetings the UCPs have set out views and described member experience of the television access services, as provided by the Irish broadcasters, across a number of key thematic areas. These views, experience and the trajectory across same have been summarised within the relevant sections of the report which follows.
- **Key informant interviews¹** with stakeholder representatives, supported by interview guides agreed with the BAI, were conducted to explore the perspective of access service users, access users' representative groups, broadcasters, providers of access services and other key stakeholders.

These interviews focused on access service provision, target attainment on both quantity and quality dimensions, the levers and barriers involved in access service development, the BAI's approach to monitoring and enforcement, engagement between broadcasters and access service users, the current costs associated with the provision of the various access services and broadcaster goals for future access service provision.

- **Workshop with BAI officials** to consider and assess the emerging findings secured through the various strands of consultation.
- **Two facilitated workshop meetings** as follows;
 - (1) One workshop involving television viewers with an interest in subtitling and Irish Sign Language.
 - (2) One workshop involving television viewers with an interest in audio description.
- **Analysis and reporting** where all of the field work data was analysed to inform the material presented as part of this particular research findings report.

¹ Interviews were conducted with representatives from the Irish Deaf Society, Voice of Vision Impairment, Chime, the National Disability Authority, NCBI, RTÉ, Virgin Media, TG4, Oireachtas TV, Cork Community Television, together with representatives of a number of Irish based providers of television access services.

3. Findings

Findings which emerged from across the various strands of research can be considered across six categories as follows;

1. Targets set for access service provision and quantities provided
2. Quality of access services provided
3. Complaints
4. Challenges / barriers involved in access service provision
5. Promotion
6. Monitoring compliance
7. Consultation.

3.1 Targets set for access service provision and quantities provided

3.1.1 Access service user and access user representative perspective

The user perspective varied depending on the particular access service being discussed.

i. Subtitles

Increased provision is of little value in the absence of significant improvements to quality

The 2019 Access Rules set targets for subtitling for all broadcasting services for the period 2019-2023. In the case of most of the services, the targeted level of subtitle provision to be delivered increases incrementally each year across the five-year term.

The majority of access service users and access user representatives consulted recognise that **subtitle provision has indeed increased** across the five-year term concerned. The Access Rules were credited with being a key lever in bringing about such additional provision. Users and user representatives, however, strongly qualified this view by **describing the additional provision as, often, being of "little value", "irrelevant" or "immaterial"**.

For such users and user representatives there is, when considering access service provision, an **inextricable link between 'quantity' and 'quality'**. BAI assessments across the term to date have determined that subtitling targets, *generally*, have been achieved and exceeded in some instances. For any subtitling to be thought of as 'useful' or 'relevant' however it must, according to users and user representatives, be delivered at an appropriate standard. Such stakeholders have suggested that a significant proportion of the subtitling content delivered by the Irish based broadcasters - and particularly so, but not exclusively, in the context of live programming - can be of a relatively low, and at times, very poor standard.

Users recognised that there "are a very small number of players (broadcasters) involved in the Irish market and thus choice is limited". In the case of those broadcast operations of a significant, national scale a **"very mixed picture"** was described in respect of subtitle provision. Subtitle provision for a broadcaster with a

public service remit was described as **“mostly good” and at times “very good” in the context of pre-recorded programming. Subtitling for live programming, and in particular, news and current affairs** provided by the larger national broadcasters (both commercial and public service in orientation) was however **thought to be of a consistently poor standard**; “It’s a completely different experience (when considering subtitling for)...live and non-live content”. In the case of one particular broadcaster the subtitle provision for both live *and* pre-recorded content was described as “poor at best and unusable much of the time”. The quantity or amount of subtitling provision can, from the user perspective, therefore “only be considered when the quality is of a sufficient standard”.

When such subtitled content is thought to be ‘below standard’ it is not, in the words of the users consulted, “watchable”. For this reason, **few if any at all of the users or user representatives credited the broadcasters for bringing about any increase in the quantity of “watchable subtitling provision”** across the term of the Rules to date.

User representatives frequently noted their **long standing “frustration” with the lack of progress by broadcasters in matching increased levels of provision with the required improvements to the quality of subtitles** provided; “Simply having some form of subtitle text up on screen isn’t what this is about. They (the subtitles) have to be of a usable standard. We have been bringing this up ad nauseum for years...but nothing has changed”.

The new Access Rules which came into effect in early 2019 included the move from a target range to a single figure target for each service. Users and user representatives, who were familiar with this revision suggested it has had “little positive impact” on the quality of subtitle provision.

The User Consultative Panels Perspective (2019 – 2022) - Subtitles

The views of panel members were very consistent with those put forward by users and user representatives consulted as part of the more recent stakeholder engagement process.

Across the majority of panel meetings, members have spoken of the **direct link between quantity and quality** of access services provided.

This **link is particularly critical for users of subtitling**. Panel members have consistently noted their frustration with the **significant levels of subtitling provision which were not deemed to be of a sufficiently appropriate standard**; “So much of it is just not watchable (due to poor quality of subtitle provision)”. Poor quality provision is understood to be particularly evident in respect of the subtitling of live programming; “The live subtitling is awful. Often, it makes no sense at all, and the viewer just can’t follow it. Why should this quality of provision count (towards the target)?”

Panel members recognise that the targets set have led to an increase in the quantity of programming which is subtitled. Indeed, a small minority of panel members have described this increase as “encouraging”. For the majority, however, the absence of a comparable level of improvement in the quality of this particular access service often makes the additional quantities provided “immaterial” or of no added value benefit; “Sure, the numbers are going up but often this (provision) is not of an acceptable standard”.

Very often, **members have not agreed with the BAI’s assessment of broadcaster performance** against the targets set; “There are still so many quality-related issues (which) mean that the figures put forward each year (by the broadcasters for subtitling provision) are just not accurate as **so much of the content provided is not fit for purpose**”. The figures recorded (for subtitling provision by each broadcaster) “should be lower and are **not a true reflection of the viewer experience** (as the quality of much of the subtitling can be so poor that it is not watchable and so should not count towards the attainment of a targeted level of provision)”. Panel members have recognised that some broadcasters are more accurate in their reporting of quantities of subtitling provided than others. UCP members frequently expressed their frustration that the figures put forward by the broadcasters are “accepted at face value by the BAI” with little consideration for the large quantity of subtitling which is believed to be of an unsatisfactory standard.

Members have suggested that this issue is particularly notable in the case of one specific broadcaster where; “the quality of subtitles continues to be ‘poor’ and at times ‘very poor’...This is a long-standing issue which we have been raising consistently at these meetings. This (standard of provision in the case of this particular broadcaster) must not be considered as being compliant with the Rules”.

Panel members **continued to recognise the rationale for the variation in approach and targets set for different types of broadcast services** under the Access Rules. Expectation levels for broadcasters with a public service remit were particularly high. Panel members have long contended that large commercial broadcasters could “drastically improve” while lower levels of expectation appear to be evident in respect of the community broadcasters.

Although the BAI’s regulatory remit does not extend to non-linear services the **absence of a formal requirement for broadcasters to provide online content with accompanying access services continues to be a point of frustration** for many. Members contend that access services ought to be made available for programming that is shown on the broadcasters’ internet players.

ii. [Irish Sign Language \(ISL\)](#)

In the case of Irish Sign Language provision users and user representatives frequently described the **single figure percentage quantities provided as “shamefully low”**. The **playout times** at which such content is broadcast throughout the day - with much confined to the very early morning hours - was often termed as “offensive”, while the **use of simulcast playout** of ISL supported versions of programmes across specialist services was described as “marginalising”.

Access service users were consistent in their **call for targeted ISL provision to be increased “significantly”**.

Users did comment upon and strongly welcomed the **increased visibility of ISL** on Irish television across very recent years. Such provision was available for many of the pandemic related emergency information briefings and announcements provided over the course of recent years. While this was welcomed, users were particularly keen to acknowledge the role of the relevant Government Departments and agencies rather than any of the broadcasters in providing such content; “(A named broadcaster) provided ISL solely to accompany government announcements. The (Government) Department arranged for those services to be put in place. The target set for ISL provision, therefore, was not met by this broadcaster”.

Following what many described as “years of minimal provision”, users and user representatives suggested that any defence on the part of broadcasters for “low level provision” is no “no longer valid”.

Several of the users and user representatives who were consulted concluded that their **viewing experience has “in no way been enhanced”** as a result of increased levels of good quality subtitles and ISL across the first four years of the five-year term 2019 to 2023.

The User Consultative Perspective (2019 – 2022) - [ISL](#)

In respect of ISL provision, UCP members had, across the term concerned, consistently noted their **disappointment with both the quantity** made available (“two minutes a day is just ridiculous”) **and the playout time** of much of the ISL content (“why should we be confined to a small batch of content that is played out through the middle of the night?”).

Panel members have identified good practice examples in respect of ISL provision with examples including ISL provided by RTÉ to accompany the Toy Show and Oireachtas TV to accompany the centenary of the First Dáil and other key events during 2019; “Oireachtas TV, when it comes to ISL, is brilliant”. These examples have “shown what can be done” and now “need to be scaled up” to ensure such high-quality content is made available on a “more consistent and accessible basis”.

iii. Audio Description (AD)

In respect of audio description, there were some **mixed views, amongst users and user representatives, as to whether or not the targeted levels to be provided have been met.** Some suggested that the targets “probably had been achieved” but qualified this when noting that until recently there was no AD provision at all and thus “we were, initially, grateful for anything”. Others, however held the view that **the targeted amount had not been achieved** and were, in this context, critical of both broadcasters and regulator alike; “Why are they not providing AD at the required levels? I don’t accept that COVID-19 was a valid excuse (for not providing the targeted amount). The Compliance Committee should be taking stronger action (against those broadcasters) for falling short of the targets set”.

While all of the users and user representatives welcomed the fact that the targets for audio description are continuing to increase on an incremental basis across the five-year term these stakeholders have described the **quantities provided as being either “very” or “extremely” low.** The call from such users/user representatives was for **targets to be “increased”** and, for many, to be “increased significantly”.

Users strongly welcomed the fact that they now “can rely on high quality Irish dramas having audio description”.

A number of user/user representatives suggested that the BAI could usefully consider the introduction of targets which would bring broadcasters “from a very modest level of provision” at low single figures towards a target of “at least 20 to 25%, which would be meaningful for viewers” and “a realistic goal for broadcasters” to attain.

Some of the users and user representatives **called for the introduction of separate targets for audio description in respect of the provision of both home-produced and acquired content.** Such stakeholders also called upon broadcasters to provide **more transparent breakdowns** on the quantity of audio description provided across home produced and acquired content.

Users and user representatives consulted also put forward a call for a “must carry audio description rule” to be applied to all programming which is in “receipt of any State support” such as that may be provided through the Sound and Vision Scheme.

The proposal for targets for audio description “to be extended to any broadcaster apps and plus 1 services” was also put forward by users and user representatives.

Access service users consulted as part of this current research noted their frustration when broadcasters did not promote their access service provision. This was particularly notable in the context of audio description in which case **users and user representatives suggested that promotion of audio description has been very weak.**

The role of the continuity announcer was thought to be very relevant in this context. The accessibility of the broadcasters’ online listing pages was also identified as an area which would merit some further improvement.

The User Consultative Perspective (2019 – 2022) - Audio Description:

Panel members with an interest in audio description have been consistent in highlighting **the need for levels provided to “increase”** and for some “to increase significantly” given the “extremely low level” at which the targets are currently set.

The UCP members noted how the introduction of AD had been recognised as a “very welcome” and “valued innovation” a number of years ago but now that the “concept has been proven” targeted levels could be “appropriately increased from the very low single digit figures” which are currently provided.

Panel members hold the view that “easy wins”, in respect of AD provision, are still available to the broadcasters - particularly so in terms of broadcast content which may be acquired from international sources and where an AD file will have been previously created.

The call to prioritise the provision of additional audio description for home produced programming was emphasised repeatedly by UCP members. Panel members, across the term, have had a keen interest in the breakdown between home-produced and acquired content and have proposed the need for introduction of a specific target to encourage broadcaster focus on “Irish voices and content”. The call for broadcasters to provide separate data on such categories of content has also been an item of long-standing interest for panel members.

The role and **value of the BAI Sound and Vision Scheme in promoting accessible programme content** was cited frequently by UCP members. However, there continues to be a sense of disappointment amongst panel members that the **Scheme, as it is currently constructed, “inappropriately enables programme makers to choose”** between the development of one access service over another and therefore unfairly disadvantages one access user group over another.

Finally, UCP members have continued to cite the relevance of an evolving policy landscape in respect of the rights of persons with disabilities to have access to key services. There has therefore been a general and consistent call for the BAI, in respect of its ongoing oversight of the Access Rules, to observe such policy and for the Rules to keep pace with the principles and provisions set out within this emerging policy.

3.1.2 Broadcaster perspective (Subtitling, Irish Sign Language and Audio Description)

Although broadcasters highlighted the many and various challenges involved in providing television access services (see pages 18 - 21) all **articulated a commitment to access service provision**. Several of the broadcasters spoke of ‘access’ and ‘accessibility’ as being “core to their ethos”, while others spoke of the importance of ‘EDI’ or equality, diversity and inclusion to their organisational strategy and the role of the access services in supporting goals regarding same. A number of broadcasters also described access to television as being “of fundamental importance” for “democracy and freedom of expression”. Supporting greater access for viewing audiences was cited as a common goal by all of the broadcasters consulted. The access services were viewed as being “very important” in this context. Many of the broadcasters noted their **support for the Access Rules and, indeed, the current targeted percentage levels** which have been framed for access service provision.

Broadcasters called for the **BAI to provide certainty on the targets to be achieved** to allow for necessary investment and planning.

Importantly, most if not all of the broadcasters, held the view that **the introduction of any increased target or targets will be “challenging”** and in some cases “very challenging” to reach across the “next few years” as a “ceiling” is “already here” or “fast approaching”. Cost and the limited available playout time for access service compatible content were the most commonly cited barriers in this context.

In common with previous reviews, broadcasters suggested that both service user and BAI expectation, in respect of the ability of broadcasters to increase subtitling output on a steady year on year basis, is “very high” and perhaps “unrealistically high”. A number of broadcasters suggested, in this context, that the baseline or ‘year one’ targets introduced at the time of the launch of the original set of Access Rules were set at too high a level and in the context of “a time of plenty”.

New technology, including re-speak, has to date failed to offer a solution to a suitable standard. A number of broadcasters have, however, suggested that investment and in house trialling on such technologies continues in the hope or expectation that it will deliver worthwhile efficiencies in the coming years. Interestingly, a small number of broadcasters suggested that they may be open to enhanced targets for subtitling in two or three-years’ time as advances are made in various in-house investments in artificial intelligence and speech to text.

Many of the broadcasters consulted are disappointed that no recognition, under the Rules, is given for the provision of access services - which at times may be additional to the sought-after target - via parallel television or on demand services; “Our viewers are going online. That’s where they are accessing the content and that’s what they ask for (investment in online and on demand) and so that’s what we are trying to respond to when we invest in (access service provision via) online and on demand”.

Broadcasters **strongly welcomed any level of flexibility** which may be available under the Rules such as in cases where combined output across a number of services counts against the sought-after target; “We know (and understand) our viewers and where it (access service provision) will work best”. The ability to offset provision of one access service against the targets set for another access service was also valued for similar reasons; “It [this flexibility] enabled us to invest a lot in ISL provision”.

In the case of broadcasters who may also carry “non-standard reactive services which do not broadcast scheduled programming” there was a view that the provision of ISL ought to “count towards the overall target set”.

Impact on commissioning decisions; Access services were described as “a significant cost item” which increasingly requires the broadcasters to **make choices across various investments and increasingly across certain programming decisions**; “We would like it (sports magazine programme) to go out ‘live’ but have chosen to pre-record earlier that day and arrange for rapid subtitling that afternoon so that it can go to air in the evening”. In the event that targets were to be increased in the future, broadcasters have suggested that this influence on programming decisions would become even more significant; “Choices have to be made all the time. There

isn't a bottomless pit there. If higher targets are introduced, we might have to cut back on the really good (accessible) online stuff we do which would be a shame".

All broadcasters emphasised the **unique nature of their own service** be it public service, Irish language, commercial or community. Each broadcaster suggested that they have a unique set of service-related characteristics, and challenges. It was in this context that broadcasters noted how important it is for the Rules to account for the "unique nature of each service".

A wide range of dimensions including available budget, funding model, share of the viewing audience, the language of access, the balance of use between acquired and commissioned subtitles, and the proportion of live content in the programme schedule were all cited in this context. A number of broadcasters emphasised how complex and challenging it can be to produce high quality live subtitles to accompany content involving fast paced dialogue and multiple speakers.

A number of examples of significant investment in subtitling, ISL and audio description provision were offered. These included the recruitment of full time ISL interpreters, the development of an ISL studio to support quality recording, the re-wiring of studios, the acquisition of new technology to facilitate higher quality subtitling, and the development and training of a panel of audio description 'readers' to support AD provision and the delivery of "strong Irish voices".

3.2 Quality of access service provided

3.2.1 Access service user and access user representative perspective

Access users and user representatives were consistent in their view that a **significant proportion of subtitles provided are not of a satisfactory standard**. Such stakeholders have suggested this is not a recent issue but is instead long standing with little, if any improvement in the standard evident across recent years; “It’s (standard of subtitles) certainly not getting any better and, if anything, it seems to be getting worse...but particularly so, with the live subtitles”.

Quality related concerns highlighted by user representatives included lengthy time lags, gaps, pauses, not matching the spoken word, spelling mistakes, “blank notices apologising for the absence of subtitles”, subtitles running through commercial breaks and/or not returning following the breaks, the absence of subtitles to accompany announcements by continuity announcers, lack of service continuity across a series, the on-screen positioning of subtitles during live sports, and the absence of colour coding to distinguish different speakers.

Users and user representatives confirmed that they have, **as a result of the poor-quality subtitling which accompanies live news and current affairs, switched completely and exclusively to non-Irish based news providers**; “It’s pointless trying to follow the news on (named Irish broadcaster). The subtitles are awful. I watch the news on BBC or Channel 4 as a result”. The result of such low-quality subtitles accompanying live news and current affairs and its impact on those who require the access services was often described as “extreme marginalisation”. Access service users frequently noted that broadcasters such as BBC, Sky and Channel 4 consistently demonstrate that a high standard of live subtitle provision for live news and current affairs can be achieved; “We shouldn’t be forced to go to social media or to UK providers to access our news content. You can miss out on real issues of national importance”.

Some users suggested that both broadcasters and the BAI “must switch the focus from one that is solely on ‘quantities’ to ‘quality’...An extra few percent (in the form of a heightened target) would make no difference to the viewing experience (without a suitable improvement in the quality of live subtitling provided)”.

Given the **long-standing nature of this issue** access service users also noted that “any defence that broadcasters may make” regarding the quality of acquired subtitle files or the role of platform providers and set top boxes in carrying accessible content are “no longer valid”.

Interestingly, a number of service users and user representatives are now actively encouraging certain broadcasters *not* to invest in subtitling news and current affairs and instead to divert resources to subtitling popular programme content which may be less onerous to provide; “It’s just not worth it...whatever effort (named Irish broadcaster) are putting in to do the news and other fast paced current affairs shows...the subtitles can’t be understood (and so) they would be better off stopping it and providing subtitles for other (less demanding but popular live) programmes”.

It should be noted that a small number of specialist broadcast services were frequently described as ‘**excellent**’, **particularly so in respect of Irish Sign Language and the provision of translation subtitles**.

Picture in picture (PIP) presentation of ISL interpreters was surfaced by some user representatives as a concern; “Why, on occasion, is the ISL interpreter not side by side with the speaker”?

One particular broadcaster was recognised for their ‘excellent’ and ‘high quality’ provision of ISL to accompany important public service content. It was noted that this broadcaster has invested in the recruitment of two full time interpreters in order to enhance their ISL provision.

In respect of audio description, one particular broadcaster was recognised for its provision of very **high-quality audio described content** which is supported by “talented local voices” and “skilled readers and strong scripts”. This audio description was described as being both “clear” and “well placed”.

Looking forward, user representatives called for the **development of a ‘standard’ for audio description** which would determine or ensure that synthesised voices do not replace human involvement and that audio described scripts would involve a minimum number of audio entries for each half hour of content. Users emphasised that while the introduction of synthesised speech might result in increased provision this development would not be acceptable to many of the interested viewers; “The trial of a robotic voice (by a named broadcaster) went down like a lead balloon”.

It was also noted that all audio described content **must be provided via an “accessible interface”** that is a “station that is findable” whether the viewer is accessing this “via smart tv, a website or any other internet-based application”.

Access users also called on broadcasters to invest in the development of “libraries of audio described content” as part of their online and on demand offerings.

The User Consultative Perspective (2019 – 2022)

Again, the views of panel members, at meetings held across 2019 to 2022, were very consistent with those put forward by users and user representatives consulted as part of the more recent stakeholder engagement process.

In particular, UCP members consistently voiced their strong **disagreement with the BAI's assessment of broadcaster performance** against the targets; "There is no way they (broadcasters) should be recognised as being compliant".

Figures put forward by broadcasters for subtitling provision are, in the opinion of panel members, **"not accurate"** as so much content provided is **"not fit for purpose"** and "not a true reflection of the viewer experience". This view was consistently expressed, across the term of the current set of Rules, in the case of one particular broadcaster; "The live subtitles are particularly poor. Very often, they simply aren't watchable".

Compliance Committee decisions not to challenge broadcasters on poor performance is of concern to many of the members; "Poor quality subtitling should not count towards attainment of the target. I have found it difficult and at times impossible in following key (named broadcaster) live news content relating to the pandemic. The table of provision, as provided by the broadcasters, should be scrapped. It is not a true reflection of the viewer experience".

The quality, of what for many is considered to be a significant proportion of subtitled content, can be poor and at times very poor; "The quality of subtitle provision is so poor that I am thinking of getting rid of my (named set top) box (as the programmes are not watchable)". Quality related issues were raised most frequently in the context of live subtitling; "It (subtitles) often starts a number of minutes late...does not keep pace with the spoken word... carries through the ad break...all of which makes the programme unwatchable".

The provision of subtitles for repeated programmes also came in for criticism: "A lot of subtitle provision is not carried through for programmes originally broadcast on (named service) and subsequently repeated on (named service)". UCP members have also suggested that broadcasters ought not to be able to rely on 'repeats' to reach targets set under the Access Rules.

3.2.2 Broadcaster perspective

Many of the broadcasters consulted suggested that the quality of access service provision, including that of subtitling, is either "good" or of "a consistently high standard".

All of the broadcasters maintained that they are **intent on providing "good quality" access services** for their viewers; "Access is core to our approach. We have been providing translation subtitles from the early days. We want our content to reach as many as possible. We want to make this attractive and accessible for more audiences".

Broadcasters confirmed that they have made **considerable investment in both human resources and associated technologies in order to ensure a "high quality experience"** for the viewer and "deliver greater efficiencies" for the broadcaster. Examples of such investment were put forward for each of the three relevant access services.

In the case of subtitling, broadcasters highlighted their **rolling tendering processes** for contractors to “provide high quality subtitling services”, and the **upgrading of studios** and associated playout technology to facilitate “higher quality and more accurate subtitling”.

One broadcaster, with a “quality orientation” in mind, has in recent years **recruited two full time ISL interpreters** while also developing a bespoke ISL studio in order to support “high quality (ISL) provision”. This particular broadcaster suggested that the signing into law of the Irish Sign Language Act (2017) had prompted an **ambition, on the part of the broadcaster, to provide “best in class ISL services... (which would)... enhance accessibility to a key area of public interest”**. “This is important public service content... It ought to be accessible to as many people as possible (and thus our investment in a quality orientation)”.

A broadcaster, charged with the provision of audio description, spoke of their significant efforts in “getting it right”. More recently this has involved considerable investment, on the part of the broadcaster, in the development and **training of a panel of ‘AD readers’** to support “high quality AD provision” and “strong Irish voices”. Training provided “was to the highest standard with a (UK based) leading practitioner of Audio Description”. This broadcaster also indicated that there is significant effort in “developing a strong (AD) script” which gets the balance right in terms of placement and the number of (audio) insertions... You don’t want to overcrowd the programme with too much description”.

In respect of both subtitling and audio description, a number of broadcasters have **invested in systems involving artificial intelligence, speech to text and speech synthesis** to deliver “more reliable” and “cost effective (access service provision)”. While much of this has yet to deliver satisfactory results, such broadcasters have suggested that “it (this technology related investment) is worth it as we want to get it right (from a quality perspective for our viewer) but also need to make this (access service provision) less labour intensive and costly”.

When quality related issues have arisen with subtitling, one broadcaster noted that they address these issues “directly with our providers and continue to do so”. In respect of quality related issues pertaining to live subtitling this broadcaster confirmed that “we are looking increasingly to close the ‘time lag’ but... this is dependent on better technology, (available) budgets and even then, there will always be some ‘time lag’ (when providing subtitles for live programming)”.

The view that access service users “just want more quantity” was cited frequently by broadcasters. Interestingly, a number of broadcasters suggested that the absence of complaints from users was evidence that the quality of subtitles provided is of a sufficiently high standard; “We get very few complaints which would seem to suggest that we are doing ok (from a quality perspective)”.

In instances where poor quality subtitling is experienced broadcasters suggested that this can, very often, be “down to the fact that they (viewers) are using **spurious or generic set top boxes**” which are “not fit for purpose” and “which won’t carry through (the access service) on a consistent basis”. In the words of one broadcaster; “the finger can’t (in such cases) be pointed at us (for poor quality provision)”. Another broadcaster noted that “many non-Saorview approved devices do not have capability to deliver additional services such as subtitles and AD to the standard (which was originally provided by the broadcaster)”.

The **role of the platform provider** was, for some broadcasters, also thought to be relevant in providing high quality subtitles on a consistent basis; “We can check our playout systems

and logs and see that they (the subtitles) have left in good order (in terms of quality)...but it (our ability to quality control) is out of our hands when they leave our system”.

The **impact of the COVID-19 pandemic** on the ‘quality’ of access services provided was a discussion item surfaced by a number of broadcasters. Challenges, in this context, which had the scope to impact on the quality of access services provided were thought to be particularly relevant for both ISL and subtitling; “Where an ISL interpreter was unwell or unable to provide a service, short-term arrangements had to be made. (Also), It was not always possible for an ISL interpreter to work from a designated studio...The very nature of the pandemic impacted on all our operations in terms of the time required for turn-around”.

Broadcasters did recognise that access service provision is “a **challenging and complex task**” and difficult to “get right all of the time”; “There are so many moving parts involved and we don’t have control over all of the elements all of the time”. It would appear that a wide range of technical and resource related issues can impact on the ability of broadcasters to provide high quality access services on a consistent basis. Such issues would appear to be particularly relevant in the context of the provision of subtitles to accompany live programme content. These challenges and barriers are explored in some more detail in Section 3.4.

3.3 Complaints

On the topic of complaints, a number of broadcasters suggested that they “receive more ‘enquiries’ rather than complaints”. Broadcasters did recognise that users can be “reluctant to complete the (complaint) forms”.

In the cases where complaints are presented, broadcasters highlighted the challenge involved in “diagnosing (the root cause of) the complaint which can be complex and time consuming”. On completion of such investigations, it can, according to broadcasters, “often turn out that the subtitling was provided (by the broadcaster) but not carried on the platform accessed by the user”.

Users and user representatives hold the view that the **complaints process is too onerous** and that “broadcasters do not make it easy to complain”.

Frequently, it was suggested that there is a **lack of responsiveness** on part of the broadcasters to complaints which are submitted. The options provided for viewers to make a complaint are not according to users, either user friendly or accessible; “I was brought to a chat bar online...but there was no response”. “The web page and contact details for complaints seem to be buried deep on the website”.

“The onus is completely on the complainant to follow up...Very often and particularly with (one named broadcaster) you would never hear anything back bar an auto responder to say your complaint was received. I have (as a result) no faith in the complaints process”.

On a number of separate occasions, panel members noted that “there was no response at all...after two or three months...to my complaint”.

Several user representatives suggested that the complaints system must be simplified and facilitate the easy upload of video recordings.

The User Consultative Perspective (2019 – 2022)

Panel members have emphasised that the complaints process and in particular the complaints form can be “onerous” and “daunting” to complete. That the completed form does not generate a record for the complainant, requires complainants to have a high level of literacy, is not ‘trackable’ or does not save basic complainant information (so as to reduce the workload involved in making repeat complaints) were identified as key weaknesses by panel members. Web based rather than word document complaint forms were also preferred by panel members.

Panel members have suggested that the responsiveness on the part of some broadcasters to complaints can be poor and consistently so in the case of one broadcaster; “No judgement ought to be made on the number of complaints received by this broadcaster...as it is very difficult to make a complaint...So few people are watching this service anymore as they simply can’t rely upon it”.

Any complaints system should, according to panel members, be made as user friendly as possible; use drop-down menus with pre-completed responses wherever possible; include a SMS contact option to support those complainants who do not use a voice service; support online rather than Word doc. forms; be supported with the release of an explainer ISL video.

Panel members suggested that the BAI and broadcasters “should not rely on the number of complaints” as any barometer for user satisfaction - given that so many users are frustrated with the responsiveness of broadcasters. It should not be left up to (dissatisfied) viewers (to highlight poor quality provision)”.

3.4 Challenges / barriers involved in access service provision

Broadcasters highlighted a series of challenges together with a number of technical and resource related issues which can impact on their ability to provide access services.

Citing commercial sensitivities, the majority of broadcasters were somewhat reluctant to share details of the direct costs incurred for purchasing the access services. Estimated direct costs involved in the production of accessible content are summarised on pages 20 and 21. The following challenges and barriers were identified.

- **Defining the total costs involved in providing access services;** Given the significant level of access service-related resources which are “simply absorbed” rather than “listed or defined” by the various television services it is, according to broadcasters, challenging to provide definitive figures for the total costs involved in providing access services.
- **Indirect costs and the search for and formatting of acquired subtitles;** Direct cost alone, or the purchase price that may be involved in commissioning subtitles and other access services, is not the only overhead which broadcasters must absorb. The **costs associated with search, acquisition and modification of previously developed subtitle files** for acquired content was one particular area which broadcasters believe is underestimated both by access service users and indeed by the BAI; “There is this mistaken perception that you buy the file for very small money and then pop it directly into the playout system. That just isn’t accurate. You can spend a huge amount of time hunting these files down, negotiating a price and then when they are delivered...working on them to ensure they are compatible with your own systems as they have often been developed on a US system which has a different playout profile entirely”. It was therefore frequently suggested that it is not possible to define an accurate cost profile borne by the broadcaster; “You can’t just point to the per hour cost of purchasing subtitles. There are so many other ‘hidden costs’ involved”.

Indirect or absorbed costs associated with the provision of access services could, according to broadcasters, very often include salary - connected with project management time, involved when coordinating multiple suppliers and/or in-house editor time which may be required to modify or upgrade acquired subtitles to ensure the files are to standard.

For some broadcasters, changes to the scheduling profiles and in particular an increase in the proportion of live programming and the associated requirement for more labour intensive and costly access services has presented a challenge.

- **Provider capacity issues;** Broadcasters highlighted the considerable amount of organisational resources involved in managing the cohort of suppliers within this niche market. The market would appear to involve a combination of specialist indigenous providers, many of whom are operating at, or are close to, ‘full capacity’ together with two to three UK based subtitling providers.

Irish based providers of access services suggested that their position within this market has been compromised somewhat through the increasing take up of market share by UK based providers. The impact of reduced pricing on the access service providers ongoing ability to produce high quality levels of subtitling was also highlighted.

- **Unpredictable and limited budgets and other pandemic related impacts;** Restrictions and reductions on both broadcasting budgets and staffing complements across a near ten-year period were described as both ‘common place’ and ‘ongoing’. The impact of the pandemic was also highlighted by broadcasters as having “a profound effect”. Several of the broadcasters suggested that the COVID-19 pandemic, and a decline in revenue from commercial advertising, had impacted on their base funding model. Some examples were shared of saving plans and cost cutting measures which have been introduced to mitigate against threats from fragmented audience engagement, licence fee evasion and increasing competition from commercial streaming services.

The broadcaster noted that COVID-19, and in particular the punctuated filming of key drama series such as ‘Eastenders’, had impacted on the level of AD that could be provided; “There was a big backlog in production schedules as filming of key drama series had to be halted during COVID-19”.

- **Dual language services;** Public service broadcasters who provide programming in more than one language spoke of the significant, additional challenges which can be involved in meeting what can be very different access service-related needs of different audience groups. Additional costs are incurred when translating from a second language. Broadcasters involved in such provision will often need to work with and in some ways sustain a small but specialist pool of suppliers who are appropriately skilled to offer such services across two languages.
- **Scheduling and carrying a high proportion of live content;** The costs involved in providing subtitling for live programming will, typically, be more expensive than is the case with pre-recorded content. Those broadcasters with a high proportion of live programming highlighted how their cost base had increased as a result of the need to provide subtitling for such live content. This is understood to be particularly significant for those broadcasting live content across a weekend as a pay premium is often required to cover costs associated with subtitling of content played out across the weekend.

Uneven scheduling flows which may, for example, involve the introduction of an increased amount of live content across the summer can present further challenges for broadcasters in negotiating contracts with providers.

- **Late delivery of programme files;** The late delivery of subtitling files from a third-party provider can impact on the broadcasters ability to attain the targeted amount of subtitling provision. This may mean that particular programmes, originally assigned for subtitling, may not have the access service available in time for transmission. As the available window for the production of subtitles and necessary quality controls is often limited the margin for error on subtitling quality can also therefore be increased; “Inevitably, it means we have to be flexible in the time available to audio describe both acquired and Irish content. (Available) resources and budget also need to be factored in (when making decisions)”.
- **Upgrading of systems;** The costs of installing and regularly upgrading transmission systems which will provide for consistent high quality play out of access services was highlighted by several broadcasters. The cost involved in regularly upgrading playout and other technology relevant to the successful transmission of access services was cited by all broadcasters as a “necessary cost in doing business”. Technology upgrades on the part of the platform providers may also require broadcasters to “play catch up” in order to ensure the access service files are carried successfully.

- **Non-standard set top boxes and devices** which, broadcasters suggested, may impact on the quality of service received.

Specific to ISL, broadcasters highlighted a number of challenges including limited interpreter availability and the shortage of graduates qualifying each year. The Irish Sign Language Act (2017) is understood to have prompted more demand for interpreters.

Broadcasters called on the BAI to provide “more forceful recognition of the obligations on the organisers to provide ISL” and other access services for significant national events and emergencies. Broadcasters also called on the BAI “to directly acknowledge that there is no requirement to provide ISL for specific events”.

Broadcasters highlighted the absence of technology which can allow for opt in or closed ISL which would allow for provided ISL to be turned on and off by the viewer - a format which may act, according to some broadcasters, as a lever for greater quantities of ISL. “Unlike subtitling, which is an opt-in opt out facility, there is no technology yet that allows for this on (Irish broadcasting services). While acknowledging the wishes of the access user community, a broadcaster also must have regard to the wider viewing audience who may not wish to have an ISL 'bubble' as part of their viewing. Therefore, there is a balance to be struck between the interests of the access community and other viewers”.

Table 1: Estimated costs for the production of accessible content

The table below sets out estimated costs involved in the purchase of accessible content. This was informed by interviews with both broadcasters and providers of television access services. A number of caveats have been referenced previously and broadcasters, in particular, would suggest that any judgement on costs would give consideration to the extensive range of indirect and absorbed costs.

Programme format / nature of subtitling provided	Costs involved
<i>Production</i> of subtitles for live programming	€300 - €500 per 60 minutes of content
	€500 - €1,000 per 60 minutes of content when requirement for translation from second language
<i>Production</i> of subtitles for non-live pre-recorded programme (single language)	€200/€250 - €400 per 60 minutes of content – when subtitles provided as part of contract arrangement for ‘bulk’ volume
	€300 - €600 per 60 minutes of content - when subtitles are provided in low volume quantities <u>and/or</u> for when requirement for translation from second language May also involve additional c. €100 for provision of separate, colour coded access file for hard of hearing
<i>Purchase</i> of subtitle files for pre-recorded programmes where subtitles files have already been created.	c. €100 per hour

Programme format	
Irish Sign Language	€600/£500 stg per hour – with potential for increased costs given, often usual, requirement for a second interpreter
Audio description	€600 - €700 per hour

3.5 Promotion

Broadcasters highlighted their efforts to promote access service availability through the use of a combination of on-screen symbols, graphics and via electronic programming guides (EPGs), website and social media, bespoke AD animations, and 'emergency straps'.

It was also suggested that continuity announcers, where possible, will announce the availability of audio description. The commercial pressure for "every second to count" can mean, however, this method is not always employed.

Users of AD were most critical when commenting on the promotion of access services with several representatives suggesting that it is "not good enough"; "The biggest problem, apart from wanting the amount of AD provided to be increased, is the lack of awareness. People simply don't know that it's available". Some also questioned the relevance or appropriateness of particular visual graphics to blind viewers.

User representatives were particularly dissatisfied with the absence of promotion of AD availability by the continuity announcer. It was suggested that the availability of AD could very usefully be included within "teaser promotional campaigns" for relevant upcoming programmes. The lack of regular updating of web page listings was also noted.

A small number of good practice examples in respect of promotion were highlighted including the "upload of YouTube clips with accompanying AD to promote 'North Sea Connection'...and (parallel) promotion by the continuity announcer". Such an approach was described as "gold standard" and a "model which all broadcasters could look to follow".

Finally, it was suggested that broadcasters could usefully promote relevant programme schedules in partnership with appropriate representative groups.

3.6. Monitoring and compliance

A number of aspects relevant to monitoring and compliance were noted by stakeholders consulted;

3.6.1 Engagement between broadcasters and the BAI

Broadcasters described officials at the BAI as being very approachable and helpful in the context of the Access Rules.

The BAI reporting requirements were often defined as onerous and time consuming – a view emphasised strongly by community television representatives who noted that “all of this work is undertaken on a voluntary basis”.

3.6.2 Monitoring and compliance

Users and user representatives frequently suggested that the BAI was ‘light touch’ in its approach to monitoring the implementation of the Rules; “Encouraging broadcasters is not enough...The BAI must be harder on broadcasters who do not meet the standards (set under the Access Rules). The standards themselves need to be set much higher”.

Panel members have called for “a more robust approach” to compliance to be applied by the new regulator to be established in 2023 (Coimisiún na Meán) and have highlighted the relevance of upcoming Ireland reports to UNCRPD (United Nations Convention on the Rights of Persons with Disabilities) as an opportunity to spotlight any poor broadcaster performance; “Few if any sanctions are imposed. It’s a cop out. (Compliance) Letters have been issued but there is little evidence of the impact of any of the sanctions that have been applied to date”.

BAI’s approach to monitoring, which involves monitoring of a sample of programme material recorded across a two-to-three-day period also came in for criticism. In respect of monitoring, user representatives have called for increased focus on the quality dimension. Such BAI monitoring suggests generally positive provision with very few examples of poor- quality provision being identified; “This does not reflect the viewer experience”.

User representatives have suggested that access service users ought to be involved in BAI monitoring of recorded content in order to provide informed views on quality; “We are the ones who understand the experience”.

It was also suggested that the BAI would benefit from having ISL users involved in its monitoring process.

In respect of subtitling, it was recommended that the BAI’s approach, at a minimum ought to involve “monitoring with the volume turned off” so as to, in some way, replicate the experience of viewers who depend on the subtitles; “This is very important if you want to pick up on the drop off’s and any other quality issues”. UCP members also expressed concern that the BAI “is only monitoring a very small sample of programming”.

3.7 Consultation

Considerable value was attached to the User Consultative Panels (UCPs) as an important conduit for exchange of information and experience. The UCP itself was described as being “well organised and facilitated” but users suggested they “often wonder” how it is sustained given the long-standing views of members as to the problematic issues involved.

The approach to consultation between access service users and broadcasters was described as “mixed”. User representatives noted how several of the broadcasters had not engaged across recent years while broadcasters spoke of the challenges presented by the pandemic and the difficulties which they can experience in making successful contact with user groups. It was suggested by some that the BAI could play a useful role in bringing user representatives and broadcasters together to share experience.

It was noted that the BAI and broadcasters have particular obligations, under UNCRPD, to prioritise Disabled Persons Organisations (DPO’s) as part of their various consultation and engagement processes.

Stakeholders also highlighted the significant role played by programme makers in providing accessible content. A number of broadcasters and service providers alike suggested that awareness and understanding levels amongst programme makers as to the role and purpose of access services were limited and could usefully be enhanced.

Finally, a number of access users suggested that the BAI, or any relevant successor body, could play a valuable role in building greater awareness of the value of the various access services. Public awareness campaigns and awards for high quality and/or innovative access service provision were suggested in this context.

Appendix 1: Access Targets and Timeframes 2019-2023

Subtitling

	2019	2020	2021	2022	2023
RTÉ 1	87% (95% Peak Time)	88% (95% Peak Time)	90% (96% Peak Time)	91% (96% Peak Time)	92% (96% Peak Time)
RTÉ 2	73% (85% Peak Time)	74% (86% Peak Time)	76% (87% Peak Time)	77% (87% Peak Time)	78% (88% Peak Time)
RTÉjr	48%	49%	51%	52%	53%
RTÉ News Now	24%	25%	27%	29%	30%
Virgin Media 1	51% (51% Peak Time)	53% (52% Peak Time)	54% (54% Peak Time)	55% (55% Peak Time)	56% (57% Peak Time)
Other Virgin Media Services²	50% of combined output	52% of combined output	53% of combined output	54% of combined output	55% of combined output
TG4	57% (60% Peak Time)	57% (60% Peak Time)	58% (60% Peak Time)	58% (60% Peak Time)	59% (60% Peak Time)
Eir Sport 1	12%	12%	13%	13%	14%

² Virgin Media 2 and Virgin Media 3. The BAI may review this target if news services are introduced by Virgin Media. It will be a matter for Virgin Media as to how the access provision will be divided across the Virgin Media 2 and 3 but no service should have less than 10% subtitling.

+ 1 & HD Channels	Any subtitling carried on the main television service shall be made available through +1 and HD Channels				
Oireacht as TV3	16%	16%	17%	17%	18%
CCTV	11%	11%	11%	12%	13%
DCTV	11%	11%	11%	12%	13%

ISL

	2019	2020	2021	2022	2023
RTÉ 1 & 2	3%	3.5%	4%	4.5%	5%
RTÉ Jnr	2%	2.5%	3%	3.5%	4%
Virgin Media 1	0%	0.5%	1%	1.5%	2%

+1 and HD Channels	Any audio description carried on the main television service will be made available on +1/HD channels.				
Oireachtas TV	4%	5%	5.5%	5.5%	6%

Audio Description

	2019	2020	2021	2022	2023
RTÉ 1 & 2	5%	7%	8%	9%	10%
RTÉ Jnr	6%	7%	8%	9%	10%
Virgin Media 1	0%	2%	3%	4%	5%

+ 1 and HD Channels	Any audio description carried on the main television service will be made available on +1/HD channels.				
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³ Oireachtas TV is provided as an RTÉ public service channel via Saorview and as a separate public service available on cable and satellite. Access commitments in respect of both services are the same.

Appendix 2

BAI Access Rules



BAI Access Rules

January 2019

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1. Introduction

The Broadcasting Act 2009 obliges the Broadcasting Authority of Ireland (BAI) to prepare, and from time to time, revise rules with respect to the specific steps each broadcaster is required to take to promote the understanding and enjoyment of programmes by persons who are deaf or hard of hearing, persons who are blind or partially sighted and persons who are hard of hearing and are partially sighted.

The relevant provisions of the Act are Sections 43(1)(c), 43(2), 43(3) and 43(6) of the Broadcasting Act 2009. Broadcasters must also have regard to Section 8 of the Irish Sign Language Act 2017. These statutory provisions are detailed at Appendix 3. In addition, broadcasters must also have regard to any relevant provision contained in the Irish Sign Language Act 2017, the Audio Visual Media Services Directive and the UN Convention on the Rights of People with Disabilities.

In accordance with the provisions of the Broadcasting Act 2009 and having regard to other relevant legislation cited above, the BAI hereby sets out the following Rules.

2. Scope and Jurisdiction

Television broadcasters based within the jurisdiction of the Republic of Ireland must comply with the provisions of the Access Rules. The Rules shall not apply to other services commonly received in this State but licensed in the United Kingdom or in other jurisdictions.

The Rules shall not apply to non-broadcast content, including content provided via on-demand players provided by broadcasters and which are available online. Notwithstanding this, the BAI recognises that broadcasters provide accessible programming via on-demand players and welcomes the continuation or further introduction of such provision online.

3. Setting Targets and Timeframes

In setting targets and timeframes for the provision of access services, the BAI will do so with reference to the Access Principles and Influencing Factors that it has developed and which are set out at Appendix 1.

The BAI reserves the right to extend the Rules to include additional television services regulated by the BAI under the Broadcasting Act 2009, over the operating period of these Rules. This includes services licensed in the State but targeting countries outside of the Republic of Ireland. The BAI will make this assessment on a case-by-case basis having regard to the Access Principles and Influencing Factors.

4. Definitions

A number of terms are used throughout the Rules. These terms are set out and defined below.

Subtitling

Subtitling is on-screen text that represents what is being said on the television screen. Subtitling can be open or closed. Open subtitling is subtitling that remains on the screen at all times. Closed subtitling can be made visible or not visible as viewers wish, using, for example, a remote control. Subtitling is formatted so as to assist interpretation and understanding of the text and link it more accurately to the on-screen action.

Captioning

Captioning refers to on-screen text that represents what is being said on the television screen. However, while similar to subtitling, it is not as sophisticated and entails a more basic representation of what is being said on screen, sometimes having only one colour, verbatim and can have the text only in upper case.

Irish Sign Language

Irish Sign Language is the indigenous natural language of the Deaf community in Ireland. It is a visual, spatial language which conveys meaning through the movement of the hands, combined with facial expressions and postures of the body. Irish Sign Language has its own own syntax and complex grammatical structure. Irish Sign Language must be presented on a television screen through the use of a signer as part of the programme content, or by the use of a signer acting as an interpreter and positioned over the images on-screen.

Audio Description

Audio description is a commentary that gives a viewer who is blind or partial sighted a verbal description of what is happening on the television screen at any given moment. It is provided as an aid to the understanding and enjoyment of the programme. The technique uses a second sound track that gives a description of the scene and the on-screen action.

5. General Rules Applying to All Access Provision

5.1 Quality Standards: The objective of these Rules is to promote the understanding and enjoyment of television programmes. This is achieved via the provision of subtitling, Irish Sign Language and audio description. In this context, the BAI have developed standards that will apply to the provision of access services. These standards are provided at Appendix 2 and broadcasters shall comply with these standards.

Maintaining quality access provision is essential for ensuring that audiences using these services benefit from them. Broadcasters shall take steps to monitor content at the point of transmission to ensure quality standards are met. These Rules acknowledge that broadcasters cannot always control the quality of access services received by audiences using different television platforms e.g. satellite, cable, free-to-air etc. However, broadcasters shall engage with platform providers with a view to resolving any issues that may arise from time to time.

5.2 National Emergencies: In order to ensure that audience members requiring access services are kept informed about national emergencies, broadcasters shall ensure that any key information provided by government on-air, including relevant telephone numbers etc., is subtitled (preferably in an open format) and spoken, leaving sufficient time for the audience to take note of and/or write the details down. Unless impracticable, it should also be provided via Irish Sign Language.

Broadcasters shall also ensure that, in coverage of government announcements related to a national emergency, Irish Sign Language interpreters in attendance shall be clearly visible and understandable to audiences throughout the entirety of the broadcast.

Having regard to the provisions of the Irish Sign Language Act 2017, it is expected that government or those working on their behalf in the presentation of emergency information will co-operate with broadcasters to ensure the requirements of this rule and of the 2017 Act are met.

5.3 Promotion of Access Provision: In all promotions of programme featuring access services and at the beginning of the broadcast of any such programme, broadcasters shall make use of a standard symbol indicating that the programme is accessible.

Broadcasters shall ensure that any listings created and featured in print, broadcast or online (including via social media) indicate those programmes for which access provision is available and the type of provision, except where it is not possible to do so and where this can be clearly demonstrated.

Broadcasters shall regularly promote on their television services the existence and usage of the form(s) of access provision available on their services.

5.4 Obligation to Consult with Access Users: Broadcasters shall consult periodically and not less than once annually, with groups representing a range of different access user groups, in order to seek their opinions as to their viewing preferences, the performance of the broadcaster against the Rule and other related matters.

5.5 Access Liaison Officer: Broadcasters shall nominate an individual(s) to deal with queries from audiences in respect of the application of these rules on their service(s).

Contact details for the Access Liaison Officer shall be publicly available, for example, via the website of the broadcaster. Contact information shall be provided in an accessible manner.

6. Subtitling Rules

- 6.1** Specific subtitling targets have been identified for each broadcast service and broadcasters shall comply with the targets and timeframes applying to their service(s). These are set with reference to the percentage of output that should include subtitling. All targets are based on a five-year timeframe.

In the case of certain broadcasters, reference is also made to targets to be met during peak-time periods (6pm – 11.30pm) and the percentage of programming during this period which should have subtitling.

- 6.2** In the case of most services, subtitling targets will be assessed based on an 18-hour day from 7am-1am. An exception will apply to any channel where the length of the broadcast day is less than 18 hours. In such circumstances, the subtitling requirement will be measured over the length of the broadcast day of the channel.
- 6.3** Broadcasters are permitted to include some captioning in the attainment of subtitling targets. However, from 2024, new, home produced programming that contains captioning will no longer be considered by the BAI when assessing compliance with subtitling targets set out in these Rules.

6.4 Subtitling timeframes and targets for the 2019-2023 are as follows:-

	2019	2020	2021	2022	2023
RTÉ 1	87% (95% Peak Time)	88% (95% Peak Time)	90% (96% Peak Time)	91% (96% Peak Time)	92% (96% Peak Time)
RTÉ 2	73% (85% Peak Time)	74% (86% Peak Time)	76% (87% Peak Time)	77% (87% Peak Time)	78% (88% Peak Time)
RTÉjr	48%	49%	51%	52%	53%
RTÉ News Now	24%	25%	27%	29%	30%
Virgin Media 1	51% (51% Peak Time)	53% (52% Peak Time)	54% (54% Peak Time)	55% (55% Peak Time)	56% (57% Peak Time)
Other Virgin Media Services¹	50% of combined output	52% of combined output	53% of combined output	54% of combined output	55% of combined output
TG4	57% (60% Peak Time)	57% (60% Peak Time)	58% (60% Peak Time)	58% (60% Peak Time)	59% (60% Peak Time)
Eir Sport 1	12%	12%	13%	13%	14%

¹ Virgin Media 2 and Virgin Media 3. The BAI may review this target if new services are introduced by Virgin Media. It will be a matter for Virgin Media as to how the access provision will be divided across the Virgin Media 2 and 3 but no service should have less than 10% subtitling.

+ 1 & HD Channels	Any subtitling carried on the main television service shall be made available through +1 and HD Channels				
Oireachtas TV²	16%	16%	17%	17%	18%
CCTV	11%	11%	11%	12%	13%
DCTV	11%	11%	11%	12%	13%

7. Irish Sign Language Rules (ISL)

7.1 Specific ISL targets have been identified for each broadcast service. Relevant broadcasters shall comply with the targets and timeframes applying to their service(s). All targets are based on a five-year timeframe.

7.2 In the case of most services, ISL targets will be assessed by the BAI based on a 24-hour day. An exception will apply to any channel where the length of the broadcast day is less than 24 hours. In such circumstances, the ISL requirement will be measured over the length of the broadcast day of the channel.

7.3 ISL timeframes and targets for the 2019-2023 period are as follows:-

	2019	2020	2021	2022	2023
RTÉ 1 & 2	3%	3.5%	4%	4.5%	5%
RTÉ Jnr	2%	2.5%	3%	3.5%	4%
Virgin Media 1	0%	0.5%	1%	1.5%	2%

² Oireachtas TV is provided as an RTÉ public service channel via Saorview and as a separate public service available on cable and satellite. Access commitments in respect of both services are the same.

+1 and HD Channels	Any audio description carried on the main television service will be made available on +1/HD channels.				
Oireachtas TV	4%	5%	5.5%	5.5%	6%

7.4 In the case of Oireachtas TV, ISL provision may be set off against the targets set in these Rules for subtitling on this service.

7.5 In the case of ISL provision aired on broadcasters who do not have a mandatory obligation in this respect, any such voluntary provision may be set off against the targets for subtitling.

7.6 Of the total increase in ISL provision provided on an annual basis, a proportion shall comprise home-produced programming.

8. Audio Description Rules (AD)

8.1 Relevant broadcasters shall comply with the targets and timeframes applying to their service(s). All targets are based on a five-year timeframe.

8.2 AD targets will be assessed by the BAI based on an 18-hour day (7am-1am).

8.3 AD timeframes and targets for the 2019-2023 are as follows:-

	2019	2020	2021	2022	2023
RTÉ 1 & 2	5%	7%	8%	9%	10%
RTÉ Jnr	6%	7%	8%	9%	10%
Virgin Media 1	0%	2%	3%	4%	5%

+ 1 and HD Channels	Any audio description carried on the main television service will be made available on +1/HD channels.
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8.4 Of the total increase in audio description provision provided on an annual basis, a proportion shall comprise home-produced programming.

8.5 In the case of AD provision aired by broadcasters who do not have a mandatory obligation in this respect, any such voluntary provision may be set off against the targets for subtitling.

9. Complying with these Rules

In evaluating and measuring performance against these Rules, the BAI may undertake some or all of the following activities:-

- Request reports from broadcasters every six months in respect of the programmes that have been broadcast with accessible content.
- Assess programme content for compliance with the standards developed by the BAI for the provision of subtitling, Irish Sign Language and audio description and to cross-check broadcaster reports provided against output. The BAI may have regard to the standard of access provision provided when determining the extent to which targets have been attained by broadcasters.

- Seek feedback from the User Consultative Panels established by the BAI. There are two consultative panels in place. Membership of the first panel is open to individuals who are deaf or hard of hearing and representative of organisations that advocate on their behalf. The second panel is made up of individuals who are blind or partially sighted and representatives of organisations that advocate on their behalf.
- Meet with broadcasters on an annual basis to discuss performance against the Rules having had regard to reports provided and the outcomes of monitoring.
- Produce a report annually for the Compliance Committee of the BAI dealing with performance by broadcasters against the Rules.
- Apply the BAI Compliance and Enforcement Policy in instances of apparent non-compliance with the Access Rules.
- Publish an annual report detailing compliance by broadcasters with the Access Rules.

In addition to the above, the BAI reserves the right to review and amend this approach or apply other appropriate mechanisms in assessing performance as required.

Audience members who are unhappy with compliance by broadcasters with the Rules should address their concerns in the first instance to the relevant broadcaster if they are dissatisfied with the manner in which a broadcaster is complying with the Rules.

If audience members are not satisfied with the response provided by the broadcaster, then they may refer the matter to the BAI by emailing access@bai.ie. The BAI will consider issues highlighted in the context of the BAI Compliance and Enforcement Policy.

10. Support for the Implementation of the Rules

The BAI will support the implementation of the Access Rules on an ongoing basis.

The specific support measures adopted during the operational period of these Rules will be agreed by the BAI following consultation with broadcasters, access users and organisations representing their interests. Support measures may include capacity building activities and measures related to the promotion and awareness of the Rules and their importance and value to audiences.

11. Effective Date

The Rules come into effect from January 2019.

12. Guidance on the Rules for Broadcasters

The BAI will provide general non-binding guidance regarding the provisions of these Rules.

Requests for such guidance must be submitted by email, including where relevant, a copy of the programme. The submission should clearly state the section(s) of the Rules, which the requestor believes are relevant, and set out the specific question about which the requestor would like a view.

The BAI accepts no liability for any decision (or consequences arising) made by a broadcaster to defer the airing of content pending receipt of guidance from the BAI.

Similarly, the BAI accepts no liability for any decision (or consequences arising from) made by a broadcaster to air content following receipt of non-binding general guidance from the BAI.

13. Review of the Access Rules

These Rules are scheduled for review in 2021 and 2023 but the BAI retains the discretion to review the Rules, or part thereof, prior to the scheduled dates.

i.

Access Principles and Influencing Factors

Access Principles

There are four access principles which set out the aims of the Access Rules and the BAI's approach towards setting the rules. The four principles are:-

i) Access

A guiding principle for the BAI is that those citizens for whom the Access Rules are designed should have the fullest possible access to the broadcast media and to its capacity to educate, inform and entertain. This principle is evident in the Access Rules in that all indigenous broadcasters come under the jurisdiction of the rules.

ii) Excellence

This principle recognises the fact that the Access Rules are not only concerned with the provision of subtitling, audio description and Irish Sign Language but also with the standards and consistency which must be used and attained in their delivery, including best practice guidelines in both audio and visual presentation. To this end, the BAI has developed a set of standards and guidelines that broadcasters must attain to ensure a quality access service.

iii) Incremental progression

This principle acknowledges that the level of subtitling, audio description and Irish Sign Language will develop incrementally over a period of time. This will facilitate broadcasters to further develop their capacity and expertise to deliver this service.

The use of a five-year timeframe in the Access Rules is based on the principle of increasing access provision in incremental stages, allowing the broadcaster to plan for the development and delivery of quality access provision. It acknowledges that there are a number of issues other than funding which need to be addressed in order to increase access provision.

iv) Responsiveness

This principle aims to ensure that the development of access provision (subtitling, Irish Sign Language and audio description) should be in response to the needs and priorities as expressed by the user groups as well as standards laid down by the BAI, in consultation with the broadcast provider.

Influencing Factors

Bearing in mind the Access Principles, the influencing factors are those used by the BAI to determine the specific access targets and the specific timeframes associated with those targets, in a manner which reflect the individuality of each service under consideration.

The influencing factors are as follows:

a. Differentiation between broadcast services

The Access Rules differentiate between broadcasters based on a number of factors. These factors are:

i) The nature of the broadcast provider

Is the broadcasting service a public or private service? Is the broadcaster in receipt of public monies and as a result has greater public service duties? Does the broadcaster have specific aims, cultural, social or linguistic, which might impact on its ability to provide access services?

ii) The stage of development of the broadcast provider

How long has the broadcaster been in operation? How much experience does the broadcaster have of providing access services? Is there already a level of expertise within the broadcasting service in the provision of access services? What is their share of viewing in the market?

iii) The level of current provision

What level of subtitling, Irish Sign Language and audio description does the broadcaster currently provide? What is their starting point?

iv) Type of programming schedule

Does the broadcast service produce live programming? Does it acquire a lot of programming from other broadcasters? How much home produced programming does the broadcaster provide? Is programming independently produced?

These questions are relevant, as the type of programming in the schedule has an influence on the cost, technical facilities, personnel and ability of the broadcaster to provide access services. In most cases, subtitles are purchased separately from programming and are not bought as part of the acquired programme.

v) The technical and human resource cost

What facilities and expertise currently exist within the broadcasting service to provide access services?

vi) Technical capacity

Does the broadcast service have the technical capacity to provide access services? What level and type of technical facilities and expertise would be required?

b. Funding

The BAI has had regard to the likely financial impact of any requirement to comply with targets and timeframes set for the provision of access services. In particular, the BAI examined the type of programming across various schedules, including the number of repeat programmes as this has a bearing on the costs. The BAI also had regard to the nature of the broadcaster, whether it is a private commercial or publicly funded entity.

However, it should be noted that it is difficult to arrive at definitive costs, as in many instances the cost will depend on the scheduling decisions made by broadcasters, the type of programming and the decisions made with regard to what programming they are going to prioritise for access provision.

ii.

**Standards Applying to
Subtitling, Irish Sign Language & Audio Description**

(i) Subtitling

Introduction

In accordance with the relevant provisions of the Broadcasting Act 2009, the Broadcasting Authority of Ireland has set out the rules required under Section 43(1)(c), to which it has given the title *Access Rules*. A copy of the Access Rules is available on www.bai.ie or by request from the Authority.

This is the BAI Guidelines – Subtitling document. In this document the BAI outlines the general and technical standards required in relation to subtitling provision. These guidelines are intended to support the implementation of the BAI Access Rules regarding subtitling. The BAI acknowledges the assistance of Ofcom’s Guidance on Standards for Subtitling document in the preparation of this document. The guidelines may be changed from time to time, as deemed appropriate.

To assist broadcasters and subtitle providers reading this document, the main points of guidance are printed in bold type. These, however, cannot be properly understood in isolation from the rest of the text.

1. Key Priorities

The key priorities for effective subtitling can be summarised as follows:

1.1 The viewer should be allowed adequate reading time.

1.2 The viewers enjoyment of the programme is increased when:

- Subtitles match what is actually said, reflecting the spoken word with the same meaning and complexity; without censoring
- Subtitles contain all obvious speech and relevant sound effects
- Subtitles are located sensibly in time and space.

1.3 Subtitles should contain easily-read and commonly-used sentences in a tidy and sensible format.

1.4 Subtitles for children should have regard to the reading age of the intended audience. Subtitles, where practicable, should be word for word for what is spoken on screen.

2. General Requirements for Subtitle Display

2.1 Basic Text Display

Teletext characters should be displayed in double height using upper and lower case. Words within a subtitle should be separated by a single space.

Text should only be provided in block capitals where words need to be emphasised as detailed in section 5.1.

Text should always have a high contrast against the background colour and for normal subtitling purposes should be presented in a black box.

Text will usually be centre justified, but to aid readability it can be justified left, centre or right depending on whether speaker positioning is desired.

Standard punctuation should be used. Punctuation gives valuable clues to syntactic structure and must be carefully displayed in order to be effective.

2.2 Colour

As used on analogue services the ITU (R) Teletext format is limited to the availability of seven different text colours, including white; and eight different background (boxing) colours, including black and white. For normal subtitling purposes black should be used, but if coloured background is used a text colour should be chosen which will also remain legible on a black background.

The most legible text colours on a black background are white, yellow, cyan and green. The use of magenta, red and blue should be avoided.

If a coloured background is used, the most legible combinations are as follows:

Blue on white;

White on blue;

Red on white;

White on red;

Cyan on blue;

Blue on cyan.

Of these, white on red, white on blue and cyan on blue are preferable, because certain older decoders will reduce these combinations to highly legible white on black, or cyan on black. Colour in television subtitling is used to aid Speaker Identification and indicate the presence of Sound Effects. These are discussed later in this document.

2.3 Control Characters

The use of double-height boxed coloured text generally requires six control characters in the teletext line, or eight control characters if coloured background is used. Thus, the maximum space available for subtitle text is only 32 or 34 characters per line.

2.4 Formatting

A maximum subtitle length of two lines is recommended. Three lines may be used in exceptional circumstances if the subtitler is confident that no important picture information will be obscured. Ideally, each subtitle should also comprise a single complete sentence.

Depending on the speed of speech, there are exceptions to this general recommendation, as follows:

- a) Real-time subtitling.
- b) Short sentences may be combined into a single subtitle if the available reading time is limited.
- c) Very long sentences which are too long to fit into a single two-line subtitle.

There are two procedures for dealing with such cases:

(i) Break long sentences into two or more separate sentences and to display them as consecutive subtitles

(ii) Allow a single long sentence to extend over more than one subtitle. In this case, sentences should be segmented at natural linguistic breaks such that each subtitle forms an integrated linguistic unit. Preference should be given to segmentation at clause boundaries.

Many viewers have found that a segmentation marked by a sequence of dots (three at the end of a to-be-continued subtitle, and two at the beginning of a continuation) is helpful.

For example:

When I opened the
door...

...I realised that I had
been in this room
before.

2.5 Punctuation

The effectiveness of punctuation can be enhanced by the use of a single space at the following points:

- i) before exclamation marks and question marks,
- ii) after commas, colons, semi-colons and mid-subtitle full-stops,

- iii) on both sides of dashes (but not mid-word hyphens),
- iv) before opening brackets and inverted commas
- v) after closing brackets and inverted commas.

2.6 Line Breaks

Subtitle lines should end at natural linguistic breaks, ideally at clause or phrase boundaries.

Line breaks within a word are especially disruptive to the reading process and should be avoided.

Justified subtitles should balance linguistic considerations with eye movement. Therefore, when using left, right and centre justification for speaker positioning line breaks must be carefully considered.

The distance between subtitles should be minimised, that is to say, causing the eye the least distance to travel from one line to the next.

Care should also be taken to avoid disruption to the picture content – long thin lines are preferable to ‘short and fat’ subtitles, but this is not always the case.

Line breaks on conventional aspect ratio receivers (4:3) and widescreen (16:9) receivers must retain the original emphasis of the subtitle.

2.7 Positioning Subtitles on the Screen

Subtitles are usually positioned towards the bottom of the screen, but it is important that this does not obscure ‘on-screen’ captions, any part of a speaker’s mouth or any other important activity.

An 'on-screen' caption could be the name of a person on screen etc. Certain special programme types carry a lot of information in the lower part of the screen and in such cases top-screen positioning will be a more acceptable standard.

In the event of sports coverage, the subtitles should not block the score of the match. The score is typically shown in the top left corner of the screen and it is recommended that subtitles are located in the upper right corner of the screen.

Subtitles should be displayed horizontally in the direction of sound effects source or, in the case where speaker identification is employed, in the direction of the speaker.

When consecutive subtitles have boxes of similar size and shape and the second directly over-writes the first, it is useful to position them slightly differently on the screen. This makes it easier for the viewer to perceive that the subtitle has changed.

Widescreen receivers with a screen ratio of 16:9 are now in common use. When these are used to display subtitles it is important to safeguard the text box. This consideration must include standard receivers of 4:3 aspect ratio. Safeguarding can be achieved by ensuring that subtitles are placed within the 'Safe Caption Area' of a 14:9 display.

3. Timing and Synchronisation

Viewers must be given sufficient time to read the subtitles. The length of time that subtitles are displayed on screen must reflect this. Presentation rates however can depend upon the programme content.

For example certain programmes, such as “soaps”, where the viewer may have familiarity with the characters, can have faster paced subtitles than an unfamiliar drama or a slower moving documentary.

The subtitle presentation rate for pre-recorded programmes should not normally exceed 160 to 180 words per minute. 160wpm corresponds to 800 characters per minute and uses 2 seconds per line. These speeds are increased to 180wpm when add-ons are used (increasing the reading speed by one eighth again).

All obvious speech should have some form of subtitle accompaniment. Subtitle appearance should coincide with speech onset and subtitle disappearance should coincide with the end of the corresponding speech segment.

Synchronisation should be at naturally occurring pauses in speech-sentence boundaries, or changes of scene. The same rules of synchronisation should apply with off-camera speakers and even with off-screen narrators.

4. Shot Changes

Camera-cuts in the middle of a subtitle presentation cause the viewer to return to the beginning of a partially read subtitle and to start re-reading. In practice, it is recognised that the frequency and speed of shot changes in many programmes present serious problems for the subtitler.

General guidance for dealing with camera-cuts are as follows:

- i) Subtitles that are allowed to over-run shot changes can cause considerable perceptual confusion and should be avoided.
 - ii) Shot changes normally reflect the beginning or end of speech therefore subtitles should commence on a shot change when this is in synchrony with the speaker.
 - iii) A subtitle should be 'anchored' over a shot change by at least one second to allow the reader time to adjust to the new picture.
-
- i) The insertion of a subtitle less than one second before a camera-cut and its removal less than one second after should be avoided.
 - ii) Where practical subtitles should be in exact synchrony with a camera-cut.
 - iii) A decision to segment a single sentence into more than one subtitle, to be placed around a camera-cut, should depend on whether the sentence can be segmented naturally and on whether the resulting subtitles can be allowed sufficient display time.

5. Special Techniques

5.1 Emphasis and Phrasing

Text in upper case characters can indicate an increase in volume, for example shouting, while emphasis of an individual word can be achieved by a change in colour.

5.2 Tone of Voice

Where tone of voice is particularly critical to meaning, and facial expression and body language are inadequate to convey the tone, the use of '(!)' and '(?)' immediately following speech can indicate sarcasm and irony.

5.3 Speaker Identification

The use of colours to identify individual speakers is particularly helpful although over use is known to confuse. Where possible, therefore, each speaker should be identified by a single colour consistently throughout the programme.

For regular programmes such as soaps, colour subtitles, where used, should be the same set of colours throughout the series.

An alternative is to use subtitle screen position and justification to support speaker identification. Each subtitle can be displaced horizontally towards the appropriate speaker although careful positioning will be needed when characters move about while speaking. Colours may still be added.

5.4 Off-Screen and Off-Camera Voices

When the source of off-screen/off-camera speech is not obvious from the visible context, special techniques should be used.

Off-camera speakers are effectively indicated by using the 'greater than' (>) or 'less than' (<) symbols as appropriate.

When off-screen speech is employed throughout the programme, e.g. as in narrative documentaries, the common approach is to centre subtitles without symbols.

Other situations where the source of speech is not immediately apparent include telephone voices, radios, tannoy announcements, etc. It is helpful to accompany the first subtitle from these sources with a labelled caption (See 2.9 Other Techniques), for example:

```
LOUDSPEAKER:  
"Fasten your seat-  
belts, please."
```

Character-name labels are sometimes necessary for clarification, e.g. for crowd scenes or scenes enacted in the dark.

```
JOHN: What's happened  
to the lights?
```

6. Dialogue Techniques

All obvious speech should be accompanied by subtitle information, but under conditions of rapid dialogue, several short subtitles displayed in rapid sequence can result in staccato or 'machine-gun' effect.

There are two possible solutions for this:

i) Use of Double text when more than two characters speak simultaneously and contradict one another for example:

Do you want to go now?

Yes.

No

Both person's speech is contained within one subtitle where the appearance of each subtitle should form the beginning of the corresponding speech segment.

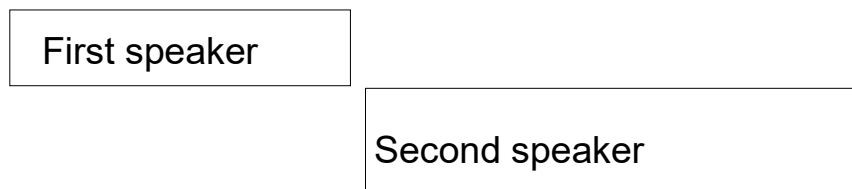
ii) Use of add-ons or cumulative titles

This is most effective when the two subtitles fit naturally together, for example in a question and answer sequence, or providing the punch line of a joke. Here the second part of the title is added on to the first part at the onset of the second utterance.

A further advantage of add-ons is that they appear more natural when the two corresponding speakers are not shown in the same camera shot. Add-ons should be used with care as they can cause the first part of the cumulative title to be re-read, resulting in a frustrating ‘false alarm’.

Add-on techniques

In both double-text and add-ons, the second part should normally appear on the line immediately beneath the first part. If the second speaker is positioned to the screen right of the first speaker, then the second part of the double-text is displaced towards the right:



A general guide to the use of double-text and add-ons may be stated as follows:

- i) Double-text can be used when two characters or more speak simultaneously.
- ii) Add-ons should normally be preferred when two or more characters speak consecutively and time does not allow individual subtitles.
- iii) The total length of either double-text or add-on sequence should never exceed four lines.

7. Other Techniques

- i) Single quotes ‘...’ can indicate non-synchronous speech, e.g. a voice-over or thoughts or nothing on screen visibly connected with speech.
- ii) Unmarked text in upper and lower case indicates synchronous speech, i.e. the speaker is visible (most of the time) and titles follow.
- iii) Double quotes “...” can suggest mechanically reproduced speech, e.g. radio, loudspeakers etc. or a quotation from a person or book.
- iv) Text in brackets can indicate whispered speech or asides.

(SLURRED) He wasn't there.

- v) Brackets can also be used to indicate the way in which a person speaks:
- vi) The source of speech can be labelled by using capital letters followed by a colon:

LOUDSPEAKER:
“Fasten your seat-belts, please.”

JOHN: What's happened to the lights?

vii) Uncommon abbreviations, such as SFX, should be avoided.

8. Sound Effects

Any relevant sound effect not immediately obvious from the visual action should be subtitled. This includes sound effects that become apparent in the subsequent action, e.g. the telephone ringing before it is picked up, an explosion occurring outside before everyone dives under the table.

Descriptive statements are normally preferable to onomatopoeic spellings for sound effects. But context and genre (cartoons versus drama, for example) must be taken into consideration.

GUNSHOT is usually preferable to BANG!!!

Sound effect subtitles can also be used judiciously to create the background atmosphere for a scene:

ROAR FROM AUDIENCE

LIVELY CHATTER

The use of background colour (e.g. white text on a red background) and upper-case text, provide a distinction between sound effect subtitles and speech subtitles.

9. Music

At the very minimum, the title of the music playing should be given. Where possible the words of a song should be included. This is especially important where the programme is to be viewed by younger people. Pop programmes, opera and songs connected to the story line are particularly important areas.

Song lyrics should be subtitled verbatim; but, if the pace of the song is very rapid, whole couplets or verses may be omitted.

The lyrics of a song should be made obvious by means of a sign. The 'hash' or 'sharp' sign is most commonly used. Where speech and song are interspersed, care should be taken to signpost each title correctly.

Provision of an occasional subtitle for mood music, if it is significant to the plot, can be very effective:

IRISH TRADITIONAL MUSIC

Such subtitles should be used only sparingly.

Occasionally, consecutive scenes are enacted in pitch darkness, and scene changes are signalled entirely by changes of incidental music. In such cases, if time permits, the subtitler should use subtitles such as:

LIVELY DANCE BAND MUSIC

Then, when the tempo of music changes dramatically, it is followed by:

MOVES INTO SLOW DANCE MUSIC

Thereby deaf viewers are made aware of the scene change.

10. Silence

Long speechless pauses in programmes can sometimes lead the viewer to wonder whether the teletext system has broken down. It can help in such cases to insert an explanatory caption such as:

INTRODUCTORY MUSIC

LONG PAUSE

ROMANTIC MUSIC

11. Failure of Subtitles

Losing subtitles is as frustrating for the Deaf and Hard of Hearing viewer as losing sound is for the hearing viewer.

If subtitle insertion fails, it is important that there is a prompt transmission of an appropriately worded apology caption and, if restoration of transmission is delayed, an early explanation is to be given.

12. Acquired Programmes

When broadcasters are converting acquired subtitling to meet the minimum standards set out in the guidelines, it is accepted that complete synchronisation or the presentation rate standards may not be possible. However, broadcasters must make their best efforts to ensure that subtitles are completely synchronised with the audio and video.

13. Subtitling for the intended audience including children

The typical pace and complexity of subtitling can exclude a minority of less able readers within the deaf community. For many pre-lingually deaf children, a subtitle presentation rate of 70-80 words per minute is appropriate.

Three main editing devices should be remembered:

- i) Reduce the amount of text by reducing the reading speed and removing unnecessary words and sentences.
- ii) Represent the whole meaning.
- iii) Increase the use of three-line subtitles and reduce the number of additions.

Subtitles should accurately reflect the spoken word and as such should not be censored unless absolutely necessary.

13.1 Children's Subtitles

While many deaf children over 11 years benefit from standard subtitling, those under the age of 11 years need simpler subtitles. The following guidelines are recommended for the subtitling of programmes targeted at children below the age of 11 years.

- i) There should be a match between the voice and subtitles as far as possible.
- ii) A strategy should be developed where words are omitted rather than changed to reduce the length of sentences.

14. Real-time subtitling

The production and transmission of subtitles in real time can present considerable problems for both the subtitler and the viewer. Current subtitling techniques, particularly for live broadcasts, do not provide the same high-quality service expected from pre-prepared scripts. Such techniques should be limited to occasions when there is insufficient time to prepare subtitles using other methods.

The construction of subtitles for informative subjects such as news should convey the whole meaning of the material.

14.1 Guidelines for Real-time Subtitling

In all cases efforts must be made to adhere to the following:

- i. Subtitles should contain a high percentage of the words spoken.
- ii. Key facts should appear as a high percentage of the spoken message
- iii. Avoid key facts which are unnecessary or different from the original.
- iv. Where possible, avoid non-linguistic line breaks (splitting verbs etc.).
- v. Attempt to avoid overrunning shot changes (synchronisation).
- vi. Avoid subtitling over existing video captions (in news, this is often unavoidable, in which case a speaker's name can be included in the subtitle if available).
- vii. Send an apology caption following any serious mistake or a garbled subtitle; and, if possible, repeat the subtitle with the error corrected.

When cueing prepared texts for scripted parts of the programme:

- i) Make every effort to cue the texts so that they closely match the spoken words in terms of start time.

- ii) Do not include the speakers' name (unless they are verbally spoken). Subtitles should move to a different position on the screen, where possible, should in-vision captions obliterate the name.
- iii) Do not cue texts out rapidly to catch up if you get left behind - skip some and continue from the correct place.

15. Digital Services

The advent of digital television offers the possibility of visual and technical enhancement of subtitles. One such way is the introduction of a clearer and more legible font and the use of symbols. The purpose of these changes is to increase the user's enjoyment of television. They should not be introduced in a way which detracts from the prime purpose of the subtitling service, which is to facilitate the understanding of programmes by deaf and hard of hearing people.

The guidelines set standards on converting existing subtitle files authored in analogue for use on Digital Terrestrial Television (DTT) and other digital services such as satellite and MMD. It is not intended that these guidelines should inhibit future enhancements, but rather to control progress so that changes that deviate radically from current practice should be made only after careful consideration and consultation.

- i) Any Digital Terrestrial Television (DTT) shall use the Tiresias font for all subtitles.
- ii) Other digital services should be encouraged to use this format or as close it as may be possible.

- iii) The nominal size of subtitles shall be 24 television lines for the capital 'V'.
- iv) For reasons of latency, use of intensive four-line subtitles, to include those within "add-ons", shall be avoided. (Latency means the presentation of subtitles to the screen. Intensive subtitles mean those where the subtitle rows contain a considerable amount of text).
- v) Subtitles converted from existing EBU 3264 files (or similar) or from pre-recorded live 335 tapes shall as closely as possible retain the positioning and line breaks of the original.
- vi) The range of colours shall be limited to 12 that shall closely replicate the range associated with analogue teletext delivery.
- vii) The present practice of using '#' to indicate music should be changed to use of two semi-quavers as part of the Tiresias set to avoid confusion with the Twitter hash symbol.

16. OTHER MATTERS

16.1 National Emergencies

Deaf and hard-of-hearing people need to be kept informed about national and local emergencies.

When information about emergencies is being broadcast, the same information, including relevant telephone numbers, should be provided, preferably in open captions leaving sufficient time to write the details down.

16.2 Apology Captions

Where practicable an appropriate apology or explanation is to be transmitted as soon as possible after any loss of subtitles.

Broadcasters, that are required to provide subtitles, must ensure that conventional subtitles (transmitted on a dedicated line within the VBI and are normally accessed via Page 888 on the remote control), are provided on all analogue terrestrial and digital satellite transmission services. Such broadcasters should, as far as possible, ensure that subtitles can be carried through on re-transmission systems including, but not limited to, cable and MMD systems.

Broadcasters are encouraged to develop experience in the provision and transmission of digital subtitles. Where subtitles are provided simultaneously in both conventional and digital modes, the conventional subtitling capacity only will be taken into account in determining the subtitling targets.

(ii) Irish Sign Language

Introduction

In accordance with the relevant provisions of the Broadcasting Act 2009, the Broadcasting Authority of Ireland has set out the rules required under Section 43(1)(c), to which it has given the title Access Rules. A copy of the Access Rules is available on www.bai.ie or by request from the Authority.

This is the BAI Guidelines - Irish Sign Language document. In this document the BAI outlines the general and technical standards required in relation to Irish Sign Language provision. These guidelines are intended to support the implementation of the BAI Access Rules regarding Sign Language. The BAI acknowledges the assistance of the 'Guidance On Standards for Sign Language' document produced by Ofcom, in the preparation of this document. The BAI will be principally informed by any agreed Irish equivalent of the Ofcom document, when and if developed, in the updating of this document. The guidelines may be changed from time to time, as deemed appropriate.

Irish Sign Language

Irish Sign Language is the indigenous language of the deaf community in Ireland. It is a visual, spatial language with its own syntax and complex grammatical structure. Each sign language is particular to the country of origin. The targets outlined in the Access Rules refer to Irish Sign Language provision.

1. Format

There are two ways of providing sign language access to programmes:

- (i) Interpretation. A person interprets and signs live or recorded programmes or programme segments. The image of such an interpreter is usually superimposed on a programme. This is referred to later in this document as an overlay insert.
- (ii) Presentation. A sign language presenter, narrator or reporter provides the main language in the programme or programme segment. The signs are then interpreted into a 'voice over', with the addition of subtitles or captions as appropriate.

Both presentation and interpretation are valid methods of meeting the requirements of the Access Rules.

2. General Requirements

2.1 The form of sign language provision

Under the current technical arrangement of the analogue transmission system signed programmes can only be broadcast in an open format.

2.2 Signing competence

Broadcasters should ensure that sign language interpreters have a level of competence and fluency in Irish Sign Language. The level of competence and fluency in Irish Sign Language required by broadcasters should be informed by user and representative groups and other people or organisations that have expertise in this area.

2.3 Off-screen sounds

The sign language interpreter or presenter should indicate the presence of off-screen sounds (e.g. a ringing telephone, the knocking of a door or a gunshot) where these are important to the understanding of the programme.

2.4 Synchronising

Sign language interpretation should start at the same time as speech. This may not always be practical during the interpretation of live programmes.

The use of autocues has been found to be a useful aid to interpreters and can help towards synchronism.

The timing of signed sentences should be as close to speech as possible. Equally with sign language presentation, a “voice over” sentence should also be as close to the sign language as possible.

It should be noted, however, that Irish Sign Language and the English language have a different grammatical structure so that the two cannot match each other directly. Every effort, where practicable, should be made to provide equivalent information to all viewers.

2.5 Monitoring

Broadcasters should monitor the effectiveness of the service through contact with deaf people and their representatives.

2.6 Apology for loss of service

Unless impracticable, a visual caption or subtitle should be displayed when there is a breakdown in the service.

3. Guidelines specific to Irish Sign Language interpretation

3.1 Quality of display

The presentation of the signer on the display screen should be of sufficient size and resolution to show all movements of the full upper trunk together with arms, hands and fingers, shoulder, neck and all relevant facial movements and expressions.

All-important gestures that convey meaning through sign language must be easily and accurately recognised.

3.2 Size and shape of overlaid inserts

The size of the overlay must ensure that the body and facial expressions referred to above are easily discernible from normal viewing distances. Where practicable a signer's image, when at rest, that is notionally framed to occupy at least one sixth of the picture area would normally be sufficient to ensure this condition is met.

For programmes primarily aimed at deaf people and in the “open” format a useful technique, can be to reduce the visual image by, for example, 25 per cent and use the subsequent blank area to place the interpreter.

3.3 Choice of dress and background colours

It is important that the person signing can be clearly distinguished, for example by means of contrasting plain colours and suitable lighting. Patterned clothing should not be worn. The visual appearance of the interpreter (e.g. choice of clothing and dress accessories) should not cause undue distraction to the viewer.

3.4 Speaker identification

This can be achieved by the signer using such techniques as referencing to a person by shifts in the eye gaze and body positioning or giving the speaker's name and reflecting his or her manner. (This technique is known as characterisation).

(iii) Audio Description

Introduction

In accordance with the relevant provisions of the Broadcasting Act 2009, the Broadcasting Authority of Ireland has set out the rules required under Section 43(1)(c), to which it has given the title *Access Rules*. A copy of the Access Rules is available on www.bai.ie or by request from the Authority.

This is the BAI Guidelines – Audio Description document. In this document the BAI outlines the general and technical standards required in relation to Audio Description provision. These guidelines are intended to support the implementation of the BAI Access Rules regarding Audio Description. The guidelines may be changed from time to time, as deemed appropriate. The BAI acknowledges the work conducted by the former AUDETEL consortium and the assistance of Ofcom’s Guidance on Standards for Audio Description document in the preparation of this document.

Audio Description is a commentary that gives a viewer with a visual impairment a verbal description of what is happening on the screen at any given moment, as an aid to the understanding and enjoyment of the programme.

1. What to describe

The following is a summary of the elements of a programme which should be described.

- i) **Characters**
The character's dress, physical attributes, facial expressions, body language, ethnic background (if relevant to the storyline) and age should be audio described.

- ii) **Locations**
The location including scene changes, whenever possible should be described.

- iii) **Time of day**
The time of day, where appropriate, should be described.

- iv) **On-screen action**
The action on the screen should be described.

- v) **Sounds or sound effects**
Sounds or sound effects which are not readily identifiable should be described.

- vi) **Subtitled captions**
Any on-screen signs or writing which are relevant should be described.

- vii) **Opening Titles and/or End Credits**
Opening titles and end credits should be described.

2. When to describe

It is important that the audio description does not encroach on the dialogue.

Audio description should occur when there are breaks in dialogue. It can only encroach upon dialogue which is inconsequential or is being subtitled or captioned and only then to impart relevant information or to read the subtitle or caption. If necessary it can occur over song lyrics.

Audio description should not occur over mainstream dialogue. It should not occur over sound effects, where they complement the film or the description or over critical background music.

3. What not to describe

The describers personal opinion in relation to the on-screen action should not be described. For example, something unseen such as the motivation or reasoning for the action on screen should not be described.

If there are mistakes in editing or continuity, these should not be replicated in the audio description.

4. Programme Sound Level

When a descriptive commentary is inserted into a programme, the background level of programme audio needs to be reduced, so that the description can be clearly heard. Care should be taken to ensure the narration sound level does not exceed that of the background.

Generally the narration should be fixed at a constant level. The narrative voice is fixed at a constant level at the start of the recording while the degree of fading of the main sound level at the appropriate junctures can be predetermined by the work station.

5. Audio Description Recording

Unlike sighted viewers, who have the benefit of both visual and aural information, visually impaired viewers rely on the clarity of every word. The description therefore must not be hurried; every word should be clear, audible and timed carefully so that it does not sit uncomfortably close to incoming dialogue.

Whilst the voice should be neutral, it may be important to add emotion at different points in different films to suit the mood and the plot development.

In comedy, the narration should be steady but delivered with a slight smile. The description should not, however, become a performance in its own right.

The use of 'filmic' expressions such as 'the camera pans left' etc. should be avoided. A description should not censor what is on the screen.

6. Grammar and Language

- i) Present tense should be used with 'present continuous' for on-going activities.
- ii) As much as possible, complete sentences should be used.
- iii) It is important that proper names are used. Visually impaired viewers need to be clear with regard to which character the description refers. The use of 'she'/ 'he' can be confusing for the audience. Any potential for ambiguity when there are several people on screen at once should be clarified with reference to proper nouns.
- iv) Descriptive adjectives are important but must not reflect the personal view of the describer.
- v) 'We see...' 'In front of us...' should generally be avoided.

7. Prioritising information

Setting the scene is an essential part of audio description and without guidance the visually impaired viewer can lose the thread of a story or narrative.

When several people are speaking at the same time, it is important to clarify who is speaking at any given moment. Frequently repeating proper names is helpful so the viewers are left in no doubt as to who is doing or saying what.

Avoid colourful imagery or elegant turns of phrase except where such language complements the style of programme.

Avoid giving too much detail. Minor description details, unless they are the subject of the programme need not be mentioned.

Avoid providing too much description which can dilute the mood of a scene or be exhausting or even irritating.

Personal opinion should not be given or events interpreted, but it is equally important that visually impaired viewers are given key visual clues which may otherwise be missed.

Description should avoid stating the obvious, for example a telephone or doorbell ringing does not need to be described, unless the actual sounds are unfamiliar.

8. Soap operas

Most soap opera does not allow for lengthy descriptions, as dialogues follows rapidly and there are very few purely visual sequences. Visually impaired viewers, who regularly view soap operas, soon become familiar with the character's voices.

When a new character is introduced it is helpful to speed up the familiarisation by describing the physical aspects but no need to provide extra biographical information as that can be achieved over the subsequent weeks.

9. Current affairs documentaries

Current affairs programmes offer less scope for description because they tend to be wordy, but each programme should be assessed individually. Subtitles or captions within such programmes should be described.

10. Sporting and Live Events

Combining the description of live programmes with an existing commentary is difficult but can be achieved for some programmes.

Broadcasters can be encouraged to consider the requirements of visually impaired people without the need for audio description (by reducing reliance on on-screen text and tabular data).

11. Children's programming

The BAI has determined that special emphasis should be placed on access services for children. When a description is being written specifically for children's programmes, the vocabulary and sentence construction should be suited to the age group for which the programme is intended. The tone of the narration should also reflect the tone of the programme.

12. Apology for breakdown of service

Where practicable an appropriate verbal apology or explanation is to be transmitted as soon as possible after the loss or breakdown in the audio description service.

iii.

Legislative Provisions

Section 43(1)(c) of the Broadcasting Act 2009 provides that: -

“The Authority shall, subject to the requirements of section 41(2) and, in accordance with subsection (4), prepare, and from time to time as occasion requires, revise rules (“broadcasting rules”) with respect to:-

(c) The specific steps each broadcaster is required to take to promote the understanding and enjoyment by:-

- i) persons who are deaf or have a hearing impairment,
- ii) persons who are blind or partially sighted, and,
- iii) persons who have a hearing impairment and are partially sighted,

of programmes transmitted on any broadcasting service provided by the broadcaster.”

Section 43(2) of the Broadcasting Act 2009 provides that: -

“Without prejudice to the generality of subsection (1)(c), broadcasting rules with respect to that paragraph shall require each broadcaster of audio-visual material to take specified steps to provide access to that material by persons who are deaf or have a hearing impairment, persons who are blind or partially sighted, and persons who have a hearing impairment and are partially sighted by means of specified services such as -.

- (a) sign language.
- (b) teletext services.
- (c) subtitling, and audio description, and
- (d) Have regard to whether the foregoing material is being provided –
 - (i) Daily or at other regular intervals,
 - (ii) At popular viewing times as well as at other times, and
 - (iii) For news and news-related matters as well as for other matters.”

Section 43(3) of the Broadcasting Act 2009 provides that: -

“Rules under subsection (1)(c) may, in respect of any period specified in them beginning on or after the passing of this Act, require a broadcaster to ensure that a specified percentage of programmes transmitted on a broadcasting service provided by him or her in that period employs specified means by which the understanding and enjoyment by persons referred in subparagraphs (i), (ii) and (iii) of that paragraph of that percentage of programmes may be promoted.”

Section 43(6) of the Broadcasting Act 2009 provides that: -

“The Authority shall every two years, or such lesser period as it may decide, review a broadcasting rule made under subsection (1)(c).”

Section 8 of the Irish Sign Language Act 2017 provides that:-

Broadcasters (within the meaning of the Broadcasting Act 2009) in fulfilling their obligations in relation to Irish Sign Language targets and requirements in respect of programmes transmitted on a broadcasting service (within the meaning of that Act) provided by the broadcaster as set out in the broadcasting rules made under section 43(1) (c) of the Broadcasting Act 2009 by the Broadcasting Authority of Ireland shall adhere to principles of equality, dignity and respect in terms of the promotion and broadcasting of such programmes.