[GB] Sports TV channel fined GBP 120,000 by Ofcom

IRIS 2014-7:1/22

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The broadcasting regulator Ofcom imposed a GBP 120,000 fine on ESPN on 2 June 2014, after the sports TV channel failed to meet its targets for providing audio description on its programmes.

The channel was meant to provide the service for visually impaired viewers. It includes describing such things as body language, expressions and movements.

However, in 2012 it only managed to provide this on 2.3% of programmes instead of the 5% it had agreed to under Condition 9(1) of its licence. It had also missed the target in 2011, as reported in Ofcom's Broadcast Bulletin of 5 August 2013, leading the regulator to conclude that the breach of Rule 8 (now Rule 9) of the Code was "both serious and repeated".

As a result, the watchdog said that people with visual impairments have been excluded from access to ESPN's programmes.

Ofcom said ESPN had argued that television sports commentary does give visually impaired people some level of description by its nature. But the regulator said: "Television commentary of live sport presumes the viewer can see the action. It is unlike radio commentary in this respect, and is not provided with the needs of the visually impaired in mind."

ESPN, which was bought by BT in July 2013 and which had a licence to some English premier league and FA Cup matches between 2009 and 2013, said that live sport was not generally suitable for audio description on television.

The regulator noted that the channel had been co-operative during the investigation and had taken some steps to rectify the situation including commissioning audio description for a series of sports documentaries.

However, Ofcom ruled that the breach was so serious that it warranted the imposition of a statutory sanction under its sanctions procedures. As such, it decided ESPN should pay a fine of GBP 120,000 and broadcast a statement of the regulator's findings.

Sanction 93 (13): Decision by Ofcom to be imposed on ESPN (Europe, Middle East Africa Ltd)

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http://stakeholders.ofcom.org.uk/binaries/enforcement/content-sanctions-adjudications/Ofcom-Decision-ESPN.pdf

Ofcom Broadcast Bulletin 255, Notice of sanction, pp 6-7, 2 June 2014

http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb2541/obb255.pdf

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