



Coimisiún  
na Meán

# Access Rules

Report on the Performance of  
Broadcasters in 2023



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## 1. Introduction

This is a report on the performance by television broadcasters in 2023 in complying with Coimisiún na Meán's Access Rules (2019).

The Access Rules ("Rules") set out obligations on television broadcasters 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 Rules provide percentage targets of programming for individual television services that must carry subtitling, Irish Sign Language (ISL) and audio description. There are also obligations on broadcasters in relation to promotion of access services, consultation with access service users and having a point of contact for access services.

During the period of this report, on 15 March 2023, Coimisiún na Meán was established as an organisation by the Online Safety and Media Regulation Act 2022, replacing the Broadcasting Authority of Ireland (BAI) and taking on its functions. Media service codes and rules that were in effect on the establishment date, including the Access Rules, remained in force for broadcasters<sup>1</sup>.

The broadcasters and broadcasting services in scope for this report and their obligations under the Rules are explained in section 2. The methodology and approach used by Coimisiún na Meán to assess compliance with the Rules is set out in section 3. Section 4 sets out the outcomes of compliance activity and the conclusions are provided in section 5.

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<sup>1</sup> Section 46O(13) of the Broadcasting Act 2009, as amended

## 2. Scope

The report assesses the performance of the following television broadcast services in 2023 against the relevant requirements of the Access Rules.

Broadcaster type	Broadcasters	Television services	Number of services
Public service	RTÉ, TG4 and Oireachtas TV	RTÉ One, RTÉ Two, RTÉ One + One, RTÉjr, RTÉ News, TG4 and Oireachtas TV	7
Commercial	Virgin Media	Virgin Media One, Virgin Media Two and Virgin Media Three	3
Community	Cork Community TV and Dublin Community TV	CCTV and DCTV	2
<b>Total</b>			<b>12</b>

The television services in the above table are given targets for access service provision in the Rules. The Rules provide for the possible inclusion of other television services during the effective period of the Rules. No additional services were included for 2023.

This report considers the performance of the relevant broadcasters in relation to the following obligations provided in the Rules:

- to meet specific targets and timeframes in respect of the provision of subtitling, Audio Description (AD) and Irish Sign Language (ISL) and adhere to guidance on quality standards for those access services;
- to promote access services on-and off-air;
- to consult, at least once annually, with groups representing a range of different access user groups; and
- to have an appointed Access Liaison Officer to respond to queries.

## 3. Methodology and Approach

Coimisiún na Meán's assessment of broadcaster performance is informed by the following:

- Consultation with Coimisiún na Meán's User Consultative Panels (UCPs),
- Reports provided by the broadcasters to Coimisiún na Meán indicating the levels of subtitling, AD and ISL achieved;
- Monitoring access service provision on sample of broadcast recordings, and
- Annual meetings with the broadcasters.

### User Consultative Panels



Coimisiún na Meán has established two User Consultative Panels (UCPs), which assist in assessing broadcaster performance in complying with the Rules by providing input on the user experience of access services. The UCPs are comprised of access service users, members of Disabled Persons' Organisations (DPOs) and members of disability representative/advocacy groups. One UCP is for people who use subtitling and/or ISL and the other UCP is for people who use audio description.

Coimisiún na Meán ordinarily meets the panels at least twice annually to be informed of the up-to-date user experience and to provide updates on our work. There were no meetings of the UCPs in 2023 due to the redeployment of staff to support the establishment of Coimisiún na Meán and to stand up new regulatory functions. The meetings were re-started in 2024, with the two UCPs convening on 15 and 16 April 2024.

In addition to learning about the experience of access service users, the meetings in April 2024 were used as an opportunity to explore how An Coimisiún can develop and improve its engagement with access service users in the context of its expanded range of functions. Directors of several teams within An Coimisiún (Codes & Rules, Compliance & Complaints, Media Development, Media Funding and Media Literacy and User Education) provided overviews of relevant functions and activity and there was a productive discussion on how to evolve engagement with the UCPs.

The UCPs provided feedback on a range of topics. The points relevant to compliance with the Access Rules may be summarised as:

- There is significant frustration with the lack of 'real' progress by broadcasters in producing accessible content;
- The quality of services provided can often be very poor;
- Monitoring does not identify sub-standard provision;
- Lack of response from broadcasters;
- Users want a step change in how the sector and regulator responds, with more active monitoring and a less onerous complaints process; and
- There is a desire for more action-orientated and consistent engagement with An Coimisiún.

### **Monitoring**

Broadcasters provided a report to Coimisiún na Meán indicating the level of subtitling, AD and ISL achieved for each television service they provide. The reports also contained information regarding broadcaster compliance with obligations regarding promotion of access services, engagement with access service users and complaints handling.

Coimisiún na Meán also undertook compliance monitoring of a sample of broadcast output on Saorview for each television service. The sample size was 3 days of content from each broadcasting service from which one day was selected for monitoring. All programming broadcast between 08.00 and 01.00 was checked for access service provision, the duration of programme for which the access service was provided, and the quality graded on a scale of 1(excellent) to 5 (poor).

The Commission will note that there are discrepancies between the figures provided by broadcasters in respect of access provision and those compiled as a result of monitoring activity. It is likely that the small



sample size and the method employed have had an impact on the results. Improved monitoring equipment and methods are planned to address inconsistencies.

Feedback from the UCPs indicates a strong dissatisfaction amongst access service users about the quality of subtitling provision, particularly for live broadcasting. Additionally, the National Disability Authority's Report on the Operation of the Irish Sign Language Act 2017<sup>2</sup> noted concerns about occasionally poor quality ISL in broadcasting and recommended establishing processes to assess the quality of ISL. Assessing quality of access services is a complex task and many media regulators have struggled to devise an adequate approach to it. Nonetheless, Coimisiún na Meán is committed to exploring and devising a way to establish a mechanism of assessing quality of access services. It was not possible to begin this work during Coimisiún na Meán's first year in operation (March 2023 to March 2024), which saw the redeployment of staff to support the establishment of the organisation and to stand up new regulatory functions. However, pilot research on codifying and assessing quality standards for subtitling and ISL is planned to begin in Q4 2024.

### Meetings with Broadcasters

Coimisiún na Meán's annual meetings with the broadcasters were held virtually in March 2024. The meetings reviewed the broadcasters' retrospective compliance with the Rules in 2023 having regard to the results of their own and Coimisiún na Meán's monitoring reports and the proposals they submitted to Coimisiún na Meán for 2023. The broadcasters' plans and proposals with regard to access provision in 2024 were also discussed.

## 4. Outcomes

The outcomes of compliance monitoring are listed below under the headings of Subtitling, ISL, AD, Promotion of Access Services, Consultation with Users, Access Liaison Officer and Complaints.

### 4.1 Subtitling

The table below shows the target and actual subtitling provision in 2023 for all the services in scope. All broadcasters met or exceeded the targets set out in the Rules (with the exception of RTÉjr, which narrowly missed its target by 0.3%). Captioning is still used for a small number of older programmes, or ones that have been acquired from the UK, USA, etc. Broadcasters are aware of the requirement that, from 2024 onwards, captioning on new home-produced programmes will no longer be considered by Coimisiún na Meán as counting towards subtitling targets.

Broadcaster	2023 Subtitling Target <sup>3</sup>	2023 Subtitling Actual <sup>4</sup>
<b>RTÉ 1</b>	92% (96% Peak Time)	95.6% (99%)
<b>RTÉ 2</b>	78% (88% Peak Time)	92.2% (99%)
<b>TG4</b>	59% (60% Peak Time)	64% (75%)
<b>Oireachtas TV (cable/satellite)</b>	18%	21%

<sup>2</sup> <https://nda.ie/publications/report-on-the-operation-of-the-irish-sign-language-act-2017-december-2021>

<sup>3</sup> As set in Coimisiún na Meán's Access Rules 2019-2023

<sup>4</sup> As indicated in broadcasters' annual returns

<b>Oireachtas TV (Saorview)</b>	18%	18%
<b>Virgin Media One</b>	56% (57% Peak Time)	68% (84% Peak Time)
<b>Virgin Media Two</b>	55% of combined output	55%
<b>Virgin Media Three</b>		
<b>RTÉ Plus One</b>	92% (96% Peak Time)	95.6% (99%)
<b>RTÉ News Now</b>	30%	No information supplied
<b>RTÉjr</b>	53%	52.7%
<b>DCTV</b>	13%	19.5%
<b>CCTV</b>	13%	60%

## RTÉ

RTÉ's subtitling provision for RTÉ One and RTÉ Two, according to its own monitoring, was 95.6% and 92.2% respectively. Both of these figures exceeded the targets of 92 and 78% respectively. Both channels exceeded the percentage target during peak time viewing (RTÉ One 99 vs 96% and RTÉ Two 99 vs 88%). RTÉ Plus One carried all of the subtitling broadcast on RTÉ One. RTÉjr did not meet the subtitling target by 0.3%, 52.7% vs 53%. RTÉ explained that the target was narrowly missed due to a high volume of content having been commissioned and scheduled late in the year which could not be absorbed by the in-house subtitling team in addition to high volumes of content to be subtitled for the Christmas schedules. RTÉ have since made changes to their content delivery deadlines which should mitigate against this circumstance recurring.

RTÉ is required to provide details on the level of subtitling carried on RTÉ News. However, RTÉ is unable to provide this detail as RTÉ News is a reactive channel and as such, does not have a set schedule to report from. RTÉ News does not have its own subtitling infrastructure, therefore there is no automatic logging of subtitled programmes on this channel. This channel rebroadcasts all news and current affairs programmes from RTÉ One. All of these programmes carry subtitles and the channel should therefore be meeting the targets. In agreement with Coimisiún na Meán's predecessor organisation, the BAI, RTÉ has for several years submitted a manual report on subtitling on RTÉ News which is generated by a random check of programmes on RTÉ News Now, conducted by RTÉ. During 2023, this check found that, in general, subtitling was carried through from RTÉ One and RTÉ Two to RTÉ News.

RTÉ provided subtitles on a wide variety of programmes for multiple genres including;

*Drama:* Fair City and Smother;

*Entertainment:* Ireland's Fittest Family and The Summer Show;

*Factual:* Bog Amach and North Atlantic;

*News and Current Affairs:* all news broadcasts, Nationwide, Prime Time and all weather broadcasts;

*Sport:* Sunday Game.

A large proportion of new subtitled programmes are aimed at a children's audience in accordance with the Access Rules. These programmes are carried on RTÉ Two and RTÉjr.

RTÉ's subtitling equipment was upgraded in 2023 with a particular aim of reducing latency in live subtitling.

## **TG4**

The broadcaster's level of subtitling in 2023 was 64% which is above the target of 59% in the Rules. TG4 also provided 75% subtitles for peak time programmes which is also above the target of 60%.

The broadcaster provided subtitles on a variety of home-produced programmes including traditional Irish music, drama, children's, light entertainment etc.

TG4 also provides subtitles on the TG4 Player for a large percentage of programmes which were broadcast with subtitles.

## **Oireachtas TV**

Oireachtas TV is carried on Saorview, cable and satellite platforms. Oireachtas TV broadcasts 24/7 on cable and satellite, and from 0900-0000 Monday to Thursday and 0900-1900 Friday to Sunday on Saorview. Oireachtas TV is responsible for compliance with the Rules on cable and satellite, while RTÉ is responsible for compliance with the Rules on Saorview.

The broadcaster reported that its subtitling provision in 2023 met the target of 18% on Saorview and exceeded the same target on cable and satellite platforms, providing 21%.

## **Virgin Media TV**

The levels of subtitling provision in 2023 according to the broadcaster's own monitoring were: Virgin Media One 68% and 84% during peak time, and the combined Virgin Media Two and Three of 55%. Virgin Media One's results exceeded the target of 56% for the 18-hour day, and well above the peak time target of 57%. The result for the combined Virgin Media Two and Three channels met the target of 55%.

The Virgin Media group of channels provided subtitles on a wide variety of programmes for multiple genres including;

*Drama:* Coronation Street, Holding and Vera;

*Entertainment:* Gogglebox Ireland, The Restaurant and Lodging with Lucy;

*News and Current Affairs:* The Tonight Show.

Virgin Media also provides subtitles on Virgin Media On-Demand services for a large percentage of programmes which were broadcast with subtitles.

## **Dublin Community Television Society Limited (DCTV)**

DCTV is a community television service broadcasting to Dublin City and County. The service is owned by a co-operative representative of the community it serves and is operated by volunteers on a non-profit basis. On the basis of its figures, its subtitling provision in 2023 was 27% which was well above the target value of 13%.

## **Cork Community Television Limited (CCTV)**

CCTV is a community television service broadcasting to Cork City and County. The service is owned by a company limited by guarantee representative of the community it serves and is operated by volunteers on a non-profit basis. It produces its own programming in-house and also broadcasts programmes made by its





members and independent producers. The broadcaster reported subtitling provision in 2023 was 35% which was above the 12% target set in the Rules. All the subtitling is pre-recorded and subtitled programmes include a significant number of Sound and Vision funded programmes.

### **Quality Assessment**

Coimisiún na Meán monitored a sample of programming from RTÉ, Virgin Media, TG4 and Oireachtas TV during 2023 to assess the quality of subtitles against the standards provided in the Rules. In general, subtitles, when provided, were of good quality. The majority of subtitling issues occurred with live programming where delays of 5 to 10 seconds were found. Complaints made to Virgin Media and TG4 also raised the issue of quality (see section 4.6 below).

Monitoring of Oireachtas TV found, on a small number of occasions, the combination of subtitles and ISL obscuring other onscreen text. On TG4, there was one instance in which English language subtitles with an Irish language voiceover could have caused confusion to viewers.

The vast majority of DCTV and CCTV programming is comprised of repeats and has been monitored in previous years. Given this, and the fact that subtitling was found to be of good standard in previous years, Coimisiún na Meán decided not to conduct any monitoring in 2023.

Members of the UCP for subtitling and ISL continue to express dissatisfaction with the quality of live subtitles and a desire for more active monitoring. Broadcasters advise that there can be many causes of quality issues, some of which are outside of their control and are linked to the platforms and devices on which the end user is accessing the content. Assessing quality of access services is challenging without codified standards, which are complex to produce.

As noted in section 3 above, Coimisiún na Meán plans to undertake pilot research on codifying and assessing quality standards for subtitling and ISL beginning in Q4 2024. The end user experience in using different platforms and devices for access services will form part of this research. This research is also likely to inform Coimisiún na Meán's work in establishing new compliance, complaints and enforcement functions for accessibility obligations on services that provide access to audiovisual media services, as provided for in the EU Accessibility Act<sup>5</sup> and given effect in Irish law in December 2023<sup>6</sup>. This legislation introduces regulation on accessibility for products and services involved in the delivery of access services, among other things, from production to end use. Coimisiún na Meán, the Competition and Consumer Protection Commission (CCPC), ComReg and other agencies, have regulatory roles in relation to these accessibility requirements.

## **4.2 Irish Sign Language (ISL)**

The table below shows the target and actual ISL provision in 2023. All broadcasters met or exceeded the targets set in the Rules. As in previous years, nearly 100% of programming with ISL is home produced.

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<sup>5</sup> [Directive \(EU\) 2019/882 on the Accessibility Requirements for Products and Services, https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019L0882](https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32019L0882)

<sup>6</sup> [S.I. No. 636/2023 - European Union \(Accessibility Requirements of Products and Services\) Regulations 2023, https://www.irishstatutebook.ie/eli/2023/si/636/made/en/print](https://www.irishstatutebook.ie/eli/2023/si/636/made/en/print)

Broadcaster	2023 ISL Target <sup>7</sup>	2023 Actual <sup>8</sup>
RTÉ One	5%	5.5%
RTÉ Two		
RTÉjr	4%	4.7%
Oireachtas TV	6%	20%
Virgin Media One	2%	2.7%

## RTÉ

The overall annual ISL percentage achieved on RTÉ One and Two exceeded the target (5.5 vs 5%), while RTÉjr also exceeded the target, providing 4.7% vs a target of 4%. RTÉ also noted that several programmes carried ISL on the RTÉ News Now App and other digital online platforms such as RTÉ Player while simulcasting on RTÉ One. The main example of this is *The Late Late Toy Show*.

## Oireachtas TV

Oireachtas TV exceeded its target of 6%, providing ISL on 20% of their programming.

<sup>7</sup> As set in the Access Rules 2019-2023

<sup>8</sup> As indicated in broadcaster returns



### Virgin Media One

Virgin Media One exceeded the ISL target of 2% in 2023, providing 2.7%. All ISL programming was home produced, including *Don't Look Back in Anger* and *Sport Stories*.

### Monitoring

Coimisiún na Meán undertook a monitoring exercise in tandem with its subtitling sampling for 2023. The presence and quality of ISL provision was noted and, in general, found that provision was consistent with targets and quality standards.

### Quality Assessment

Members of the UCP for subtitling and ISL highlighted examples of sub-standard ISL provision and advocated for more active monitoring. As noted in section 3 above, Coimisiún na Meán plans to undertake pilot research on codifying and assessing quality standards for subtitling and ISL beginning in Q4 2024.

## 4.3 Audio Description (AD)

The table below shows the target and actual AD provision in 2022. All broadcasters met or exceeded the targets set in the Rules.

Broadcaster	2023 AD Target	2023 Actual
<i>RTÉ One</i>	10%	13.8%
<i>RTÉ Two</i>		
<i>RTÉjr</i>	10%	15.0%
<i>Virgin Media One</i>	5%	5.8%

### RTÉ

RTÉ exceeded its targets for 2023 on RTÉ One and RTÉ Two (13.8 vs 10%). RTÉ has focused on dramas and home-produced programming for AD and examples include *The Dry* and *The Gone*. RTÉ exceeded the AD target on RTÉjr, providing 15.0% vs a target of 10%.

### Virgin Media One

Virgin Media One provided 5.8% of programming with AD, exceeding the target of 5%. Virgin Media noted that 10.6% of AD content was home produced in 2023. AD was provided on programmes in peak hour slots such as *The Salvage Squad* and *Stores from the Street*.

### Quality Assessment

Members praised the quality of audio description produced by RTÉ, but voiced concern about the use of synthetic voices in some audio described content, stating a clear preference for natural voices. Members were positive about the impact of the Sound and Vision Scheme in increasing levels of audio described content available.



#### **4.4 Promotion of Access Services**

As required in Rule 5.3, broadcasters continue to promote programmes with access services via continuity announcers and online, EPG and press listings. All broadcasters continue to promote access provision on their websites, through social media, on-air promotions, emails to user groups and TV listing pages.

#### **4.5 Consultation with Users**

As required in Rule 5.4, Virgin Media met with users during 2023 as required in the Rules. Their meetings were held remotely in response to the preference expressed by users.

RTÉ held several meetings with representative groups and individual users throughout the year, working with the Irish Deaf Society on ISL Awareness Week, with Schools in the Deaf and Blind Communities and hosting accessible tours at RTÉ. RTÉ did not schedule an annual meeting with users in 2023 as the reporting required by Coimisiún na Meán in that year opted for a full yearly return in place of the previous model of half-yearly reporting. The half yearly return formed a key part of the User group annual meeting in setting a context for discussion. RTÉ met with users on 9 May 2024 so that they could provide a complete summary of the work that they carried out in 2023. RTÉ continued to consult with Deaf users in the early stages of production of *The Late Late Toy Show*.

Although Oireachtas TV reached out to user groups to arrange a meeting, they did not receive any positive replies. They have been in regular contact with user groups and students in the Centre for Deaf Studies in Trinity College.

TG4 did not meet with user groups in 2023 and have been told that groups do not see much benefit in meeting with TG4 alone. Following consultation with Chime, TG4 provided ISL for the *Saol Eila* programme.

Although CCTV and DCTV did not formally meet with user groups in 2023, as was the case during Covid-19, they have been in contact with local groups. DCTV collaborated with Chime on a programme broadcast in March 2023 and was in contact with other community and arts groups with a view to future involvement. CCTV met with the Cork Deaf Association in March 2023 and hope to meet the Harmony Deaf Choir in 2024 regarding ISL.

All broadcasters bar RTÉ advised of challenges experienced in getting engagement from access services user groups and some proposed Coimisiún na Meán could have a role in these consultations to improve engagement. Some suggested Coimisiún na Meán could coordinate a single consultation event for broadcasters and access service user groups. This is something Coimisiún na Meán can consider having regard to its own workplan, priorities and available resources.

#### **4.6 Access Liaison Officer & Complaints**

As required in Rule 5.5, broadcasters must provide contact details of an individual who will deal with complaints about Access Services. All broadcasters, other than DCTV, provide the name of an individual, or

a specific email address, in relation to such complaints. DCTV provide an email address for general complaints and a form specifically for complaints about access services.

The main complaint received by RTÉ in 2023 related to live subtitling on programming watched by people using a particular Virgin Media 360 set top box. RTÉ worked with Virgin Media engineers to resolve this issue. RTÉ highlighted that this issue was specific to a particular box used by some Virgin Media customers and only affected live subtitling.

Virgin Media provided details of the 44 complaints they received in 2023. The majority related to the absence of subtitles on Coronation Street and Emmerdale. Virgin Media sees four key trends in subtitling complaints: internal issues, platform issues, third party provision and not offering subtitles on particular programmes. The majority of complaints come via e-mail, with only a few via the online complaints form.

TG4 received a mixture of complaints, queries and questions in 2023. Many of the complaints related to internet or smart TV issues, while some related to an upgrade of TG4's playout system which caused issues with old subtitle files.

Oireachtas TV, DCV and CCTV did not receive any viewer complaints in 2023.

Coimisiún na Meán advised broadcasters and the UCPs of changes to complaint handling arising from the commencement of the Online Safety and Media Regulation Act 2022 on 15 March 2023. Stakeholders were advised that a complaint about a failure to comply with the Access Rules could now be made under the statutory complaints provided at section 48 of the Broadcasting Act 2009. Previously, there was no statutory basis for such complaints. This change means a broadcaster must process a complaint about the Access Rules under its Code of Practice for Complaint Handling, which provides a point of contact, its complaint handling procedures and a timeframe for responding. Where a complainant is not satisfied with the broadcaster's response or does not receive one within the specified timeframe, the complaint may be referred to Coimisiún na Meán to handle in accordance with its statutory process. No such complaints were received by Coimisiún na Meán in 2023.

## 5. Conclusions

The quantity and range of access service provision on television services increased in 2023 in line with the revised Rules. All subtitling (apart from subtitling on RTÉjr which was short of its target by 0.3%), AD and ISL targets were met or exceeded by all broadcasters.

Quality of subtitling, particularly on live programming, and quality of ISL on occasion, remain key issues of concern for access users. Pilot research by Coimisiún na Meán beginning in 2024 and to be delivered in 2025 will examine the issues in relation to quality standards and how they could be codified and monitored. This research can also inform Coimisiún na Meán's work in establishing new functions under the EU Accessibility Act.

Coimisiún na Meán's UCPs expressed a desire to see improved monitoring of access service provision. A review of compliance monitoring equipment and methodology is planned for 2025. This will be informed by the pilot research projects on the quality of subtitling and the quality of ISL.

All broadcasters continue to promote access provision on their websites, through social media and TV listing pages. There is also no issue with Access Liaison Officers or points of contact at each broadcaster.

Consultation with access service user groups was patchy in 2023 and most broadcasters advised Coimisiún na Meán of experiencing challenges in engaging user groups. Coimisiún na Meán will encourage broadcasters to make efforts to engage with those groups and to report on those efforts. Consideration will be given to a possible role for Coimisiún na Meán in supporting these engagements in future.