

Dear Ofcom Made Outside London Review,

I'm writing here as an individual, rather than as representative of the organisation I'm currently working for. These are my own views and won't necessarily reflect those of my employer.

There is a perception from many in the production community that the Made Outside London criteria set by Ofcom are an annoyance and something that need to be 'got round'. That attitude isn't prevalent in those who choose to make their careers in the Nations and Regions, more from those who are requested or required by channels and commissioners to relocate a production out of London. But it is pervasive and until Ofcom acknowledges and deals with the regulatory deficiencies in its own strategy it will continue to fail to get the medium- and long-term outcome the strategy is there to achieve. Broadcasters likewise.

The desire to 'get round' the criteria is common. Even when discussing co-productions with London-based companies I have been asked for to help minimise the impact of the Ofcom N&R criteria. Both Channel 4's and the BBC's commissioners are both improving slowly in their attitudes to their own Nations and Regions policies – the siting of commissioners in Scotland for the BBC and the presence in the C4 N&R office of someone who made their own production career in the Nations has contributed to that improvement. Yet in order to meet the targets they have set themselves, the broadcasters are frequently in the business of requiring a production to be made in the Nations and Regions when that is neither the idea's natural home, nor a location that has any relationship with the production company. There are examples of this in multiple genres at both broadcasters. This inevitably leads to the 'pop-up' phenomenon where a London company will temporarily locate a production outside of London without establishing a substantive base and with little thought for developing sustainable production in the Nations and Regions.

It points to the fact there are multiple stakeholders who need to coordinate properly in developing and executing an effective Made Outside London strategy for the broadcast industries. The regulator, of course, needs to regulate, oversee and audit. The broadcasters are required to understand and respect not just the letter of the criteria but also their spirit and intention. The producers themselves to do similarly, but also to embrace the criteria as an opportunity to contribute to diversification and strengthen their businesses, rather than as a geographical annoyance.

One can only read the very existence of Made Outside London strategies at Ofcom and the broadcasters as an attempt to foster healthy production communities around the whole of the UK. That range of producers, suppliers and voices can help create a pluralist sector and to properly reflect the regional diversity of the nation on television. Your own questionnaire as part of this consultation speaks of 'the sustainability of the production sector outside the M25'. If we accept that sustainability is the ultimate purpose of the criteria – and it's hard to see any other – then it becomes important to view the impact of the criteria through their chances of nurturing, enabling and growing the production centres in the Nations and Regions.

An analysis of the growth in the indie sector in Scotland, for instance, points to impressive progress – 9% growth every year for nearly a decade. Yet if the Made Outside London criteria were working as intended then we could expect to see the growth almost exactly matching the increase in spend. Sadly, that doesn't appear to be the case. Percentage increase in growth lags behind percentage increase in spend.

That suggests very strongly that the current criteria are enabling an increase in production in Scotland, but they're not having as effective an impact on production from Scotland. Which brings us

back to the question of what the criteria are for and what medium- and long-term outcomes they exist to achieve. I would argue that production in Scotland isn't as sustainable as production from Scotland. The longer term legacy of the 'pop-up' productions is hard to see. And if plurality and differing perspectives and voices in our programming output are the intended outcome of the criteria then production from Scotland should become the priority in the thinking of Ofcom, the broadcasters and the producers. For Scotland, read any other of the Nations or Regions.

I can give personal examples that highlight the distinction. I have lived and worked in Scotland since 2001, reached Executive Producer level for the BBC in Scotland, and have been both Series Producer and Executive Producer in Scotland on a variety of London-headquartered independent production companies. I have been involved in projects developed and made entirely in Scotland; projects developed in London and made in Scotland; and projects effectively developed and made in London, but made to fit the criteria to qualify as Nations production.

It's clear to me – as someone attempting to pursue a full and meaningful programme-making career in Scotland – that the first of those three types of project is the most beneficial to the long-term health of the industry in Scotland and the most likely to make the sector sustainable in the long-term. In Ofcom's and the broadcasters' terms those are the projects that best serve the intended outcome of their policies and strike me, consequently, as those which should be most encouraged by the regulations. The more those kinds of projects happen, the better any Nations and Regions strategies serve the industry and the audience. During my time at BBC Scotland for instance, a long-running network BBC One Entertainment Documentary series and its associated spin-offs offered first network directing credits for dozens of homegrown programme-makers, an introduction to network standards for Assistant Producers and Researchers, and with the entire production team drawn only from local talent a springboard for career growth that has seen many of those involved go on to considerable success here in Scotland and elsewhere.

The positive impact on the sustainability of the sector in the Nations of the second category of programmes – projects developed primarily in London and made in Scotland – is dependent on the attitude of the commissioner and production company. These kinds of projects come principally out of companies headquartered in London, be it the BBC themselves or the larger indies. Those companies with a permanent presence in Scotland (a genuine Nations substantive base or office) are far more likely to engage with the local production community in a meaningful way on those projects – production staff in senior positions will often be from Nations and Regions backgrounds, post-production is likely to happen with local editors and craft staff. Certainly, with my current company, because of our permanent presence in Scotland there is an awareness, experience and acknowledgment throughout the company that these projects can largely be crewed and staffed from the local talent base. This openness to local talent seems, unsurprisingly, less in evidence when companies are asked by the broadcaster to locate a one-off production team in the Nations in order to help meet the quota. In those circumstances, it appears often that a lack of local knowledge and a desire to mitigate as far as possible the impact of making the programme out of London will likely contribute to senior production staff being relocated for a short time to cover the production and dry hire of edit facilities in the Nations, staffed by editors brought in from other centres. That's when the edit happens in the Nations at all. Frequently post is taken back to London facilities and staffed with editors and edit producers who can invoice from an address outside of the M25. In all of those circumstances it's hard to see the benefit to either the audience or the sustainability of the N&R sector of the out of London qualification. Where is there any meaningful, sustainable benefit?

The third category – developed in London and effectively made London – is very difficult to justify as having any benefit to a sustainable N&R sector. And I've been attached to several of these, so I speak from experience. A high budget production I was involved in was made out of the company's

London offices, using many staff who were asked to invoice through a family address outside the M25, despite their homes being in London. This is a common practice when it comes to achieving the Ofcom criteria on staff spend. In fairness, the filming was at a facility handily positioned just outside the M25 – and the programme actually came to Scotland for its post-production, though using the editor who would have cut it had it been posted in London. By recollection he lived outside London, usefully, despite London quite clearly being his career base. I gained valuable experience, personally, on the production. But no-one else substantially involved in the show had anything whatsoever to do with Scotland.

At least I was an active, full-time presence on that production to justify my role as flesh and blood brass plate. I have another Exec credit on a scripted project on which I had precisely no editorial input whatsoever. I don't include it on my cv, despite the success and profile of the series. The project was partly qualified as Nations and Regions courtesy of me providing the required substantive base via my employment in Scotland. Filming was in the Home Counties, production office in London, post-production just outside the M25. It was no doubt made to qualify, probably against all three criteria, but despite that the benefit to sustainable Nations and Regions production is particularly difficult to see. Neither money nor experience was gained by the Scottish sector.

There is a range of abuses of the Ofcom criteria that could and would be very easy to stop if Ofcom properly audited against their own criteria. The practice of invoicing from family addresses outside of London by production team members in order to help a project meet the 50% or 70% spend criteria makes a mockery of Ofcom's intention. Crew being contracted via a third-party facilities or crewing company with a Nations and Regions base (which enables the spend to appear to be staying out of London when, in actual fact, a set of London-based individuals all have sub-contractor deals with that third-party company) is another well-known way of making a nonsense of Ofcom's criteria.

For any Made Outside London strategy to succeed in achieving regional sustainability in an environment where so many commissioners and production companies are comfortable doing the minimum possible to fulfil the intention of the criteria, the minimum criteria need to be far less open to abuse. The regulator and broadcasters need to properly and thoroughly supervise and review productions against their own criteria. More than that, though, the focus of the criteria needs to serve the intention of the strategy. The N&R production centres will only grow, thrive and offer true opportunity if the sector becomes increasingly sustainable. Removing loopholes, auditing and reviewing, and adjusting qualifying criteria to prioritise production that offers sustainable production from the Nations and Regions is the only way Ofcom and the broadcasters will get the long-term outcome they seek.

Without serious efforts to achieve those adjustments we will continue to have increased production spend through the Nations and Regions and a lot of scratching of heads at both Ofcom and the broadcasters when the intended consequence of the strategy – a set of richer, more diverse, more representative and sustainable regional production communities – lags far behind the money.

Yours sincerely,

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