



Consultation Response

17 July 2017

DETAILS

Consultation title: BBC performance

Name of respondent: MG ALBA

CONFIDENTIALITY

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1. Introduction.

MG ALBA is short for Meadhanan Gàidhlig Alba (Gaelic Media Scotland) and is the operating name of Seirbheis nam Meadhanan Gàidhlig or the Gaelic Media Service.

MG ALBA's statutory purpose is set out in section 208, Communications Act 2003:

"to secure that a wide and diverse range of high quality programmes in Gaelic are broadcast or otherwise transmitted so as to be available to persons in Scotland"

"...and a reference to being available to persons in Scotland includes a reference to being available both to persons in Scotland and to others"

Governance oversight of MG ALBA is exercised by Ofcom, who appoint members of the board of MG ALBA subject to the approval of Scottish Ministers.

MG ALBA is funded by the Scottish Government.

2. BBC ALBA

MG ALBA funds and operates BBC ALBA (the Gaelic language television channel) in partnership with the BBC. BBC ALBA is the first partnership television service to operate under a BBC licence.

BBC ALBA fulfils the UK's obligations for Gaelic television under Article 11 of the European Charter for Regional or Minority Languages¹ and is an important part of the Scottish broadcast ecology, commissioning a large proportion of all independently produced TV content in Scotland.

MG ALBA funding

In 2017/18, MG ALBA expects to provide over £12m in programming and channel support. MG ALBA has been funded as follows:

| | 2014/15 | 2015/16 | 2016/17 | 2017/18 |
|-----------------|---------|---------|---------|------------|
| SG FUNDING | £13.2m | £12.8m | £12.9m | Est £12.8m |
| UK GOVT FUNDING | £1.0m | £1.0m | | |

BBC funding of Gaelic television broadcasting

The BBC makes the following contribution to BBC ALBA (Annual Reports, 2015 and 2016):

| | 2014/15 | 2015/16 | 2016/17 | 2017/18 |
|-------------|---------|---------|------------------------|------------------------|
| BBC CONTENT | £6.0m | £5.5m | Est £6.4m ² | Est £6.7m ³ |
| BBC SUPPORT | £3.0m | £2.3m | TBA | TBA |

The BBC, in its draft Annual Plan 2017/18⁴ forecasts a contribution to BBC ALBA of £7m of content and has pledged another "up to 100 hours" pa by 2020.

Assessment of BBC ALBA

BBC ALBA has been a success but it faces significant challenges.

¹ <https://rm.coe.int/1680695175>

² As below

³ Estimate based on 2015/16 BBC content spend of £5.5m as reported in the BBC's Annual Report 2016 and information provided to the Scottish Parliament in September 2016 advising increased content spend of £1.2m, £0.9m in 2016/17 and the balance in 2017/18. See page 27 of http://www.parliament.scot/S5_European/General%20Documents/SPICe_BBC_session_summary.pdf

⁴ http://downloads.bbc.co.uk/aboutthebbc/insidethebbc/howwework/reports/pdf/BBC_Annual_Plan_2017-18.pdf

The BBC Trust's Audience Council for Scotland regularly reviewed the performance of BBC ALBA. In its 2015/16 report⁵ the Council noted:

"The channel exceeds the targets set for it by the Trust but suffers from under-funding which may not be sustainable in the longer term."

"Overall, the channel needs more funding to boost the proportion of originations in the schedule."

In its final recommendations⁶ prior to its dissolution the Council added:

"BBC Gaelic services should be entirely funded from the centre, not from BBC Scotland's budget, and the BBC should set a strategy to resolve any inappropriate disparity in the funding of BBC indigenous minority language services across the UK."

BBC ALBA's weekly reach, nationally and among the core audience, is falling. This is particularly noticeable among the 16-44 age-group. Core audience research in the final quarter of 2015/16 indicated a specific correlation between a decline in first-run originations and the decline in reach.

Output

In 2017/18 BBC ALBA's schedule is expected to comprise 73% repeats.

BBC ALBA broadcasts for 7 hours per day, of which only 1.9 hours per day on average will be first-run originations in 2017/18. This compares to almost 8 hours per day of first-run content by S4C and almost 5 by the Irish language channel TG4.

The BBC's commitment to weekend news bulletins and "up to 100 hours" of additional programmes by 2020 are expected to increase first-run output to 2.1 or 2.2 hours per day. This is still short of the 3 hours per day agreed as necessary by the partners at the time of the launch of BBC ALBA.

In the absence of further interventions, therefore, BBC ALBA will continue to significantly under-provide. In particular, we highlight under-provision in programme genres of drama (only 2.5 hours pa), comedy (about 1.5 hours pa), children's, young people, entertainment and learning.

3. BBC performance framework and draft Operating Licence for 2017/18

MG ALBA is pleased to be able to make this contribution. We do so from a context of significant disappointment with the limited extent of the proposed BBC commitments for Gaelic broadcasting and a desire for Ofcom to enable a coherent and transparent BBC policy for the UK's indigenous minority language PSB channels.

We also seek to ensure that the BBC Operating Licence fully understands the role and purpose of Gaelic television and takes this into account in setting quotas for BBC ALBA that are meaningful for audiences and consumers. We do not believe the current draft achieves this and offer our constructive comments and suggestions below.

The BBC Annual Report for 2015/16 said (page 66):

⁵ http://www.bbc.co.uk/bbctrust/who_we_are/audience_councils/scotland/annual_review.html

⁶ http://www.bbc.co.uk/bbctrust/who_we_are/audience_councils/scotland/annual_review_2017

“Distinctive doesn’t mean niche, market failure broadcasting. Channels like BBC ALBA and BBC Four are obviously different from anything else on television but it’s arguable that our most distinctive service is BBC One.”

There is a risk that the role and purpose of indigenous language channels may be misunderstood. We will address that in this submission. An association, for example, with “niche, market failure broadcasting” may not be helpful, accurate or entirely valid.

This submission, therefore, offers Ofcom the opportunity to re-cast the context for the whole of the discussion on the role and purpose of indigenous language broadcasting in the UK and how the BBC ought to support it.

We have not organised our comments by reference to Ofcom’s questions, as many of the points we raise are of a fundamental nature.

We do however deal with the first question directly.

Q.1 Do you agree with our overall approach to setting the operating licence?

In general, yes.

“This consultation sets out how we intend to implement an effective regulatory regime until the end of the Charter period in 2027 that will hold the BBC to account against its plans” (1.7)

We agree that this exactly what Ofcom should do.

However, two questions arise: (1) what is Ofcom’s role in challenging the sufficiency of the BBC plans; and (2) are additional mechanisms (beyond those proposed by Ofcom) required to hold the BBC to account for certain of those plans?

Sufficiency of BBC plans

In general, we note that Ofcom proposes to start with current BBC performance as a baseline, generally setting quotas at or close to what has been achieved by the BBC in recent years. However, we also note that Ofcom proposes to direct the BBC to create certain economic impacts (network production outside London) and protect certain genres (for example, music, arts and religion). It is instructive to note that Ofcom is also concerned at the diminution of children’s programming generally in the UK, and directs the BBC to achieve a certain number of hours of first-run programming for children on both CBBC and Cbeebies. The BBC have already responded to this challenge (4 July 2017) by announcing

“its biggest investment in children’s services in a generation - an additional £34 million across the three years to 2019/20, over and above existing budgets”.⁷

It is reassuring to see Ofcom and the BBC so aligned in their thinking on children’s programming.

Will Ofcom be prepared also to insist that the BBC addresses other areas of public policy that are anomalous and require intervention?

We are thinking in particular of broadcasting in the other indigenous languages of the UK.

The BBC has a long history of supporting Gaelic language broadcasting, and is held in affection by many users of Gaelic, as the reach and appreciation indices of its Gaelic services among the core

⁷ <http://www.bbc.co.uk/mediacentre/latestnews/2017/bbc-investment-childrens>

audience demonstrate. The organic development of Radio nan Gàidheal over the years has been well received by audiences and has been achieved at very little cost. Similarly, the BBC found the flexibility and funding to enter into a partnership for a Gaelic television channel in 2008, putting an extra £2.5m into content at that time as well as providing distribution.

Despite this long-standing support, there is no BBC policy position on how it will support speakers and learners of indigenous minority languages in a consistent manner.

Nor does the BBC have a coherent policy on how it intends to support the UK's two indigenous minority language television channels, S4C and BBC ALBA. This is a matter that the BBC Trust pledged to address as far back as 2011, after the BBC became the majority funder of S4C, and which, as noted above, the Audience Council for Scotland included as one of five "future priorities and considerations for the new BBC Board":

"a strategy to resolve any inappropriate disparity in the funding of BBC indigenous minority language services across the UK".

We wish to highlight just two anomalies:

The BBC provides 10 new programmes per week to S4C, and expects to do so in 2017/18 at a cost of £25m (see draft BBC Annual Plan 2017/18). This represents an average cost per hour of £48k. For BBC ALBA, the BBC has budgeted £7m to fund around 5 hours of new programmes per week, an average cost per hour of around £26k.

The anomalies are evident:

- the BBC provides twice as many programmes per week to S4C as to BBC ALBA, and
- the BBC spends almost twice as much per programme for S4C as it does for BBC ALBA.

Statutory compulsion explains the number of hours provided by the BBC to S4C but does not explain the BBC's thinking as to why 5 hours per week (rising potentially to 7 hours per week by 2020) is sufficient for BBC ALBA.

Nor does it explain why the BBC on average should spend almost double on each Welsh language programme compared to its spend on each Gaelic programme.

These are important policy matters and we urge Ofcom, in its role as regulator of the BBC and the guardians of public service broadcasting in the UK, to engage with the Board of the BBC in order that the BBC might establish and publish a policy for funding the indigenous language channels of the UK in such a way as to address current discrepancies. This is what the Audience Council recommended and, accepting that each Nation may need bespoke structural solutions, it is essential - in the interest of transparency, equity and accountability - that this is achieved.

Will Ofcom, therefore, undertake to ensure that the BBC Board articulates a coherent and transparent policy position on indigenous minority language broadcasting which will be published so that it can be the subject of meaningful dialogue?

The BBC's plans for Gaelic television broadcasting

The BBC's general statement of intent and their plans for this financial year are set out in the BBC Agreement⁸ (the "Framework Agreement") and in the draft BBC Annual Plan 2017-18.

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/584329/57965_Cm_9366_Print_1_.pdf

Paragraph 40 of the Framework Agreement states:

40. Scotland

(1) The BBC must continue to support the provision of output in the Gaelic language in Scotland.

(2) Through its partnership with MG Alba, the BBC must continue to provide a television service supporting MG Alba's function of securing that a wide and diverse range of high-quality programmes in Gaelic are broadcast or otherwise transmitted so as to be available to persons in Scotland.

Paragraph 40 is highly significant for the future of Gaelic television broadcasting. It commits the BBC to supporting MG ALBA to fulfil its statutory remit. The only other comparable third-party commitment in the Framework Agreement is the one which the BBC makes, in paragraph 39, to pay £75m per annum to S4C.

However, whereas the BBC's commitment to S4C under paragraph 39 is self-evidently measurable, neither the Framework Agreement nor Ofcom's draft Operating Licence for 2017/18 set out how the BBC's commitment under paragraph 40 will be measured; nor do they indicate how the BBC will be held to account for its fulfilment.

Who, therefore, is to be the arbiter of whether the BBC has adequately supported MG ALBA in the fulfilment of its function, as required by the Framework Agreement?

We suggest that a specific mechanism is required.

Proposal: Annual Statement of Gaelic Media Content Policy

*We propose that Ofcom should require the BBC annually to furnish a **Statement of Gaelic Media Content Policy** as part of its Annual Report and Accounts.*

This would be a formal statement on how BBC ALBA has supported the fulfilment of MG ALBA's statutory remit to secure the broadcast of "a wide and diverse range of high quality programmes in Gaelic" as set out in section 208 Communications Act 2003 and as replicated by paragraph 40 of the BBC Framework Agreement.

The Statement would be formally reviewed by Ofcom with correspondence copied to the Secretary of State and Scottish Ministers as well as being in the public domain.

This would mirror current Ofcom arrangements for holding Channel 4 to account for the remit set out in section 22, Digital Economy Act.

If adopted, the outcomes of review of the Statement of Gaelic Media Content Policy would inform future Operating Licences and BBC Annual Plans.

BBC quotas

The consultation document provides the following overview of how Ofcom proposes to set quotas for the BBC:

"The BBC exceeded many of its 2015/2016 quota requirements in each of the five years, in some cases by a very wide margin. We therefore propose in many cases to increase existing

quota requirements. We compared the BBC's quota with an average of its actual delivery over the past five years. Where the BBC's average output consistently exceeded the quota, we propose to increase that quota by 10%. Where it did not, we generally propose no change, unless we have a specific policy..." (4.23)

We accept the general principle of setting output quotas at a level which the BBC is currently achieving except where intervention is required to put new priorities into focus or address long-standing inequity or failures.

We agree with the approach that:

"seeks to preserve the BBC's editorial and creative freedom while also holding the BBC to account for important outcomes for audiences....It is for the new BBC Board to determine its own strategy. But we have imposed regulatory conditions where we think it is in the interests of citizens and consumers to do so, and to ensure the BBC delivers its mission and public purposes as required under the Charter and Agreement." (1.10)

A single Operating Licence

We welcome the simplicity and directness of a single BBC Operating Licence, holding the BBC to account as a single institution.

However, there should be an important place in Ofcom's toolbox for specificity by service.

We suggest that Ofcom incorporates a specific service-by-service perspective in the way that it holds the BBC to account so as to protect distinctiveness in individual services and ensure that possible public accountability challenges are fully met when the BBC seeks to significantly change, reduce or add to its services.

Current services have evolved to meet specific needs and channel and station brands play a special role for their audiences and consumers.

In that regard, BBC ALBA is unique not only because it is the only Gaelic television channel in the world but because it is also the only service that the BBC funds and operates in partnership. This is a special arrangement for a number of reasons:

- BBC ALBA fulfils the UK's obligations for Gaelic television under Article 11 of the European Charter for Regional or Minority Languages;
- BBC ALBA is founded on a contract between the BBC and MG ALBA, entered into in 2007 and executed in 2008 with the support of the UK Government, the Scottish Government and Ofcom.
- The BBC and MG ALBA have an equal voice in decision-making about BBC ALBA.
- The BBC are now obliged by paragraph 40 of the Framework Agreement to "continue to provide a television service supporting MG Alba's function" and continue to rely on MG ALBA resources to do so;
- Governance oversight of MG ALBA lies with Ofcom. The Communications Act 2003 requires Ofcom to manage MG ALBA's income, consider MG ALBA's annual Operating Plan and to have final say over MG ALBA staff recruitment and choice of statutory auditors.

All of the above makes it clear that decisions about Gaelic television, and BBC ALBA in particular, are a matter for consensus among parties including, but also extending beyond, the BBC and Ofcom.

Ofcom are in the unique and privileged position of being able to direct both the regulatory regime for Gaelic broadcasting (BBC ALBA) and the governance regime (MG ALBA) that, together, seek to serve audiences in Scotland and beyond with the wide and diverse range of high quality programmes in Gaelic required by both statute and, now also, by paragraph 40(2) of the Framework Agreement.

This specificity by service, in the case of BBC ALBA, could be addressed through the mechanism of an annual Statement of Gaelic Media Content Policy, following the Channel 4 model as suggested above.

If an appropriate mechanism and measures are not established for BBC ALBA, the Operating Licence conditions in relation to BBC ALBA will risk not meeting the paragraph 40 Framework Agreement requirements, and consequently Ofcom will find that by consenting to low regulatory requirements for BBC ALBA they will thereby be complicit in causing MG ALBA to fail in its statutory duty, for which MG ALBA is in turn accountable to Ofcom.

Therefore, we urge Ofcom to ensure that the regulatory and the governance requirements for Gaelic television broadcasting are harmonised so that regulatory conditions become enablers of statutory fulfilment to the benefit of audiences and consumers.

4. The draft Operating Licence – detailed comments

MG ALBA has specific comments on the draft Operating Licence from a Gaelic broadcasting perspective. The relevant provisions are copied for convenience.

Objectives

| | |
|------------------------------------|--|
| <p>1.31 (1.31.1 to 1.31.4)</p> | <p>“In relation to the United Kingdom’s nations and regions, the BBC should:</p> <ul style="list-style-type: none"> • ...; • ...; • ensure programming for the nations and regions serves and creates content of interest and of relevance to the people living in the area for which the service is provided. Within Scotland, Wales and Northern Ireland <i>this should include a wide range of genres, including drama, comedy, sports and indigenous language broadcasting</i>; and • ...” |
|------------------------------------|--|

The classification of indigenous language broadcasting as a “genre” is not accepted.

The Gaelic, Welsh, Irish and, for that matter, Maori and Basque language television channels are not a genre. Those channels must offer the full range of public service genres in their languages.

We propose that the Objective should read:

| | |
|------------------------|--|
| <p><i>Proposal</i></p> | <ul style="list-style-type: none"> • <i>ensure programming for the nations and regions serves and creates content of interest and of relevance to the people living in the area for which the service is provided. Within Scotland, Wales and Northern Ireland this should include a wide range of genres, including drama, comedy, sports in English and the other indigenous languages of the Nations</i> |
|------------------------|--|

Service description

The description of BBC ALBA is somewhat restrictive.

| | |
|---------------------------|--|
| <u>Schedule 4 (3) (g)</u> | “BBC Alba: a mixed-genre television channel for Gaelic speakers and those interested in the Gaelic language and culture, provided by the BBC in partnership with MG Alba.” |
|---------------------------|--|

The first purpose of BBC ALBA is to serve as a public service channel for speakers and learners of Gaelic and to provide content to those interested in the language and culture. “Users of Gaelic” is a better term as it encompasses speakers and learners of Gaelic as well as consumers and creators of Gaelic culture and media. The second purpose of BBC ALBA is to be useful to the national audience. Indeed, MG ALBA’s statutory remit, as acknowledged in paragraph 40 of the Framework Agreement, is to provide Gaelic programmes to “persons in Scotland” and “to others”. Evidence suggests that BBC ALBA is also of value to viewers in Scotland who report that they are not interested in Gaelic language and culture, with some 10% of them finding content of value for them on BBC ALBA each week.

The BBC ALBA service description would be better described by reference to the audiences it seeks to serve and, by borrowing some words from the draft BBC Annual Plan for 2017/18 published on 3 July 2017, might be better set out like this:

| | |
|-----------------|--|
| <i>Proposal</i> | BBC ALBA: a mixed-genre television channel for <i>users of Gaelic speakers and those interested in the Gaelic language and culture, which also seeks to create impact with mainstream audiences in Scotland and the UK through factual, music and sports genres, and which is</i> provided by the BBC in partnership with MG ALBA. |
|-----------------|--|

Regulatory conditions

Before dealing with the suggested Regulatory Conditions we draw attention to the absence of a particular condition for BBC ALBA – that of “first-run” content.

We start by quoting from the consultation document:

*“1.19.2 To introduce new regulatory conditions that focus on the number of hours of first-run UK originations, across a range of TV services. The BBC is currently subject to quotas for hours of original productions and comfortably meets them. **Our proposed new requirements focus on new, ‘first-run’ content.** Audience research gathered by our most recent PSB Review and our annual PSB surveys shows that new originated content is very important for UK audiences. However, BBC expenditure on first-run UK originations has declined by 30% in real terms since its peak in 2004, and the number of hours has declined by 7% since its peak in 2003. **Greater focus on first-run UK originated content will help ensure the BBC’s services are distinctive, creative, and reflect the diverse communities of the UK.**”*

We fully agree.

Proposed Regulatory Conditions 2.32 and 2.33 then require BBC One and BBC Two to broadcast a certain amount of “first-run” hours.

BBC ALBA is also a multi-genre PSB channel, facing the same types of challenges as BBC One and Two, even if the scale is different.

As a matter of principle, BBC ALBA should also have a “first-run” quota.

If the omission of a first-run quota for BBC ALBA is intended, we invite Ofcom to set out its rationale so that it can be the subject of consultation.

We counsel against taking the view that BBC ALBA and its programmes might already be sufficiently distinctive by virtue of broadcasting in a language other than English. Ofcom’s judgements about matters such as distinctiveness should be language-neutral.

BBC ALBA, despite its scale, seeks to do for users of Gaelic what BBC One does for the nation. For that audience, Gaelic is not the distinguishing mark of the programme or service any more than English is the mark of distinctiveness of the One Show or of BBC One. BBC ALBA may be seen as different if judgements are being made solely or primarily from the perspective of the majority language, but we submit that language ought not to be a factor in assessing distinctiveness, at least for PSB purposes.

BBC ALBA is a multi-genre PSB channel, like S4C in Wales and TG4 in Ireland. It is a “normal” channel, not a special case, and it serves a wide audience with “normal” television content. It is currently starved of “first-run” originations – far below the 3 hours per day agreed as a benchmark by the BBC and MG ALBA in 2007 in the agreement facilitated by Ofcom – and suffers in the same way as other PSB channels when new content is scarce.

Serious consideration should, therefore, be given to establishing a first-run quota which could be agreed between Ofcom, the BBC and MG ALBA (and its funders) that will lead BBC ALBA on a path towards the 3 hours per day of new content that is generally held to be the floor for a multi-genre PSB channel.

We realise that this may be uncomfortable and will meet with funding challenges. But a mutually agreed direction of travel for BBC ALBA, based on a coherent and transparent BBC policy for the indigenous language channels that it funds, will function as a major asset in stimulating creativity and distinctiveness in Gaelic and in other languages.

On a second, related point, it is heartening to see, at 1.19.3, Ofcom stating:

“to ensure that the BBC continues to deliver engaging and stimulating programmes for the youngest audiences, we are proposing new targets for CBeebies and CBBC in relation to new content. We recognise the key role that BBC online plays in children’s and teenagers’ formal education, and we propose to enshrine this in a new condition.”

Ofcom is aware that BBC ALBA also creates and broadcasts Gaelic content for children on BBC ALBA and the iPlayer. This is the only place where children and their parents can access such content. The new first-run targets for CBBC and Cbeebies are warmly welcomed by MG ALBA. However, given that BBC ALBA currently also functions as the “CBBC and Cbeebies for Gaelic”, consideration should be given to how BBC ALBA ought best to serve children whose language is Gaelic or who are learning Gaelic at home and/or in the school or community.

Now on to the Regulatory Conditions proposed by Ofcom.

| | |
|--------------------------|--|
| 2.23 (2.23.1 -2.23.2) | “In respect of BBC Alba , the BBC must ensure that in each week the time allocated to originated programming aimed at those learning the Gaelic language is not less than 5 hours. For the purpose of this requirement, “originated programming”: |
|--------------------------|--|

- | | |
|--|--|
| | <ul style="list-style-type: none"> • does not include news; • includes programming first shown on other UK Public Services.” |
|--|--|

This is the only quantifiable genre condition made of BBC ALBA. It gives rise to a number of issues.

First, focus by Ofcom on this single genre seems to suggest that BBC ALBA may be seen as a specialist channel rather than as a multi-genre PSB channel. For users of Gaelic, BBC ALBA functions almost like BBC One – it is a television home, or first port of call, despite the fact it only offers 1.9 hours of first-run programmes per day. This is borne out by research indicating that some 67% of Gaelic speakers and learners used BBC ALBA each week in 2016/17, watching on average 5.5 hours per week – an incredible statistic given that BBC ALBA broadcast less than 13 hours per week of first-run programmes. BBC ALBA is so much more than a support to learning.

Second, should Ofcom be intervening with television output targets in a genre that is a rather specialised multi-media area? A holistic and meaningful outcomes-based approach to language-learning is preferable, one that encompasses all platforms but which pays particular attention to on-demand, non-linear resources. Television is essentially a passive experience, whereas language-learning is a “lean forward” activity requiring engagement and repetition at times and in environments suitable to the learner. MG ALBA and the BBC are already engaged in the LearnGaelic partnership to provide audio-visual, audio and text-based resources to learners of Gaelic, and this activity will be intensified in this financial year.

In the most recent survey of adult learners of Gaelic⁹, television was cited as the most used learning resource, followed closely by online. Similar observations were made by the BBC Trust in its 2016 service review¹⁰ in statements such as:

“the service in its entirety is undoubtedly seen as a learning resource by its Gaelic-speaking and learning audience”.

The Ofcom requirement of 5 hours per week of “programming aimed at those learning the Gaelic language” is onerous, however, and we would wish to seriously apply ourselves to its fulfilment if it is to remain. While many BBC ALBA programmes are supportive of language-learning, BBC ALBA has only one series “aimed” specifically at learners. “Speaking our Language” was funded by the predecessor of MG ALBA and ran on STV from 1993 to 1996. Its 72 episodes have been versioned for LearnGaelic and are available on DVD. It has been repeated continuously on BBC ALBA since its launch, and while it is a valuable resource, there is an urgent need to create new multi-media language-learning content for Gaelic.

The BBC Trust put it well when they said

“However, the main criticism of the learning content on BBC ALBA by our respondents is that it is dated. Audiences particularly said this of Speaking our Language, the Gaelic language learning programme which was originally broadcast in the mid-1990s. Our research respondents were put off from learning rather than encouraged by this programme. The BBC has worked in partnership with MG ALBA and others to develop a Gaelic learning website, Learn Gaelic. Use of this has grown, and there is some positive audience feedback on it. Beyond BBC ALBA itself, this is a positive example of the benefits of partnership between the

⁹ Bòrd na Gàidhlig, Survey of Adult Learners of Gaelic – 2016 (TKN Consulting)

¹⁰ http://downloads.bbc.co.uk/bbctrust/assets/files/pdf/our_work/nations_radio_news/nations_service_review.pdf

BBC, MG ALBA and other agencies and bodies. We suggest that BBC ALBA and BBC nan Gàidheal review their approach to learning, with particular focus on younger audiences, and consider what refreshment there can be to the schedule with limited additional resources.”

Indeed, the BBC Trust went further by saying:

“closer collaboration with Radio Scotland could help raise awareness of Gaelic language and culture, particularly for non-speakers or new learners of the language.”

In short, we advise against characterising BBC ALBA as a specialist learning channel, although it clearly has a hugely important role in this respect. We suggest that language-learning quotas for television be agreed based on a holistic multi-media approach and we welcome a “stretch target” for BBC ALBA in this genre provided Ofcom and the BBC fully support the creation of new content (and finding the required funding) so as to meaningfully meet that target bearing in mind the needs of the learner.

| | | | |
|-------------------------------|--|---|-------------------|
| 2.31 (2.31.1 – 2.31.2) | “Original productions | | |
| | The BBC shall ensure that in each Calendar Year the time allocated to the broadcasting of Original Productions by each UK Public Television Service set out at column I below: | | |
| | <ul style="list-style-type: none"> • is not less than the percentage of the total time allocated to the broadcasting of all the programmes for that service specified in column II; and • is not less than the percentage of the total time allocated to the broadcasting of all the programmes for that service in Peak Viewing Time specified in column III. | | |
| | Column I | Column II | Column III |
| Service | Original Productions as a percentage of the hours of all programming | Original Productions in Peak Viewing Time as a percentage of the hours of all programming in Peak Viewing Time | |
| BBC Alba | 75% | - “ | |

We agree that BBC ALBA should be treated like BBC One in respect of “original productions”.

| | |
|-------------------------------|---|
| 2.41 (2.41.1 – 2.41.2) | <p>Scotland</p> <p>The BBC must ensure that in each Calendar Year:</p> <ul style="list-style-type: none"> • at least 8% of the hours of Network Programmes made in the United Kingdom are made in Scotland; and • at least 8% of the Expenditure of the BBC on Network Programmes made in the United Kingdom is referable to programme production at different production centres in Scotland. |
|-------------------------------|---|

The BBC’s 4th Public Purpose *“To reflect, represent and serve the diverse communities of all of the United Kingdom’s nations and regions”* ends with words that are sometimes omitted (see for example, the BBC’s draft Annual Plan 2017/18 at page 23, para 3.4): *“and, in doing so, support the creative economy across the UK”*.

We are therefore pleased to see Ofcom make these largely economic interventions. A fair distribution of the economic and creative impact of the BBC is essential, and is currently not achieved. The BBC's Annual report for 2015/16 indicated that while over 8% of the Licence fee was raised in Scotland, only over 5% was spent in Scotland – which was exactly the converse of Wales.

We particularly welcome the principle of a floor on both hours and value of network production in Scotland, but would also welcome a commitment to completely closing the gap between the total amount raised in Scotland and spent in Scotland by the end of the current Charter period.

It would also be highly desirable if the BBC could facilitate the sectoral “mobility” of producers, for example, ensuring that more producers can make content at all levels for the BBC: for BBC ALBA, for the new BBC Scotland channel, if approved, for the BBC's opt out services in Scotland and for network. A healthy production ecology that is largely able to work across tariffs would create significant economic and creative impacts across Scotland. Access to network production for producers based in the Highlands and Islands, for example, would create the potential for significant benefits for UK audiences and disproportionately beneficial economic impacts outside urban areas. We recognise, of course, that contestability and transparency of decision-making make sectoral interventions more challenging than ever, but they are by no means impossible especially if supported by enterprise and cultural agencies.

Finally, in this regard, it is imperative that the BBC facilitates more than ever the internationalisation of content produced in Scotland. This can be stimulated by commissioning practices as well as by sectoral interventions.

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| 2.61 (2.61.1 – 2.61.4) | <p>In respect of BBC Two Scotland, the BBC must ensure that in each Year the time allocated to non-news programming is not less than 200 hours. For the purpose of this requirement, “non-news programming”:</p> <ul style="list-style-type: none"> • includes Gaelic language output; • includes repeats and acquisitions; • does not include news; • does not include current affairs. |
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We recognise the value in multiple points of access to Gaelic content. In practice this may mean that BBC Two may be re-broadcasting BBC ALBA programmes, and that therefore both BBC ALBA and BBC Two may be counting the same programme towards the achievement of quotas.

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| 2.62 | <p>In respect of BBC Alba, the BBC must ensure that the service includes live news programmes each weekday evening, including during Peak Viewing Time, and a longer news review at the weekends.</p> |
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On 22 February 2017, the BBC announced that live news on BBC ALBA would be extended to weekends.

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| 2.64 (2.64.1 – 2.64.2) | <p>In respect of BBC Radio nan Gàidheal, the BBC must ensure that:</p> <ul style="list-style-type: none"> • it includes news frequently across the day, particularly between 07:00 to 08:30 and 16:00 to 19:00 on Mondays to Fridays and 07:00 to 11:00 on Saturdays and Sundays; and • it provides content and music of particular relevance to Scotland. |
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BBC Radio nan Gàidheal is a prized resource for users of Gaelic, as important them as no doubt Radio Cymru is for users of Welsh. We are interested to note that while Ofcom is prescriptive about Radio Cymru’s news output (“weekly quota for news and current affairs (23 hours)”) its requirement for Gaelic news is not so exact.

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| 2.65 (2.65.1 – 2.65.2) | In respect of BBC Online , the BBC must ensure that: <ul style="list-style-type: none">• it provides content in Gaelic; and• it provides dedicated coverage of sport in Scotland. |
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We welcome the commitment to Gaelic online but in the absence of a measure the regulatory condition is mainly symbolic.

Conclusion

We thank Ofcom for the opportunity to review the BBC’s performance framework and draft Operating Licence.

Our main points are:

- BBC ALBA should be treated in principle like any other multi-genre PSB channel, and should therefore have a quota for first-run originations;
- We ask Ofcom to set genre quotas for BBC ALBA (e.g. Learning) based on what is most meaningful for users, and in a direction of travel towards 3 hours per day of first-run originations;
- We ask Ofcom to urge the BBC Board to implement the Audience Council’s recommendation that “the BBC should set a strategy to resolve any inappropriate disparity in the funding of BBC indigenous minority language services across the UK”; and
- We suggest that Ofcom take the opportunity to harmonise regulatory and governance functions in relation to Gaelic broadcasting, to ensure that regulatory conditions for BBC ALBA support fulfilment of MG ALBA’s statutory remit. In this regard, we propose a requirement for the BBC to prepare an Annual Statement of Gaelic Media Content Policy, on the model already in place for Channel 4.

We would be most happy to provide any further information required by Ofcom.