

A Submission to the OFCOM Consultation on BBC Performance

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1

At what point do Ofcom's requirements modify the claim that Ofcom does not seek to 'set *BBC programme or service strategies or budgets*' ?

For example, to state that '*we propose increasing existing targets on TV for the BBC in these genres (arts, music and religion) and are proposing some new peak-time obligations for arts, music and religious programming on BBC One and Two.*' begs the question of how far this is regulation and how far setting a strategy.

2

How will OFCOM assess what constitutes '*accurate representation and authentic portrayal*' given that questions of cultural and national identity are keenly contested ?

Moreover, it seems that this is to be attempted by reference to 'network content' .

Presumably this means UK wide networks rather than, say the new BBC Scotland 'channel'

Why is this and what are the implications of such a limited approach?

What is to happen to this criterion when the new BBC Scotland Channel comes on stream?

3

The Communications Act 2003 also requires us to have regard, as appropriate, to certain other principles where we consider them relevant. We consider the following to be relevant to this consultation:

Yes but what has happened to the principle of meeting the needs of citizens, OFCOM's primary duty under the Act. The term Citizen and attention to the Citizen interest is rather lacking in this document: this is a common failing in OFCOM publications and policies

4

It is difficult to understand the rationale for '*placing factual and documentary conditions being placed under the second public purpose*'

While you acknowledge that '*These conditions also contribute to the delivery of the first public purpose*' Purpose 3 (especially) and 1 would seem more suitable as the purpose under which factual and documentary should be placed, would it not?

5

The BBC is to

(4.43.2) largely have flexibility to decide which Parliamentary debates it wishes to cover on BBC Parliament, excepting coverage of Assembly and Parliamentary proceedings in the devolved nations.(4.43.2)

This seems to be a prima facie case of interference with the independence of the BBC. If the BBC is not fully independent in this area, who else is implied by 'largely' and for that matter, why the distinction between Westminster and Holyrood?

Does this mean that the BBC has no flexibility in relation to the Scottish Parliament?

Significant redrafting is needed here.

6

We have also proposed under public purpose three a condition which would introduce first-run UK originations conditions on CBBC and CBeebies to address the decline in new UK commissioned children's programming).

Why should the BBC only have to address the gap in childrens' programming when Ofcom could and should use its powers to apply regulatory conditions in this area to require other psb providers to improve their provision of programming for children?

What is the evidence base for claiming that *Audiences are broadly satisfied with news in the nations and regions?*

This is a questionable assertion and does not fit with the broader picture. In particular, it confuses and neglects to appreciate that portrayal is also a factor in understanding the consumption and reading of news.

As context for assessing the BBC's performance on accurate representation, we will use the BBC's diversity reporting and consider whether the BBC's output and services overall represent the populations of the UK.

For portrayal, we will consider whether audiences feel that the BBC, overall, portrays audiences authentically. Given the subjective nature of portrayal, our assessment will review the BBC's and our own audience satisfaction measures on how audiences feel they are portrayed by the BBC.

This is not enough. Such research needs to have a robust evidence base and not just questions overall satisfaction but be based on concrete examples of content and portrayal as well as patterns of media consumption. In addition, and crucially, the research would need to include weightings to take account of predispositions towards the question of independence for Scotland and/or maintaining the Union.

This assertion that '*audiences are broadly satisfied with news in the nations...*' does not inspire confidence in the integrity of OFCOM research as this claim goes well beyond the research evidence.

Moreover, even if somewhat unfairly at times, it is BBC news rather than ITN/ITV reporting of the Scottish independence referendum which was the focus of substantial concerns in and across civic Scotland

Some years ago, I asked OFCOM what they were doing to ensure that their licensee's took account of the findings of the BBC Trust Report on reporting of the four nations.

http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/review_report_research/impartiality/uk_nations_impartiality.pdf

The reply I received was unacceptable and designed to kick the issue into touch: it was evident that OFCOM had sidelined the issue. (I retain copies of the email exchanges.)

Now that OFCOM has responsibility for regulating the BBC, with this communication, I am placing a formal request that you revisit this issue and consider how and how best to ensure that all your licensees are held to standards equivalent to that required for the BBC in the reporting of the four nations.

I await your response with interest and in a reasonable time frame.

8

8.1

4.110 Our proposed approach is to provide a stronger focus on production in each nation of the UK and on guaranteed levels of programming for the nations and regions the levels of these quotas have been increased to capture historic over-delivery (i.e. above the levels set by the BBC Trust) where appropriate.

Why capture what you claim to be 'historic over delivery'? This seems to be a failure of imagination and policy, not least because many in the nations and regions would take a dim view if not laugh at the idea that they have been provided with 'over delivery' It may be that you are taking a narrow view of data in a specific snapshot but surely more and better is required.

8.2

We propose to set out in the operating licence high-level objectives which we consider the BBC should meet in promoting this public purpose.

(4) We propose that the BBC should do the following: ...

4.109.2 distribute its production resources across the UK ensuring that it supports the creative industries in the nations and regions. This should also include production across the regions of England and build sustainable growth for the creative industries across the UK

This is too general and easily met. What is needed is a nation specific requirement which attempts to enable the creative economy to flourish. This aspiration seems to be just that. If you believe that the BBC should do this, then be more specific. This can be done without compromising the BBC's independence by setting targets for PSB as a whole .

This would be the true 'citizen' as well as consumer interest.

8.3

4.117

We have proposed individual quotas for each nation which replace the out-of-England quota and we propose aligning the format of the original production quota for BBC Alba with those of other services under the third public purpose.

Not before time.

Our 2015 research has identified as feeling under- represented and poorly portrayed by PSB broadcasters. These include older women, younger women and younger men, as well as audiences across a range of different religious groups. We expect the BBC to work to improve audience satisfaction among the audience groups who feel under-represented and poorly portrayed over this next charter period

Good, especially but not exclusively in relation to older women.

Robert Beveridge

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Addendum to my submission.

re Portrayal and performance in the context of Scotland (and indeed the smaller nations in the Union)

OFCOM needs to take account to the fact that portrayal includes and must include news.

It is self evidently the case that news is comprised of stories. Stories involve decisions about representation and portrayal.

The BBC's own research points to purpose gaps which signify substantial unhappiness amongst viewers in Scotland.

If OFCOM seeks to address these in terms of analysing and evaluating portrayal in ways which separate out news as a distinct and different category and do not allow for the impact of portrayal in news and current affairs programmes- (agendas. discourse etc) then this OFCOM work will be flawed.

The existing BBC and OFCOM research does not support the contention that 'audiences are broadly satisfied with news...'

OFCOM needs to take a 'broader' view of news content and consider the issue of portrayal as part of the assessment of content across genres including news.

Robert Beveridge