



Provision of audio description

Type of case	Broadcast Licence Conditions
Outcome	Resolved
Service	DMAX
Date & time	Provision for 1 January to 31 December 2023
Category	Television Access Services
Summary	The broadcaster failed to meet its annual audio description requirement for DMAX in 2023, contrary to the requirements of the Access Services Code. Taking into account the steps taken by the Licensee, including a commitment to significantly increase provision of audio description in 2024, Ofcom considers the matter resolved.

Introduction

Ofcom’s [Code on Television Access Services](#) (“the Access Services Code”) requires certain broadcasters to provide access services (subtitling, signing and audio description) on a proportion of their programming.

Section 4 of the Access Services Code sets out the proportion of programming that channels are required to provide with access services. In 2023, DMAX was required to provide audio description on 10% of its programming. Ofcom informed the Licensee, Discovery Corporate Services Limited (“Discovery” or “the Licensee”), of this on 6 July 2022.

Subsequently, Discovery reported to Ofcom that DMAX provided 9.1% of its programming with audio description in the calendar year 2023. We considered this shortfall of 0.9% raised potential issues about how the Licensee had complied with the Access Services Code.

We therefore asked Discovery for its formal comments on this matter.

Response

Discovery apologised to Ofcom for the “unfortunate incident” and said that it was “extremely aware that accessible content is a necessity for people with sight loss and blind people, and people with hearing loss and deaf people” in order to access programming. It said that it is “committed to making great efforts to comply with Ofcom’s regulatory framework on Access Services” and stated that it has not only “traditionally achieved the quotas” for its channels but also “strive[s] to make as much content accessible as possible”.

Discovery said it has “clear processes in place” to ensure it meets the requirements set out in the Access Services Code but that, on this occasion, the requirements had not been met due to “human error by an individual responsible for monitoring the performance of the channel”. The Licensee said that it takes this matter “extremely seriously” and that it “profusely regrets failing to provide people with sight loss and blind people the amount of accessible content that they have been familiar with DMAX delivering”.

It said that, as a “means of redress”, it “pledges to not only ensure that DMAX achieves the required 10% Audio Description quota for 2024 but will invest in delivering an additional 5% of programming containing audio description during 2024”, resulting in an average of 15% across the year.

The Licensee added that, having conducted an investigation into the incident, it is “apparent that there is room for improvement” with its processes and that it would be implementing the following “additional protections to avoid unintentionally failing to achieve” the required levels of provision in the future:

- providing compliance training to “reinforce the importance of delivering accessible content to consumers and monitoring our performance to adhere to Ofcom’s access services quotas”;
- amending processes to ensure that a “supervisor or manager also monitors the performance of the channel shortly before the end of each quarter” and that “another member of the department corroborates” the accuracy of data on the provision of access services before it is provided to Ofcom; and
- “refining our current programme selection process and use it as a more effective opportunity to allow channels to achieve access services quotas from the programme planning stage”.

Ofcom prepared a Preliminary View in which it considered the matter to be resolved and provided it to the Licensee for its comments. In response, the Licensee confirmed that it had no further comments on the matter.

Decision

The [Communications Act 2003](#) sets the responsibilities of broadcasters for the accessibility of broadcast content. It makes specific mention of audio description and sets statutory targets for broadcasters. These obligations are reflected in Ofcom’s Access Services Code.

Under Section 4 of the Access Services Code, Discovery was required to audio describe 10% of DMAX’s programming in 2023. However, only 9.1% of the channel’s output was provided with audio description which could have adversely impacted those who depend on these services to access television programmes.

We took into account the Licensee's representations regarding the circumstances resulting in its failure to provide its full audio description requirement on DMAX. We also took into account that: the under provision in this case was relatively small; the Licensee said it has taken steps to prevent a recurrence; and it has committed to providing audio description on 15% of its programming in 2024 (5% over its requirement of 10%). In light of these factors, Ofcom considered the matter to be resolved.

Resolved