

Ofcom consultation on Electronic Programme Guides

RNIB response

This document lays out the response of the Royal National Institute of the Blind following consultation with blind and partially sighted people on 27 February and 11 March 2004.

March 2004

Royal National Institute of the Blind's Response to Ofcom's Consultation on the Draft Code on the Provision of Electronic Programme Guides (EPGs)

1. Introduction

1.1 Royal National Institute of the Blind (RNIB) is the leading organisation representing the needs and interests of the two million people in the UK with a sight problem. The organisation provides over 60 services and campaigns for social inclusion and equality of access. It works directly and indirectly with blind and partially sighted people, representative organisations, visual impairment professionals, national and local government, the broadcasting and entertainment sector, and a range of public and private organisations. Regular and frequent contact is made with broadcasters and digital television receiver manufacturers.

1.2 Since its Needs Survey¹ in 1991 showed that 94% of blind and partially sighted people watch television, RNIB has taken an active role in highlighting access issues. It has worked to try to ensure access to programmes, services and equipment, both by direct work with broadcasters and manufacturers and by influencing legislation. RNIB's role has become particularly important since the introduction of digital television, which provides considerable opportunities with the availability of more channels and services, and better picture and sound quality. However, for the majority of blind and partially sighted people these advantages are offset by the problems in accessing services and equipment.

1.3 RNIB has recognised the access issues related to digital television and through previous consultations and direct working with service providers and manufacturers has ensured that some of these issues have been, and continue to be, addressed. However, although work is being done currently it is essential to ensure that there are relevant legislative and regulatory frameworks to ensure that all issues are addressed, particularly to ensure that access issues are automatically included in any future technology developments.

1.4 RNIB was pleased that its campaigning on the European Telecommunications Directives and the 2003 Communications Act resulted in Ofcom taking the responsibility for ensuring that many access measures would be covered by codes of practice or an appropriate regulatory framework. It is essential for the broadcasting industry to recognise and address the problems caused by digital technology.

1.5 Digital Television is responsible for the introduction of a copious number of channels, offering a vast choice to the consumer, but also requiring an overwhelming amount of supporting information. In terms of identifying a programme that the viewer wishes to watch, a paper-based system is no longer practical except for a handful of channels. The method by which viewers must discover the programmes they wish to watch is now electronic. However, no consumer systems have yet been offered to facilitate such a procedure in any form other than text displayed silently on a screen. This presents serious problems to blind and partially sighted people. It is therefore essential that access to EPGs is made a high priority for all providers of digital television receivers and services.

1.6 For partially sighted users, rather than speech, the most important need is to be able to increase the size and select a preferred colour scheme of the text. In this case, there is no question of the capability of the technology: all receivers are capable of this, yet it is so rarely made available to users.

1.7 Blind and partially sighted people will not get the most enjoyment from, and access to, television programmes until Government and industry recognises that adequate provision is essential. This would confirm that the Government's aim to promote greater social inclusion is being taken seriously by Ofcom and the industry. Addressing the issues of providing accessible and usable Electronic Programme Guides is a vital role of the regulator.

1.8 Paragraph 34 of Ofcom's consultation document refers to a 'limited scope to reconfigure EPGs so as to facilitate their use by disabled people'. Although limited, there certainly are provisions that can be made with the currently deployed technology. Both cable operators have recently launched a completely new look and feel, improving the usability and accessibility of their product to partially sighted people. Offering the user the opportunity to modify some of the visual settings of the text they are trying to read can make a considerable difference to whether the information is accessible to them or not. There is a danger of projects such as VISTA2 distracting industry stakeholders from what can be implemented now and in the near future. For

example, although current set-top boxes do not have the power to synthesise speech themselves, this can be done on a central server and the sound sent to the box to relay it to the user. Any infrastructure that can support such two-way communication is capable of delivering speech. Cable platforms have an inherent, permanent, high-speed connection between the set-top boxes and a central server, so this would be an entirely reasonable adjustment to make. RNIB has already demonstrated such a system with an Internet-based solution using current set-top box technology. Telephone-based services are equally viable, but it is emphasised that consumers must not be charged for services provided to account for a disability. RNIB is pleased to acknowledge Ofcom's suggestion for EPG providers to work with the relevant stakeholders, and welcomes that opportunity.

1.9 It is essential that access to Electronic Programme Guides, and the equipment that supports them, is made accessible before any analogue services are switched off. Failure to do so will result in blind and partially sighted people receiving a lesser service than they have now.

1.10 The new generation of recording equipment, using disk rather than tape, typically makes extensive use of Electronic Programme Guides to enable the user to elect a programme for recording. If a user cannot comprehensively navigate the EPG, they will be unable to make recordings.

2. Consultation on the draft code

2.1 RNIB welcomes the opportunity to contribute to the debate on the draft code on Electronic Programme Guides and has responded in Section 3 to the specific questions raised by Ofcom.

2.2 RNIB is pleased to see specific mention in the code for the provision of service to elderly and disabled people, thereby implementing the Government's aim to broaden access to cultural and recreational resources, and also promote greater social inclusion. It is rather disappointing that Electronic Programme Guides are defined as 'screen-based menus', however, RNIB acknowledges that the spirit of the code is to strongly encourage adaptation of services and equipment to take into account the needs of blind and partially sighted people.

It is encouraging that Ofcom expects EPG providers to work with disability groups, such as RNIB, and understands the essential cooperation that is required between such service providers, the broadcasters and receiver manufacturers.

2.3 In addition to responding to Ofcom's specific questions there are other issues that RNIB feels it is relevant to raise in the context on this consultation – see Section 4.

2.4 Paragraph 66 invites comment on the impact of regulation. RNIB supports Ofcom's assessment of the need for a regulatory framework. RNIB believes that there are significant market opportunities for accessible equipment, but few service providers and equipment manufacturers have ventured into these. Therefore regulation is needed to initiate work in this area and lead to the provision of equipment and services suitable to a wider range of people.

3. Responses to the specific Ofcom questions

RNIB is responding to those questions it considers specifically relevant to blind and partially sighted people.

Question 49: Do you agree with Ofcom's access regulation?

RNIB response: Yes. It is possible that a disability channel, or other relevantly themed channel, might be launched on satellite, and the access regulation ensures that such a channel would be able to gain access to the EPG. RNIB's concern is that a price that might seem reasonable to a profitable, commercial broadcaster might be too high for a non-profit, charitable one. RNIB is also concerned about the declared non-regulation of the Cable and Terrestrial platforms. It is entirely possible that an EPG licensee that has little else to do with the platform might offer a selective list of channels. The list may comprise those broadcasters willing to pay them to do so. As the regulation stands, broadcasters of channels that are missing have no means by which to demand equality with those channels that are listed. So, although it might be in the platform's interest to provide EPGs that include all channels on the platform, other parties may be involved who do not share such an incentive. Similarly, a broadcaster has an incentive to offer listings for their own channels with a higher priority than for other channels on the same platform. This seems natural, but at what point should fair competition be required?

Question 50 (c): Should Ofcom have regard to the interests of citizens and the expectations of consumers in considering whether a particular approach to listing Public Service Channels constitutes appropriate prominence?

RNIB response: Yes, RNIB recognises that Public Service Broadcasters have a particular responsibility for providing services to citizens. When vulnerable people are switching from analogue to digital, it is imperative that

they can easily find the channels they are used to. Reluctant adopters need to be reassured that accessing familiar channels is straightforward. Maintaining that the five analogue terrestrial channels appear as the first five of the digital channels is a helpful way to achieve this.

Question 50 (d): Should EPGs enable viewers to select the appropriate regional versions of those channels through the primary listings for those channels?

RNIB response: Yes, again to maintain consistency with the analogue service that people are used to, there is an assumption that they will receive an appropriate local region version of the channel selected. Where it is necessary for broadcasters to provide access services on a single region, and that is not a consumer's local region, it must be possible to easily access the region that contains the required service.

Question 51 (a): Should EPG providers be required to produce an annual statement of the steps they plan to take to facilitate the use of their EPGs by disabled people?

RNIB response: Yes, paragraph 35 also makes appropriate reference to the Disability Discrimination Act. As is a common procedure in other areas, requiring accountability is a good way to ensure that such issues remain on the agenda of the stakeholders.

However, it needs to go further, because there is often a limit to what impact the EPG providers themselves can achieve. It is the combination of service providers working together with the receiver manufacturers that impacts on what a consumer actually experiences. In the case of a vertical service provider, the statement should include aspects of the equipment, such as the accessibility of the remote control and instruction manual. Plans should not just be assessed by Ofcom but in consultation with relevant disability organisations such as RNIB. There needs to be some guidelines as to what is a 'reasonable' adjustment to make, as otherwise the word 'reasonable' is a potential loop-hole. For example, BSkyB has offered a telephone service whereby a consumer can request a customer services operative to perform the operations that they are unable to perform themselves. But people who value their independence do not consider this to be reasonable. In addition, the service is not available 24 hours a day and is charged for at national rates. Reasonable action must always promote equivalence and independence. An equivalent service is one that is up to date and in sync with the mainstream service.

Question 51 (b): What should the nature of the information provided be in relation to programmes with assistance, and how should that information be presented?

RNIB response: Certainly an indicator should be given for each of the access services: subtitling, audio description and signing, as required by the draft code. RNIB strongly agrees that the standardisation of symbols and wording is an important part of this. If any influence can be made on publishers of listings in print, a similar practise by them should also be encouraged. The items for standardisation should be: a graphical symbol, one or two letters and one or two words for each service. RNIB has performed some initial work on developing the graphical symbols. Consistency between what appears on screen and what appears in print needs to be ensured to avoid confusion. RNIB acknowledges that there might be technical reasons for not being able to provide an electronic tag indicating the access services of programmes offered through the Terrestrial EPG. However, it is possible to indicate such services by simply attaching appropriate characters to the end of programmes' titles or descriptions. The regulation clearly states that such information must be provided, so if it cannot be done in a 'clever' way, an alternative means must be sought and used. People with learning difficulties and language barriers favour symbols over letters and words.

Question 51 (c): How should EPG providers be required to publicise the availability of information and functions on the EPG intended to facilitate their use by disabled people?

RNIB response: This very much depends on what the function is that is being publicised. A function that can deliver speech on the press of a button should not be advertised by a displayed message, but instead by a spoken message to that effect. Similarly, if it is possible to enlarge the font, the message informing the user of this should itself be in a large font. Whilst this seems obvious, it is a requirement that is frequently overlooked by DVD proprietors who might offer audio description on their disc without providing any non-visual method by which to activate it. Similarly, instructions such as 'press the green button' are unhelpful to a user who is not aware of which button is the green one. In the case of a vertical service provider, a method of communication with the consumer will already have been established. This should be the preferred method for communicating the new arrival of an EPG function that might be suitable for specific individuals. Emphasis should be put on access rather than disability, since it's entirely likely that any such provision could be of interest to anyone, whatever their abilities.

In addition to specific requirements for individual consumers and

subscribers, there needs to be a communications strategy to reach a wider group, for example, to blind and partially sighted people who have not yet 'gone digital', in order to encourage take-up, and to the general public to raise awareness.

EPG providers must be proactive in promoting their access services, and this promotion should be in the mainstream and not relegated to minority, niche areas. After all, it is a product for everyone.

4. Other issues

4.1 Frequent reference is made to 'set-top box manufacturers'.

Since digital television can also be received on an integrated digital television, such references should be replaced by 'digital television receiver manufacturers'.

4.2 If it is necessary to replace consumer's equipment in order to receive access services appropriate for them, in a vertical market, the service provider (who, in vertical markets, is also the supplier of the set-top box) should bear the cost of that provision. This is not only the responsible action to take, but it also ensures that the service provider can appropriately claim to be providing services intended for all citizens.

4.3 In order to encourage digital take-up, solutions need to be found sooner rather than later. The sooner blind and partially sighted people have digital, the more time they have to become familiar with using equipment and services before the safety net of analogue is taken away. Solutions therefore need to be in place for existing and future digital users prior to the first switch-over.

4.4 RNIB is concerned as to who is responsible for assessing the capability of a particular technology. Rather than relying on the advice of the parties concerned, an independent expert should be employed to make such an assessment.

4.5 Much confusion is caused by the proliferation of channel numbers assigned for the same channel on different platforms. RNIB recommends that consideration be given to unifying the allocation of channel numbers across platforms. Not only will this make it far easier for the consumer to find their way around different platforms, but also there is enormous benefit for the broadcasters who can simply refer to their channel with a single number. Although this would cause an initial upheaval, a similar task has been achieved with telephone numbers, and the benefits justify it.

5. Conclusion

5.1 RNIB wants to ensure as wide access as possible to television programmes through the provision of the Electronic Programme Guide. As the world of television fragments even more, RNIB accepts that a reasonably flexible approach to how EPGs are made accessible might be necessary, provided that effective methods are implemented. However, this would have to be matched by an understanding by service providers of what access to television means to blind and partially sighted people, and flexibility in approaching their provision of the EPGs.

5.2 While the VISTA project has gained much interest, it should be stressed that it is by no means the only way forward. Far less elaborate solutions can be found in the much nearer future, and more focus should be put on those. Consideration needs to be given as to whom should be responsible for bearing the costs of such solutions.

5.3 Clause 10 of the 2003 Communications Act issues a duty on Ofcom to encourage the availability of easily usable apparatus, including the accessibility needs of disabled people. RNIB expects Ofcom to publish details of how they intend to achieve this, and looks forward to seeing results.

RNIB
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