

Chime Submission
to
Coimisiún na Meán
on the
Draft Access Rules for
Television Broadcasting Services
August 2024

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Registered in Dublin No 21627 as National Association for the Deaf

1.0 Introduction

1.1 Chime is the National Charity for Deaf and Hard of Hearing people. Chime was founded in 1964 and is dedicated to a society where deafness or hearing loss does not limit individual potential, personal choice or quality of life. Chime works to achieve this through advocating for a more accessible and inclusive society and providing a range of personal support services for Deaf and Hard of Hearing (D/HH) people. Chime's services entail a holistic approach, addressing the person's social, technological and emotional needs.

1.2 Chime welcomes Coimisiún na Meán's consultation on the Access Rules. Access to TV and audio-visual media is an important service for Deaf and Hard of Hearing people. Accessible programmes can help alleviate social isolation and promote inclusion and social participation.

1.3 A significant portion of the population is affected by deafness or hearing loss. The Deaf community has approximately 5,000 members whose primary language is Irish Sign Language (ISL). Those who have acquired a hearing loss in adulthood are a much larger group. The HSE estimates that 8% of all adults (approximately 300,000 people) have a moderate or greater hearing loss and require audiological support. The prevalence of hearing loss increases greatly in later life, so that by the age of 70 approximately 50% of the population have acquired a significant hearing loss.

1.4 Subtitles are accessed by a considerable number of people. Previous research has shown that typically 3% of any television audience require subtitles to access and enjoy the programme content, while up to 15% of viewers, (many of whom are not Deaf or Hard of Hearing viewers), benefit from subtitles on a regular basis

1.5 The format of this submission is based on the list of consultation questions provided in Coimisiún na Meán's consultation document.

2.0 Question 1: Do you have any comments on the proposed changes to the introductory sections of the Access Rules?

2.1 We welcome the introduction of a "single, easily accessible" point of contact for providing information and receiving complaints. While the Coimisiún may advise that the "quickest" way to have a complaint considered is to contact the broadcaster, experience of both the public and representative groups is one of general frustration in getting complaints responded to and resolved. This 'lived experience' means that it is likely many complainants are likely to use the Coimisiún's Contact Centre in the first instance in the immediate future.

2.2 We note the text of the "Access Principles", which is the same as the 2019 version of the Access Rules. In particular we draw attention to the principle of "responsiveness", and that access provision "should be in response to the needs and priorities *as expressed by the user groups*" (our emphasis). We will make further reference later in this submission with regard to this aspect of the principle of responsiveness.

3.0 Question 2: Do you have any comments on the proposed changes to the Definitions section of the Access Rules?

3.1 Chime welcomes the inclusion of AVMS within the scope of the Access Rules.

4.0 Question 3: Do you have any comments on the proposed changes to the General Rules Applying to All Access Provision section of the Access Rules?

4.1 Chime welcomes the Coimisiún's proposal to have regard to the quality of provision when assessing if a broadcaster has met the quotas for subtitling provision. Chime also welcomes the requirement for broadcasters to engage with platform providers in resolving issues impacting on access provision for end users as part of Rules applying to Quality Standards.

4.2 In relation to the Obligation to Consult with Access Users, Chime believes that the Access Rules should require broadcasters to report on their consultations with users, and in particular to list the main issues being raised by users in a report. This recommendation is put forward as there are typically no agreed records of consultation meetings between broadcasters and users. This report could be included within the proposed Annual Accessibility Action Plans.

4.3 Chime welcomes the proposal that broadcasters are required to develop an annual accessibility action plan. The development of such plans should be in accordance with UNCRPD, i.e. people with disabilities should be actively involved in developing such plans.

5.0 Question 4: What are your views on the targets proposed for subtitling for the 2025 to 2027 period?

5.1 Chime is broadly in favour of the proposed targets for subtitling. However, we believe that the targets for RTE News Now and Virgin Media Channels are too low. The reason for this opinion is based on the fact that RTE News Now is mainly made up of repeated News bulletins or current affairs programmes which have already been broadcast with subtitles on RTÉ 1 and should be provided automatically on the RTÉ News Channel, while much of Virgin Media's broadcasts are pre-recorded programmes where subtitle files have already been created.

6.0 Question 5: Do you have any further comments on the proposed changes to the Subtitling Rules section of the Access Rules?

6.1 Chime has no further comments to add at this point, save to point out that we have further comments in relation to Standards Applying to Subtitling in response to Question 13.

7.0 Question 6: What are your views on the proposed targets for ISL for the 2025 to 2027 period?

7.1 Chime broadly welcomes the proposed increase in overall ISL targets for 2025-2027, although we believe the increases should be greater in 2025. We are also strongly of the view that ISL presented programmes have lacked appropriate balance in terms of scheduling and programme content.

7.3 Chime accepts that there have been improvements in programmes in ISL for children in recent years. However, ISL programmes for adults are much less satisfactory for a number of reasons. There is a preponderance of 'light entertainment' programmes and very little in terms of news and current affairs. In Chime's view the Deaf community have the same right to access a spectrum of programmes similar to that of the wider viewing public. Therefore we are proposing that the Access Rules provide more specific sub-targets within the overall targets. Chime believes that the Access Rules should include a target for a minimum of 2% of ISL presented programmes that are focussed on news and current affairs.

(Note: Chime has recently proposed to RTÉ – not for the first time – that one main RTÉ news bulletin per day is broadcast with ISL on the News Now Channel or on RTÉ Plus 1. The format of the current News for the Deaf bulletin has not changed in 30 years and is typically just 2 minutes in length* – although RTÉ schedules give the impression it is a 5 minute programme. As a result many members of the Deaf community feel that they receive a dumbed down version of the news).

* Chime assessed the average length of 5 News for the Deaf editions for the week beginning Aug 11th 2024. The average length was 2 minutes and 7 seconds.

7.4 Chime also believes that RTÉ should restore some form of the magazine programmes aimed at the Deaf community that were previously a feature of RTÉ's provision for the Deaf community up until 2014. Again, the decommissioning of the magazine programmes were in direct conflict with the expressed wishes of the Deaf community at the time, and despite many requests to restore the magazine programme in the interim, there has been no response from RTÉ. Chime is proposing that 1% of the ISL targets for RTÉ would consist of a magazine programme for the Deaf community presented by members of the Deaf community. Such an approach would be consistent with UNCRPD and enhance the portrayal of people with disabilities on RTÉ.

8.0 Question 7: What is your view on the change to the assessment of ISL targets based on an 18-hour day, from 7am to 1am?

8.1 Chime very much welcomes this proposal. For many years the Deaf community have complained about the scheduling of ISL presented programmes in the middle of the night as demeaning and disrespectful, as well as being inaccessible to many members of the Deaf community who did not have recording facilities. These valid

complaints were not listened to, and we are now pleased that the Coimisiún is proposing this important change in approach.

9.0 Question 8: Do you have any further comments on the proposed changes to the Irish Sign Language (ISL) Rules section of the Access Rules?

9.1 Chime believes that for the present, it is appropriate that the National Broadcaster RTÉ has prime responsibility for delivering the bulk of ISL presented programmes under the Access Rules. However, we believe that as technology and other processes develop, the overall costs associated with producing ISL presentation on programmes is reducing. In this context we believe that it will be reasonable and proportionate in the future to have increased access to ISL programmes across more channels and broadcasters.

10.0 Question 9: What are your views on the proposed targets for AD for the 2025 to 2027 period?

10.1 We have no specific comment to make on the AD targets, except to say that we fully support the provision of AD to enhance access to people who are vision impaired.

11.0 Question 10: Do you have any comments on the proposed changes to the Audio Description (AD) Rules section of the Access Rules?

11.1 We have no comments on this question.

12.0 Question 11: Do you have any comments on the proposed changes to the “Access Principles and Influencing Factors” section of the Access Rules?

12.1 As already referenced, Chime welcomes the change to allow for a single and easily accessible point of contact for providing information and receiving complaints regarding accessibility issues as outlined in paragraph 1.4, and consequently agrees with the deletion of Section 9 of the 2019 Access Rules.

12.2 Chime also supports the deletion of Section 10 of the 2019 Access Rules, and supports the idea that the implementation of the Rules is supported via consultation. However, we also believe that a more robust framework is required to achieve implementation and that this should be referenced with more detail in the new Access Rules. We welcome the proposed requirement for broadcasters to produce Annual Accessibility Action Plans, and we have also proposed that such Action Plans would include the references to the expectations and wishes of users. These measures and others, such as a formal auditing of access provision and reports on complaints trends could provide the

basis for a strengthened framework to ensure and enhance access provision under the Access Rules.

13.0 Question 12: Do you have any comments on the proposed changes to the “Access Principles and Influencing Factors” section of the Access Rules?

13.1 As pointed out in the introduction, this submission is limited due to available time and resources, and cannot be in itself comprehensive. However, Chime wishes to comment on some of the tone and general approach of the Green Paper.

14.0 Question 13: Do you have any comments on the proposed changes to the “Standards Applying to Subtitling, Irish Sign Language & Audio Description” section of the Access Rules?

14.1 We accept the Coimisiún’s view that the production of live subtitles in real time is challenging. However, we believe that the quality of live subtitling offered by Irish broadcasters is below standard and in many cases, simply not fit for purpose. Such provision should not be accepted for meeting required quotas.

14.2 Live subtitling on certain programmes, such as news broadcasts, is extremely important. We note the Coimisiún’s comments in relation to cueing text or use of pre-loaded subtitles for news segments that have been pre-recorded. We believe that this strategy could be utilised more and that current use could be improved in terms of synchronicity and transition from pre-loaded segments to live segments and vice versa. These comments are based on informal comparison with similar programmes in the UK.

14.3 We would suggest a time delay of a few seconds in visual transmission of live programmes to aid synchronicity of subtitling on live transmissions. We note that on many occasions when there is international transmission of live events, RTÉ broadcasts are often several seconds ahead of UK broadcasts. While we are not familiar with the technical elements at play that give rise to this, we believe that consideration of ‘antenna delay’ or ‘as-live broadcasts’ should be considered in the context of the new Access Rules to facilitate improved quality of live subtitling. We would welcome further consideration of this issue by the Coimisiún and the inclusion of appropriate amendments in the Access Rules.

We would like to draw the Coimisiún’s attention to the following document on guidelines for making television broadcasts accessible: <https://dev-avt.ckc.uw.edu.pl/wp-content/uploads/sites/170/2020/11/How-to-implement-live-subtitling-on-TV-.pdf>

Submitted to Coimisiún na Meán, August 2024.

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