



Response to Ofcom consultation on a Review of Regional Production and Programming Guidance.

February 2019

The BECTU Sector of Prospect is a trade union organisation representing over 43,000 members in entertainment and telecommunications. More than 14,000 members describe themselves as freelancers, many of them working in the TV and Film production sector, often on engagements that result from programmes commissioned by the UK's public service broadcasters. We welcome this opportunity to comment on Ofcom's proposals for new guidance on regional TV production, since many of our staff and freelance members are engaged in this area.

BECTU supports the concept of regional production quotas among PSBs, and believes that opportunities to work on a wide range of programming should be distributed fairly across the UK on a geographic basis. The existing guidance has contributed to an increase in regional TV production which has benefitted both the skilled workers in regional centres, and viewers, who have had access to more programming which reflects the broad range of cultural expression in our diverse nation.

We recognise Ofcom's observation that the TV and film industry tends to be more active in the South East of England than elsewhere, but acknowledge that this, to some extent, reflects that there has been a concentration of skills and investment in that region, to the detriment of activity elsewhere in the UK. Over time, the Ofcom quotas for PSB regional production should help to balance out this disparity across regions, but progress in this direction has been relatively slow.

It is right that Ofcom should review its guidance on the definition and purpose of regional TV production, and BECTU supports the proposed new criteria to define whether or not a given programme commission is genuinely regional.

On the first criterion of "substantive base", we support the strengthening of the establishment test, as proposed by Ofcom. We are aware anecdotally from thousands of members in the production sector that so-called "brass-plating" is still commonplace, whereby a London-connected or London-based production company can secure an ostensibly regional commission simply by establishing a modest office presence in the relevant region, while retaining links with London, and using predominantly London-based crew on productions outside the M25.

We therefore support the proposal by Ofcom that production companies bidding for commissions within the regional quota should demonstrate a substantive and permanent base in the relevant region. The test of whether executives and senior personnel are based in the region is also welcome, and should reduce the number of "brass plate" commissions that are undertaken.

The second change to criteria is the expansion of the budget base used for the 70% spend threshold to a production's entire budget, rather than the contribution of the immediate production company without accounting for third-party investment. This seems logical and fair, and in many cases will lead to higher expenditure on production activity outside the M25, which will be a benefit to regional centres. It may also help to ease some of the local capacity shortages which stem in part from the current inability of the market to offer sufficient critical mass of demand for skilled labour to justify workers staying in their area of origin, rather than moving to London.

Lastly, on the third criterion defining the proportion of crew on designated regional productions who live outside the M25, we are minded at present to support the status quo figure of 50%, as Ofcom has proposed, but believe this should be kept under review until the impact of changes to the other criteria have become apparent. The percentage of outside-M25 crew is the most contentious criterion in the Ofcom guidance from the point of view of BECTU's members working in the production sector.

Regional members frequently complain that productions commissioned in their areas are often staffed by crew "flown in from London", depriving local workers of opportunities for engagement. Equally, we are aware of regional companies that "brass plate" an office just outside the M25 to make a quota-friendly regional production, whilst using crew from the London area, which defeats the intention of quotas in the first place.

We accept that the South East of England has become the UK's de-facto hub for audiovisual production, partly as a consequence of investment decisions, and the location of commissioners within the TV industry. However, the change in demographic of the TV and film production workforce over more than 25 years is also a factor, with the vast majority of workers in the sector now being self-employed. Historically the two main producing PSBs, BBC and ITV, maintained significant pools of permanently-employed labour at their regional centres, which provided the critical-mass demand for skilled workers on a local basis.

The drift into pervasive freelance working, not only within those two broadcasters but with the arrival of Channels 4 and 5 whose business models are based on commissioned, rather than in-house production, has exacerbated the concentration of the industry in the South East, as precarious workers, quite literally, "follow the work" to the UK's production hub.

If PSBs were still significant local employers outside London, offering stable employment opportunities to TV and film industry workers, and producing world-class output, there would be less tendency for the workforce to migrate to the South East, where currently they see sufficient demand for contingent labour to guarantee a fairly steady income, and assignments that test and improve their skill levels.

The issue of workforce planning among PSBs may be beyond Ofcom's remit, although there is arguably an obligation under statute for these broadcasters to improve the skills of workers in the sector. However, in refining the criteria for inclusion of TV productions in the quotas for regional output, Ofcom should be mindful that the nature of employment in the industry has, in part, contributed to the growth of London and the South-East as a dominant centre, which the quotas are intended to ameliorate.

In conclusion, BECTU Sector of Prospect supports the proposed changes in guidance contained in the Ofcom consultation documents, but believes that the 50% quota for behind-camera talent should be kept under review.

Any queries about this response should be directed to Tony Lennon, BECTU Freelance and Research Officer, at tlennon@bectu.org.uk or by telephone: 020 7346 0900.
