

## Your response

We are surprised and disappointed about the narrow scope of this consultation as we believe Ofcom has missed a key opportunity to engage with industry and other stakeholders around the entire process of collation, interpretation and (potential) enforcement.

Nation has consistently stated that we do not believe that companies which are small companies or groups of small companies should fall into the scope of this work.

We have also been unhappy about the nature and level of information about our organisation being placed into the public domain by Ofcom which would not otherwise be available.

We believe there is limited value to the data currently being supplied to Ofcom given the wide range of data which is not mandatory for submission however we do not believe Ofcom's mandate should be extended.

We would wish to contribute to any future consultation shaping the scope of Ofcom's work in this area.

At this point we make the following general points which fall within the narrow scope of this consultation:

### **Distinguishing data gaps**

Nation believes that there should be a clearer opportunity within the data submission process to distinguish to Ofcom the reason that data for a respondent is unavailable. This could be for a number of reasons, for example:

- The broadcaster does not hold the data from the employee.
- The broadcaster holds the data but has chosen not to release it to Ofcom (for example because the broadcaster chooses only to send data which Ofcom has a mandate to request under the Act).
- The broadcaster holds the data but the employee has indicated they do not wish the broadcaster to release it to Ofcom.

### **Administrative Burden of changing the questionnaire at regular intervals**

At Nation we have had to re-survey our staff on numerous occasions and in a relatively short time period because Ofcom has altered the information required.

This causes a particular problem with the 'leavers' subset because it is unrealistic to expect a broadcaster to approach a former employee to gather new data.

It would be useful for Ofcom to commit to keeping the questionnaire to remain unchanged for a period of years and, if making regular changes, extend the time period for the broadcaster to re-survey and collate the data.

We also suggest Ofcom provides a questionnaire in a secure electronic form which can be distributed by the broadcaster to respondents.

#### **Data collation portal at broadcaster (or respondent level)**

Given the multiple ways in which Ofcom requires data to be expressed by the broadcaster (for example subdivided into leavers, joiners, promoted etc), we suggest that Ofcom provides a central portal for broadcasters to enter anonymised respondent level survey data for their employees in bulk form. The portal should then be able to auto-complete the quantitative requirements of the survey. This portal access could possibly be expanded to respondent level. This would ease the financial and time burden for broadcasters and enhance the quality of data held by Ofcom.

#### **Impact of homeworking against personal data**

Given the widespread use of homeworking by Nation and other broadcasters, it may be appropriate for Ofcom to collate data by workplace location in the future. However, this would need to be carefully balanced by the personal data potentially revealed by a full home postcode. We suggest Ofcom collates data based on postcode area only (eg CF1, CF2). However, caution that it is possible for employees and contractors to be based in one UK nation and deliver content relevant to multiple nations.

#### **Benchmarking**

We do not recognise UK benchmarks as being appropriate for organisations which do not have a concentration of respondents in London and the South East.

In our annual reports we have attempted to find and use more appropriate benchmarks relevant to the area in which we trade or our historic office locations.

We expect this to become more difficult rather than easier in the future, having extensively adopted homeworking employees and contractors now work across numerous areas of the UK from their home office or studio.

ENDS