



**Directors UK response to Ofcom's Review:  
How Ofcom regulates the BBC**

**About us**

1. Directors UK is the professional association of UK screen directors. It is a membership organisation representing the creative, economic, and contractual interests of over 8,000 members — the majority of working TV and film directors in the UK. Directors UK collects and distributes royalty payments and provides a range of services to members including campaigning, commercial negotiations, legal advice, events, training, and career development. Directors UK works closely with fellow organisations around the world to represent directors' rights and concerns, promotes excellence in the craft of direction and champions change to the current landscape to create an equal opportunity industry for all.

**Questions**

**Question 1: Do you agree with the proposed scope of the review of BBC regulation as set out in this document? If not, please explain the areas where you think changes should be made.**

**Question 2: Do you agree with the proposed approach to reviewing the BBC Operating Licence? If not, please explain why.**

2. We agree with the proposed scope and approach to reviewing BBC regulation and the BBC Operating Licence including undertaking a performance assessment, a review of the effectiveness of the current BBC regulatory framework, and consulting on proposals for an updated operating licence.
3. We also agree with the proposed review themes of transparency and engagement, public value, diversity. Many of the points raised for consideration we have flagged ourselves in previous consultations in particular:

Para 3.6, 3.21 - Concerns about transparency, particularly in relation to information provided as part of PIT tests and around online services.

Para 3.11 – Diversity and how this is delivered and assessed.

Para 3.12 – That the BBC cannot be considered in isolation. Any changes made to the wider PSB environment and regulation will have an impact on the BBC, and vice-versa.

Para 3.15, 3.28 – Addressing the lack of assessment and regulation of BBC online services.

Para 3.19 - The need to consider qualitative assessment, alongside quantitative assessment, of how the BBC delivers for audiences.

Para 3.50 – The need for more clarity in the assessment of BBC proposals for change. In particular, the provision of additional detail about changes the BBC plans to make being

should be provided within its PIT process, along with more consideration of the impact of changes on the market.

4. While the proposed timetable seems appropriate, we would urge that this work is undertaken in consideration of any plans the Government has in relation to its proposed White Paper, for privatisation of Channel 4, and its anticipated consultation on wider media regulations. The outcome of these will inevitably affect the market-place in which the BBC is operating.
5. We believe it is in the UK production industry's interest to have a strong and viable BBC, one that is able to compete in a fast-moving global market.

**Question 3: Do you have any views on how to measure the BBC's performance?**

6. We agree that the current measures of success, such as meeting quotas for set numbers of hours, are no longer a sufficient measure on its own. It is no longer a case of simply putting content out on a linear broadcast channel, but now it is as important to make sure it is received and seen by a variety of audiences who are watching in different ways. Going forwards performance measures will need to draw on a combination of qualitative outcomes, alongside quota requirements to support delivery of specific content types.
7. One of the biggest challenges for stakeholders in the online/digital market is the lack of clear and transparent reporting, based on a consistent set of metrics (this is not just an issue for the BBC, but across all online viewing providers). For rightsholders this lack of consistency and transparency of reporting data is a very real concern in terms of assessing the success or use of a work, and we would welcome support from Ofcom/Government to work with the industry to develop an agreed set of metrics, which will facilitate consistency of reporting data for these purposes.

**Question 4: Do you agree with our proposed scope of the review in relation to content standards? If not, please explain why.**

8. We do not have anything further to add.

**Question 5: Do you agree with the issues we have identified with the processes for assessing the competitive impact of changes to the BBC's UK Public Services? If you consider there should be changes to these processes, please set out what these are and, if possible, provide any relevant evidence.**

9. We agree that there is duplication in the process of the BBC self-assessment (PIT) and then Ofcom's review of the PIT. We have also found in recent PIT consultations (BBC iPlayer, BBC3) that the BBC isn't always transparent at the outset of the BBC PIT in terms of sharing more details about the changes or providing impact data for assessment, so that stakeholders can make informed views on the impacts. This tends to be provided at the next stage when the BBC is reporting to Ofcom. We therefore agree that this process should be reviewed. The BBC should

be required to share all the impact assessments and evidence at the start of the public consultation rather than mid-way through the Ofcom process.

**Question 6: Do you have any concerns about the regulatory framework for the BBC's commercial activities that are not being considered in the review of BBC Studios.**

10. We have responded to Ofcom's review of BBC Studios and believe this has been covered there.
  
11. Directors UK's core priority is ensuring that the relationship between the BBC's commercial activities and the BBC Public Service does not cause distortion in the market to the detriment of our members. Directors UK members are freelance TV and film directors who interact with the BBC both as freelance employees of BBC Studios working on commissioned content, and as underlying rights holders who are compensated for the secondary exploitation of their work through the onward sales and distribution of programmes and content. They are also engaged as freelancers by non-BBC channels, platforms and production companies in the wider marketplace. Directors UK concern is to ensure that the relationship between the BBC's Public Service and BBC Studios does not distort the market in which our members are employed, or negatively impact the commercial value and return of the works they create.

**Directors UK**  
**September 2021**  
**[www.directors.uk.com](http://www.directors.uk.com)**