

## Your response

Question	Your response
<p><b>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.</b></p>	<p>Confidential? – No</p> <p>We understand and agree that the proposed scope of the review will cover all areas of Ofcom regulation of the BBC. We recognise that the current BBC regulation has been in place for some years, whilst the communications world has been changing dramatically around it. It is therefore timely and necessary to review, update and make the regulation fit for purpose.</p> <p>However, we would encourage Ofcom to ensure that the review ultimately helps the BBC to continue to improve its governance so that the organisation and its people can always be held to account. We note the following recommendation in the most recent BBC Annual Plan 2021/22</p> <p><i>To ensure the BBC is fully accountable across the UK, we will increase the activity, visibility and powers of the BBC Board's committees for England, Scotland, Wales and Northern Ireland.</i></p> <p>These committees are the agreed tools which can hold the BBC to account and we welcome this increase in their powers and would recommend that Ofcom ensure that this is evident in future regulation.</p> <p>We also believe that transparent engagement at all levels of the organisation should be a focus for the review.</p>

	<p>Points of engagement for the public have reduced with the loss of local audience councils. We would recommend that the review considers how the BBC engages with its stakeholders and ensures that it has appropriate systems and processes that operate with transparency and openness. It is an area of concern that only 55% of adults in Scotland think the BBC is effective at reflecting people like them and 25% think that it is ineffective. This is not delivering one of the BBC's key purposes and this review should consider how this should be monitored and improved. Connecting and engaging with the audiences needs to be a key focus for the BBC and the review. It is an area for improvement which can eventually improve public perception and support for the BBC.</p> <p>We would encourage Ofcom to consider the reporting and data analysis of diversity (in all its guises) within the BBC. Whilst we are aware of a large number of new entrant models, tracking career paths and retention is also crucial. Attracting diverse talent is important but keeping them is just as critical.</p> <p>We would also reiterate the place and the impact that the BBC has within the PSM ecology. Consideration needs to be given to any unexpected consequences that changes may have on other PSM suppliers and the overall sector.</p>
<p><b>Question 2: Do you agree with the proposed approach to reviewing the BBC Operating Licence? If not, please explain why.</b></p>	<p>Confidential? – N</p> <p>The current operating licence is linear and output focussed. The proposed approach to consider a more flexible approach, focussed on outcomes is aligned, with Ofcom's recommendations following the recent PSM review.</p> <p>We agree that a service neutral approach, with built in flexibility, will help the BBC to</p>

	<p>respond to fast market changes. However, with that flexibility must come clarity on annual plans, stated outcomes and monitored delivery so that the BBC can be held to account.</p> <p>Within our response to the Ofcom consultation on PSM we recommended a matrix of measures, across a balanced scorecard including:</p> <p><i>Audience engagement and appreciation</i>  <i>Budget</i>  <i>Hours/Genres/Local and Network</i>  <i>Independent Quotas</i></p> <p>Whilst we think the risk of moving away from the linear form of the Operating Licence is high, we feel this could be mitigated through an effective scorecard based on principles rather than purely hard coded targets.</p> <p>It is also important to note that whilst we are today considering linear and online services, any new framework must also be designed with evolution in mind; the ability to react and grow in the changing market place is crucial to future proof the BBC and ensure ongoing benefit for Scottish, UK and worldwide audiences.</p> <p>We look forward responding to the more detailed consultation on proposals to evolve the BBC's Operating Licence in Spring 2022.</p>
<p><b>Question 3: Do you have any views on how to measure the BBC's performance?</b></p>	<p>Confidential? – N</p> <p>Whilst the operating licence is quantitative, we recognise that qualitative measurement is much more difficult to assess and monitor but is just as important. Ofcom's current four performance measurements (Availability, Consumption, Impact and Contextual factors) have been useful but these too will need to be up dated. This review must take on board more direct measurements of quality.</p>

Within Scotland there is a growing unease about the quality of the local content. The BBC Scotland channel is hungry for content but has limited budgets. PACT have already highlighted the differential between network and local programme budgets. Inevitably smaller budgets reduce the potential for creativity and innovation and there is a danger that local programming will be seen by audiences as '2<sup>nd</sup> class'.

We are also concerned about the proposal in the BBC Annual Plan 2021/22 which states;

*We will bring together our Network and Nations commissioning budgets to co-commission stories from across the Nations and English regions – big and bold programmes that can work on network TV while maintaining strong local portrayal.*

This could mean that local budgets will be used to produce network content that has *notionally* been commissioned in the nations and regions but will not be of specific local interest. The fact that in 2020 network television programming spend in Scotland dropped from 9.1% to 6.5% is concerning. Whilst we recognise the challenges of the pandemic, the fact that the BBC in Scotland missed these targets whilst other areas were unaffected is a reflection of their vulnerability. The loss of one programming title can have a disproportionate impact on a quota.

Local voices and coverage of local issues, whether through news coverage, or programming about and told by the people in Scotland's diverse communities, needs to be protected in the regulatory framework.

We also believe that the review should consider BBC Scotland's role in the support of the indigenous language of Gaelic and note

	<p>the following commitment in that strategy document BBC Across the UK</p> <p><i>To modernise the BBC/MG ALBA partnership which delivers BBC ALBA to reflect the digital landscape better and support new talent development.</i></p> <p>Whilst this is a positive step, it is worth noting that BBC Scotland does not have a published policy or public commitment to Gaelic, unlike BBC Cymru Wales. As the main PSM supporting Gaelic, this would be worth considering.</p> <p>The overall presence and status of Scotland and the other nations and regions within the BBC is also a concern. The recent suggestion that BBC Scotland studios were to come under the control of BBC Studio-Works was an example of worrying centralisation and goes against the BBC's purpose to 'reflect, represent and serve the diverse communities of all of the UK's nations and regions and in doing so support the creative economy across the UK'. Whilst it didn't happen, it is possibly indicative of a sense of one BBC fits all.</p> <p>We believe that BBC Scotland should have a unique place in the larger organisation and needs to be recognised as such, both internally and externally. Whilst the BBC Annual reports includes information and statistics relating to BBC Scotland, consideration should be given to a stand alone Scottish report. This would allow stakeholders to better understand the position of the BBC in Scotland, reinforce the status of BBC Scotland and lay out more clearly how it is delivering its purposes for Scottish audiences.</p>
<p><b>Question 4: Do you agree with our proposed scope of the review in relation to content standards? If not, please explain why.</b></p>	<p>Confidential? – N</p>

	<p>We agree with the proposed scope and in particular with the fact that Ofcom will incorporate the BBC Complaints Determinations into the review.</p> <p>An organisation’s complaints process is often the main point of contact with the public and is an extremely useful barometer on public perception and attitudes. One person complaining can often be the tip of an iceberg, hiding 100 who didn’t. In the current social media world complaints can also escalate very quickly, if not dealt with efficiently and clearly.</p> <p>We would recommend that the review considers the complexity and transparency of the current system, which we know can be frustrating for the public. It is concerning that there is not more general public visibility about BBC complaints as this transparency would be seen in a positive light by consumers. We would highlight the way in which Ofcom demonstrates transparency in dealing with complaints from other PSBs, and that we would expect to see a mechanism in place by which the BBC meets the same standards of root cause analysis, rigorous investigation and a public response when dealing with its own complaints.</p> <p>We also note that complaints are rising which could point towards areas of concern not being dealt with.</p> <p>It would be useful for the BBC to deliver a geographic breakdown of complaints to ensure that any nations or regions perspective is highlighted.</p> <p>We look forward to a more detailed updating of the Determinations, taking the experience and learnings from the last few years on board.</p>
<p><b>Question 5: Do you agree with the issues we have identified with the processes for assessing the competitive impact of</b></p>	<p>Confidential? – N</p>

**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.**

We agree with the issues identified and the look forward to the review recommendations.

**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?**

Confidential? – N

Within the review, we would encourage Ofcom to consider possible conflict of interests within the BBC organisation and its commercial subsidiary companies.

The fact that the CEO of BBC Studios has a seat on the BBC Executive Board, which is responsible for the day to day management of the BBC, could raise some concerns within the independent production sector. Does this Board position give BBC Studios an advantage over others pitching for commissions?

How much control does the BBC have over its subsidiary companies is an area that should be explored within the review.