

Ofcom's Proposed Work Plan 2023/24

Welsh Government response

Ofcom in Wales

The Wales section of the proposed plan of work provides very little information on Ofcom's plans and priorities for Wales during the next financial year. We would welcome further detail on how Ofcom's broad priorities for 2023/24 as set out in the plan will be applied and prioritised in Wales, in the context of Wales' distinct circumstances, challenges and opportunities as they relate to the sectors that Ofcom regulates.

We welcome the reference to growing the skills and capabilities in Ofcom and note the reference to growing Ofcom's presence in offices outside of London. This is an opportunity to continue to grow Ofcom's capacity in Cardiff and to create a centre of expertise that supports policy and innovation across the Ofcom remit and creates jobs. We would be grateful for more information on these plans and activity to grow the presence and skills base of Ofcom in Wales, particularly in relation to Ofcom's priority areas of focus in Wales.

Ofcom played a key role as part of the Digital Infrastructure Barrier Busting Taskforce in delivering the taskforce report and we look forward to Ofcom's continued engagement as the actions set out in the report are delivered.

Telecommunications

Tackling the hardest to reach areas

The pattern of topography and population density in some areas of Wales makes the deployment of digital infrastructure challenging and while we, and others, continue to deliver better connectivity there is a risk that the hard and very hard to reach premises will get left behind, exacerbating the digital divide. The proposed work plan highlights one key priority as an '*...internet we can rely on*' and further defines this '*...fast and reliable connections and services for everyone, everywhere*'. There appears, however, to be little in the work plan on how Ofcom will use the regulatory and other levers at its disposal to drive the reach of both broadband and mobile connectivity further to improve the prospects of these premises. We would welcome a commitment in the work plan to explicitly set out the action Ofcom plans to take to on this stated priority – this should be action that Ofcom is planning over and above that in planned commercial roll outs by industry or those roll outs supported by Government.

Wholesale Fixed Telecoms Market Review

We welcomed the publication of the Wholesale Fixed Telecoms Market Review (WFTMR) in 2021, particularly the focus on different approaches to regulation in different parts of the UK. This geographically differentiated approach is something that the Welsh Government had long been calling for. It would be helpful to understand the extent to which the WFTMR has helped to drive connectivity in

Wales and an appraisal of whether further changes would help drive commercial deployments of fixed broadband connectivity deeper and more quickly into Wales. To this end Ofcom should consider carrying out an interim review of this approach to understand its impact to inform further regulatory interventions.

Migration from Legacy Services

The migration from legacy services such as the switch over from the Public Switched Telephone Network (PSTN) to Voice over Internet Protocol and the sunsetting of 2G and 3G mobile services have the potential to impact on customers across Wales, particularly in rural areas. As the regulator of this market, we believe that Ofcom has a critical role to play, and we welcome the commitment to work with the industry to ensure that the planned transitions are done in a way that supports and protects customers. As part of the plan of work it would be helpful for Ofcom to undertake an appraisal of the risks from the planned industry migrations to identify gaps in preparedness, and to share this analysis with interested bodies including the Welsh Government.

While the transition away from powered infrastructure of the PSTN to fibre is an industry led policy, Ofcom must exercise all available regulatory levers to ensure that the telecommunications industry cannot and does not proceed until the safety concerns and safety mitigations around loss of power are fully addressed.

Mobile Coverage

We welcome the commitment to work with the industry to improve the accuracy and consistency of mobile coverage information. This data should be shared with the Welsh Government to support policy initiatives to extend mobile coverage in Wales.

Accelerating Innovation and Spectrum Sharing

Spectrum sharing has the potential to deliver mobile phone connectivity and mobile broadband in hard-to-reach areas through emerging innovative technologies. We welcome the commitment to continue to engage with spectrum users and to review the spectrum framework in light of experience and growing interest from spectrum users. We believe that shared spectrum could play a significant role in addressing persistent mobile notspots and in developing new uses to support businesses in rural areas.

Universal Service Obligation

As stated in the response to the Work Plan for 2022-23 the Welsh Government remains concerned that the Universal Service Obligation (USO) will not deliver connectivity to the hardest to reach homes and businesses in Wales. In particular, the premises cost cap still does not reflect the reality of providing a sustainable broadband solution in the most rural areas of Wales. There are still too many premises that fall outside of the scope of the USO. Ofcom and the UK Government need to come together to address this as a matter of urgency. We would, therefore, welcome a corresponding commitment in the work plan.

Testing Innovation via sandboxes

We have always taken a proactive approach to supporting new technologies in Wales. The Mobile Action Plan for Wales published in 2017 stated that ‘Technologies devised and tested in a Welsh landscape will be fit for Wales’. We are keen to facilitate innovative solutions and for Wales to be regarded as a testbed for new technologies. We will work with Ofcom, industry and academia to host real world sandboxes in Wales.

Digital Inclusion

As outlined in Mission Two of the Digital Strategy for Wales, we are focused on working with telecommunications and UK Government to encourage telecoms companies to provide tariffs aimed at supporting those most likely to be digital excluded and ensure digital inclusion is embedded into their organisational strategies. The digital inclusion of our citizens is also a cross cutting outcome of the outlined work plan for equity, diversity and inclusion and online safety. We welcome Ofcom’s outlined work plan focus and commitment to an ongoing programme on the affordability of mobile and broadband services. The work of Ofcom to monitor the availability, promotion and take-up of social tariffs and help raise awareness among eligible customers is especially vital in the current cost-of-living crisis and we look forward to working closely on the issue of affordability during 2023-24.

Broadcasting

General

The rapid changes seen across the broadcasting landscape show little sign of slowing. The ever-increasing choice of content to consumers and of content providers is welcomed, but the value of quality, trusted broadcasting to audiences remains at the heart of their needs.

This, coupled with the growth of online media, reinforces the need for a robust regulatory body and framework that both preserves and protects the varied, quality and trusted output from public service broadcasters (PSB), as well as that from global platforms. It also highlights the importance of balancing more traditional means of content consumption with growing digital demand, to ensure the system meets the needs of all audiences.

The Welsh Government’s Co-operation Agreement with Plaid Cymru sets out our commitment to ensuring the broadcasting and communications framework is effectively serving the needs of Wales. This work is closely aligned to our ambitions for the preservation and growth of the Welsh language. Through the work of the broadcasting expert panel, we are exploring the establishment of a shadow Broadcasting and Communications Authority for Wales. We thank Ofcom for its engagement with this work to date. Our comments on Ofcom’s broadcasting priorities as set out in the proposed Plan of Work 2023/24 should be considered in the context of these commitments. The Welsh Government is keen to continue discussions with Ofcom as an important stakeholder as our plans develop to support a regulatory framework that delivers for Wales.

We have welcomed Ofcom's work over the past 12 months in the areas of regulation and welcome the ongoing commitment to work closely with DCMS to ensure the timely delivery of the UK Government's Media Bill. We note the concerns expressed by the sector regarding the impact of further delays to the introduction of the Bill. We look forward to working closely with Ofcom in this area to support further action either through the implementation of any changes as a result of the Media Bill or to consider action that can be taken within current regulatory arrangements on priority matters such as prominence, to ensure audience interests are served with a fit for purpose system that provides parity across linear and online channels.

It is vital that Ofcom continues to fulfil its obligations in relation to public service broadcasting in Wales, including those related to ITV Cymru Wales, S4C and Channel 4. We welcome the continued commitment to work with broadcasters in Wales to help ensure that audiences in Wales are well served on both television and radio in Welsh as well as in English.

Ofcom's role as external regulator of the BBC

We welcome Ofcom's plans to continue to monitor the duties of the BBC, as the UK's largest PSM provider, especially the requirements of its new operating licence and the implications this has on content and coverage relevant to Wales. We welcome the changes to the BBC First complaints process and the work of Ofcom in ensuring increased transparency in relation to complaints, due impartiality and accuracy and the requirement of the organisation to publish its reasoning behind decision and responses in all cases.

We note the commitment to monitor the BBC's implementation of the Serota review. In particular, the requirement of steps to improve public confidence, and the wider commitment by the broadcaster to fully demonstrate its actions in how it delivers its Mission and Public Purposes. We would welcome the opportunity to work with Ofcom and BBC Wales to identify themes and issues for particular focus and to ensure that this work is undertaken with a clear understanding of the unique requirements of a Welsh audience.

Safeguarding trust in News

The importance of broadcast news to Wales is without doubt. As the way in which audiences consume and interact with growing sources of news changes, there is a clear need for these sources and the platforms by which they're distributed to be policed to ensure impartiality and accuracy. There is also a need to ensure news is relevant and tailored to the needs of different parts of the UK, and correctly reflects the devolution settlement. We are pleased to see the clear commitment by Ofcom to continue their enforcement of such standards and look forward to working jointly to help protect Welsh audiences from biased and inaccurate broadcast. On this matter, we would welcome further detail on how learning has been taken from the independent analysis conducted by Professor Stephen Cushion of Cardiff University and Dr Richard Thomas of Swansea University, looking at how well UK network news providers report devolved policy issues on television and online.

Video on Demand

VOD continues to play an increasingly important role in the ways in which audiences, in particular younger views, consume content. However, this increased flexibility, especially around the platforms on which VOD emanates, requires regulatory control that provides viewers with the same assurances that are applied to more traditional broadcast content. We welcome Ofcom's commitment to work with DCMS in assuring alignment of regulation and the commissioning of research to better understand the expectations and attitudes of audiences regarding VOD.

Diversity

The media industry in the UK continues to see calls for a more diverse workforce and more diverse content that represents and reflects all people and communities. This is a particular priority in Wales, as reflected in our [Anti Racism Wales Action Plan](#) and the [Locked Out report](#), where calls have been made for improved data collection and more diverse content in the broadcasting and media sectors.

The Welsh Government welcomes the acknowledgement of this issue by Ofcom and, in particular, the launch of the EDI toolkit in November 2022. We share the same drive to see a media sector that is fully reflective of a modern Welsh society and are keen to engage further with Ofcom colleagues in Cardiff in their work to provide support to the annual Diversity Data Report.

Radio

Radio continues to play an important role in the lives of many across Wales, particularly older citizens and those in remote communities where radio services provide essential access to news, current affairs and entertainment. Radio is also hugely important to the provision of Welsh language content and to our ambitions for the Welsh language. The Welsh Government welcomes the commitment to continue to place a spotlight on radio broadcast, industry diversity and the promotion of the plurality of radio services available in Wales and the UK.

We also welcome the continued opportunity for stakeholders to, where appropriate, make changes to radio licences to ensure the availability of relevant broadcast and evolving subject matter. However, caution is required to ensure that services that provided distinct content to communities are not lost through any licence amendment.

The continued licensing of new small-scale DAB digital services throughout the UK and the commitment to continue work on the delivery of TV and audio content over IP is also encouraging in light of the concerns raised by the Broadcast 2040+ campaign regarding the potential loss of free to air services. Recognising the impact of potential decisions on spectrum allocation at this year's World Radiocommunication Conference, we would encourage Ofcom, representing the UK, to seek the views of stakeholders and audience on any need to consider the extension of digital TV and radio in future.

Protecting broadcast audiences from harm

The Welsh Government welcomes the continued commitment to stringently enforce content standards, to protect the viewing and listening audiences from potentially harmful output. In a broadcasting environment where there is an ever-increasing amount of choice and product availability, it is imperative that standards are upheld, and broadcasters made fully aware of responsibilities.

With younger people becoming increasingly exposed to broadcast content, we particularly welcome the focus on the protection of children and welcome the timely work around research of violent and sexual broadcast material.

Accessibility of TV and on-demand services

Access to and the availability of television and radio content to all members of society should be without question. We welcome the continued commitment by Ofcom to enforce the requirement of access services including subtitles, audio-description and signing and the announcement of collaborative work with the UK Government for the introduction of new accessibility requirements. Reference to the need for broadcasters to ensure footage on the news and social media includes BSL and subtitles is referenced in the Locked Out report. We would be keen to engage in further work on accessibility requirements.

We would also welcome an opportunity to work with Ofcom in their review of the best practice guidelines on access services and look forward to the publication of information on the accessibility of broadcast and on-demand programme services to people with sight and/or hearing impairments.

Online Safety

The Welsh Government welcomes the new role that Ofcom will have as the regulator for Online Safety and of video sharing platforms.

It is positive to see that setting, enforcing, and testing the approach to user safety through video sharing platforms and the implementation of the new online safety regime are identified as key programmes and projects for Ofcom in the coming year.

The Welsh Government is committed to keeping people safe whilst they are online and we are fully supportive of the role of Ofcom in overseeing a new, clear regulatory regime that will improve user safety online. It is positive to see that online safety and the work to support this is one of the priority outcomes for Ofcom in 2023/24.

We are particularly supportive of the enhanced protections that the new regulatory regime proposes for children in Wales, both in terms of video sharing platforms and broader online safety. We also welcome the intention to ensure the safety of users online, whilst also ensuring that people can enjoy their right to freedom of expression.

Action to help users better understand how they can be safer when online in the context of the new regulatory regime would be welcomed and aligns with Mission 3: Digital Inclusion of our Digital Strategy for Wales to *'Equip people with the*

motivation, access, skills and confidence to engage with an increasingly digital world, based on their need. It is vital that Ofcom's work in this area is delivered in such a way that a wide range of people are able to benefit from this work, including those who are less digitally enabled and those who are the most vulnerable.

It is imperative that Ofcom consults with all relevant stakeholders within Wales, both through the formal consultation process and through ongoing regular stakeholder engagement, to ensure that the regulatory regime reflects the priorities in Wales and recognises differences in devolved areas, such as education and the curriculum, safeguarding and the Welsh language.

We note the commitment to engage with a wide range of subject matter experts and interested parties in order to share experiences and best practice. Compatibility across different regulatory regimes, where possible, could help to ensure a greater understanding among online service providers of the requirements placed up on them, hopefully leading to improved compliance.

We support the intention to grow the organisation's online safety capability. It would be helpful to understand more about the role and remit of the proposed Online Safety Group.

As the regulation of the user safety online will be a new area of work/responsibility, establishment of a clear evidence base will be essential in ensuring that the regime delivers its intended outcomes.

Work on phrase lists and algorithms to automatically flag potentially harmful online content in English should be adapted for the Welsh language too, to ensure Welsh speaking children are also kept safe online.

Media Literacy

It is positive to see that 'Making Sense of Media' is one of the key programmes and projects for Ofcom for the coming year. Welsh Government is particularly supportive of work to enhance media literacy provision, particularly the commissioning of a range of pilot interventions for underserved groups/communities. Improved media literacy is key to the delivery of Mission 3 of our Digital Strategy for Wales, to '*Create a workforce that has the digital skills, capability and confidence to excel in the workplace and in everyday life*'. It is vital engagement continues with all relevant stakeholders within Wales, to ensure all those involved in improving media literacy are working in a cohesive manner.

Other Issues

Data, research and expertise

Ofcom holds a wealth of technical expertise, information and research data which could benefit not just the Welsh Government but other public sector bodies in Wales. We thank Ofcom for discussions to date on its research activity. We are keen to continue these discussions in 2023/24 to identify further opportunities to work together to develop a robust evidence base on sectors in Wales. This includes

exploring options to increase the availability of information broken down at a Wales level. To this end we would like to see a firm commitment to providing technical and regulatory advice, as well as relevant data (where appropriate). This will help us, for example, to deliver our key telecommunications infrastructure projects and develop new innovative approaches to securing not only wider mobile and broadband coverage but also building new products and use cases in Wales.

Sustainability and climate change

We welcome the focus on sustainability and climate change as an underpinning aspect of Ofcom's work. Building a stronger, greener economy and maximising progress towards decarbonisation continue to be key priorities for the Welsh Government. We would welcome further detail on how Ofcom can maximise its current regulatory powers to challenge the telecommunications and broadcasting industry on tackling climate change and improving sustainability.

Memorandum of Understanding

We note the reference to the Memoranda of Understanding in each nation. We request that the review of the MoU between Ofcom, the UK Government, the Welsh Government and the Senedd, which commenced in 2020, is completed as a matter of priority in 2023.