

Ofcom's Proposed Plan of Work 2025-26 – Response from the Welsh Government

The Welsh Government welcomes the opportunity to comment on *Ofcom's proposed Plan of Work 2025-26*. We also welcomed the in-person event held by Ofcom on 16 January to discuss the Plan of Work from a Welsh perspective.

We have provided comments below on the areas of Ofcom's proposed priorities and work plan which are of importance to the Welsh Government.

Nations

The Memorandum of Understanding between the Welsh Government, UK Government, Ofcom and the Senedd provides a cornerstone for continued engagement on the breadth of communications issues that are within Ofcom's remit. This commitment to formal engagement will help to ensure that there is a mutual understanding of respective strategic priorities. This is in addition to regular ongoing engagement across the communications landscape. We welcome that Ofcom will continue to provide advice and help to inform policy decisions.

As Ofcom's remit evolves with significant new responsibilities, it is essential that its Wales office has the capacity to respond to these changes in a positive and effective way. We would welcome a continued commitment that Ofcom continues to grow its presence in Wales. The Welsh Government is keen to work with Ofcom to identify opportunities to increase the number of individuals based in Cardiff to ensure the office is sufficiently resourced and to increase its visibility in Wales.

We welcome Ofcom's continued commitment as an ally to the Welsh language, engaging with Welsh speaking communities to ensure their specific issues are heard and understood and that, where appropriate, the Welsh language is considered in Ofcom's policy making.

It would be useful to understand how Ofcom will work with Welsh Government and others to help ensure that gigabit-capable networks are delivered further into harder to reach areas of Wales that might otherwise be left behind.

In the draft plan of work Ofcom makes a commitment in relation to Scotland to advise on the role of other technologies in solving connectivity challenges in remote areas, such as Low Earth Orbit satellite and Direct to Device connectivity. It would be helpful if the same commitment could be made to the Welsh Government and set out in the plan of work.

Internet and post we can rely on

The Digital Strategy for Wales sets out how we will use the levers at our disposal to support the public sector, businesses and homes in Wales to receive the connectivity they need to engage in digital activities. Our response sets out how we think Ofcom can play a central role in supporting our ambitions.

The proposed Plan of Work highlights four priorities including 'Internet and post we can rely on' and sets out a number of outcomes including 'Availability of high-quality networks and services where they are needed'. It also highlights that its priority for reliable internet is to ensure that "UK consumers have access to high quality full-fibre and gigabit-capable networks". Ofcom further states that it aims to "enable everyone, everywhere to access fast and reliable networks and service".

The pattern of topography and population density in some rural and remote areas in Wales makes the deployment of digital infrastructure difficult. While we actively support industry efforts to deliver better connectivity, there is a risk that hard and very hard to reach premises will continue to get left behind, exacerbating the digital divide.

We appreciate Ofcom's commitment to support improved connectivity, particularly in the harder to reach areas of Wales and welcome their ambition to ensure that all UK consumers have access to high quality full-fibre and gigabit capable networks.

However, there needs to be more detail in the plan of work about how Ofcom will use the regulatory and other levers at its disposal, including through the Telecoms Access Review, to drive the reach of both broadband and mobile connectivity further to address the hardest to reach premises which suffer from the lowest broadband speeds. It is important that harder to reach areas remain a focus to ensure that these areas do not continue to fall behind exacerbating the digital divide.

Telecoms Access Review

We recognise that one-size fits all regulation based on competition does not result in equity of coverage, those regulatory approaches that make sense in a city do not necessarily do so in a rural environment. In light of this we have long called for a geographically differentiated approach to regulation. This was reflected in the Wholesale Fixed Telecoms Market Review (WFTMR) in 2021 which focused different approaches to regulation in different parts of the UK.

Ofcom should take the opportunity presented by the Telecoms Access Review to assess how this approach could be adapted to drive fast and reliable broadband further into more remote and rural areas. Ofcom should also continue to formally engage with the Welsh Government as it develops its proposals for the Telecoms Access Review ahead of the proposed consultation to ensure they reflect the challenges of deploying digital infrastructure in Wales.

PSTN Switch Off and 2G Sunsetting

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 mobile services have the potential to impact on customers across Wales, particularly in rural areas.

Ofcom has a critical role to play in the transition away from legacy services and we welcome the commitment to work with industry to ensure that customers are supported and protected through such transitions. Ensuring the protection of

vulnerable customers, especially telecare users, is a crucial aspect of this work. It is essential to guarantee that their telecare services will still work when transitioning to a digital network. Ofcom recognises the importance of protecting customers and say that they will “work with industry and government to ensure that customers are supported and protected through the transition.”

It would be useful to understand in more detail the work Ofcom will be undertaking on this. It is important that Ofcom uses its influence to help ensure that no vulnerable customers are migrated until service providers are satisfied that this can be done safely.

Ofcom should also work to highlight and mitigate other important changes that can affect vulnerable users such as the switch off of 2G roaming services, which are due to be switched off by some providers this year.

In addition, it would also be helpful to understand how it will be supporting the public sector through migration away from legacy networks.

Media we trust and value.

Broadcasting

The broadcasting landscape continues to change at a pace that shows little sign of slowing. Whilst increased choice for audiences provides many positives, this fragmentation also creates challenges in ensuring the robust regulation of broadcasters and their content. The degree and pace of change also means that there is significant work to do in supporting the UK media sector to provide a broad range and diversity of services for audiences. Greater emphasis will be needed on output that reflects communities, individuals, languages and subjects from all corners of the UK, including issues around national identity and cohesion. We welcome Ofcom’s continued commitment in its proposed Plan of Work 2025-26 to ensuring that audiences across Wales and the UK can access a wide range of media that informs, entertains and reflects the diversity of communities, and a plurality of news

that is impartial and can be trusted. We also welcome the continued work of Ofcom in setting and enforcing content standards, and in taking robust enforcement action where necessary, including the updating of Broadcasting Code Guidance and a new Video on Demand (VoD) code later this year and implementing rules relating to online harm for audiences of all ages in light of the continued progress of the Online Safety Act (2023).

Media plurality is the backbone to any functioning, democratic society. However, the ever-changing media landscape, prevalence of media outlets and platforms as well as evolving consumption habits means that Ofcom's regulation is becoming increasingly important to protect against misinformation and to ensure accurate, impartial, informed, balanced news provision. This may require further powers, to ensure the regulatory framework can adapt to the changing ways in which audiences are consuming news, and we welcome Ofcom's ongoing commitment to assessing whether further reform may be needed to protect essential PSM for UK audiences.

Greater diversity within the media industry remains an issue of high importance and in Wales, as is the case across the UK, we continue to hear calls for a more diverse workforce and content. Content that reflects people and places across Wales is essential to improved audience engagement, something that can only be achieved with increased diversity behind the camera. As such, Ofcom's ongoing work in 2025-26 to engage with stakeholders in this area is critical, and we look forward to the report on the diversity of broadcasters' workforce later in the year.

Similarly, Ofcom's continued enforcement of requirements of broadcasters to provide accessibility services to audiences, including signing, subtitling and audio description, across all broadcast platforms, is hugely important in ensuring all audiences can benefit from and enjoy broadcast content, including Welsh speaking audiences. We look forward to the publication of Ofcom's annual report on TV accessibility later this year and would welcome further discussion on Ofcom's work to ensure accessibility of content across different channels and platforms.

Media Act Implementation

The reforms set out in the UK Government's Media Act, seen by the sector as crucial to its ongoing sustainability, have been broadly welcomed by the Welsh Government. We are pleased to see planned progress as set out in the proposed Plan of Work to implement these changes. As Ofcom takes forward this programme of work and associated consultations, ongoing engagement with the sector in Wales is essential to ensure changes to the regulatory framework meet needs in Wales.

The particular focus on access to on demand PSM and VoD services is welcomed, along with the commitment to securing local news and radio services, particularly important to audiences in Wales. As this work is taken forward, however, it is critical that the unique circumstances of Wales, including differences in its demographic make-up and continued reliance on linear programmes, is considered. Likewise, the need for prominence and visibility of Welsh content, as the use of on demand PSM and VoD evolves. This increased broadcast flexibility, especially through the provision of VoD on online platforms, requires regulatory control that provides viewers with the same reassurances that are applied to more traditional broadcast content. We welcome Ofcom's commitment to ensuring statutory requirements are adhered to by providers, especially around harmful content.

The proposed updating of PSB regulatory requirements is an area of particular interest. It will be important for Ofcom to engage with stakeholders in the nations on matters such as quotas and commissioning, recognising the importance of PSB investment in the production sector and in content that reflects our unique communities and the need to avoid another disappointing outcome for nations in any future decisions, as was the case with the Channel 4 re-licencing exercise. It will be critical for Ofcom to work with broadcasters in Wales to help ensure our audiences are well served across media channels in Welsh as well as in English, and to fulfilling its obligations related to BBC Cymru Wales, ITV Cymru Wales, S4C and Channel 4.

Similarly, Ofcom's intention to submit advice to the Secretary of State on regulatory measures for on-demand PSB is welcomed. Highlighting the importance of prominence for on-demand broadcast is essential in ensuring that channels and content that specifically service Wales and other devolved nations are findable and easily accessible to viewers. We also note that Ofcom will be providing information to

the Secretary of State regarding the categorisation of Tier 1 services, following which Ofcom will consult on the introduction of accessibility requirements for VoD services in scope. As more content is delivered via VoD, it is imperative that broadcasters delivering through this means are ensuring services are accessible.

Public Service Media (PSM) Review

Ofcom's review of PSM comes at a critical time for the sector. In the context of the many challenges facing broadcasting in the UK, this is a crucial piece of work, and the Welsh Government is keen to work closely with Ofcom and stakeholders in Wales to ensure the recommendations Ofcom makes to support the sustainability of public service media in future are reflective of a robust understanding of the current media landscape and knowledge of the needs of providers and consumers of content across the UK.

The outcome of the last review of PSM by Ofcom in 2021, "*Small Screen, Big Debate*", provided an invaluable opportunity for stakeholders to provide comment on the state of public service media. Whilst the report delivered a comprehensive overview of the then UK PSM landscape and recommendations that have been adopted by the 2024 Media Act, the PSM landscape today is a very different one to four years ago. The ways in which audiences consume media has continued to evolve, arguably requiring further strengthening and enhancement of regulatory control and scrutiny.

This change may not only demand new and amended regulation, but also greater discussion around the issues that new media consumption brings, including commercial competition, public trust and impartiality. As highlighted in Ofcom's News Consumption in the UK 2024 report, the use of online sources for accessing news is increasing. In Wales, 72% of adults now consume news this way, the highest of all UK nations, with 64% using television for news, lower than the UK level. This puts more emphasis than ever on the need for media to be properly scrutinised and regulated across channels, to ensure impartiality and accuracy whilst allowing for evolution and innovation within the broadcasting arena. The announcement of Ofcom's proposed work on misinformation and "fake news" is a

positive move and we look forward to engaging with any future discussion. At the Ofcom Plan of Work event in Cardiff on 16 January 2025 reference was made to the Advisory Committee on Disinformation and Misinformation. We would be keen to know how the nations are represented on this Committee, how Ofcom is ensuring the distinct needs and circumstances of Wales' audience are being considered and how the changing context for the provision of news is being factored into the discussion.

The review also provides an opportunity to address concerns regarding the independent production sector in Wales and the diversity of content being commissioned. At a time of economic uncertainty for the sector, the need for an equitable spread of investment across all parts of the UK is essential in not only providing security to the industry across the regions, but also in preserving diversity of output and workforces. We have previously highlighted our concerns in these areas, most recently with the Channel 4 quota for "made outside England". As broadcasters continue their work to meet audience needs across a range of channels whilst managing financial challenges, fair, meaningful targets and robust and effective monitoring against their delivery is needed to ensure that stakeholders across the whole of the UK get fair and equal opportunities to benefit from broadcaster investment.

As has been highlighted previously, we remain concerned regarding the inaccuracy of some reporting at a UK level on the difference between rules set by the UK Government and Governments in Cardiff, Edinburgh and Belfast. Recent examples include news coverage on social care. Whilst we recognise the role of complaints in highlighting these issues, complaints can only be raised if those differences across nations are already understood. Ofcom's role remains critical here and the regulator should continue to monitor news provision to ensure that information relevant to communities across Wales is prominent and accurate.

Monitoring the BBC

The BBC continues to play a hugely important role in the broadcasting sector in Wales. Ofcom's work to monitor the BBC's performance and hold the BBC to

account in 2025-26 will help to ensure the BBC continues to deliver its Mission and Public Purposes across its public services to the highest standards in the context of ongoing changes to audience behaviour.

In addition, Ofcom's work to implement changes from the BBC's Mid-Term Review, including the updating of competition guidance, develop an Online Material Code and to conduct a regular review of the BBC's Executive Complaints Unit's decisions that have not been escalated to Ofcom is positive move in safeguarding viewers.

We note links to Ofcom's work to upcoming work on BBC Charter Renewal, which will cover future funding arrangements for the BBC and S4C, and look forward to meaningful engagement with the UK Government on this matter.

Radio

Local radio continues to play an important role in communities across Wales, particularly older citizens and those in remote locations, providing essential information on news, current affairs and entertainment. Ofcom's commitment to publish information on the requirements of analogue and digital radio in respect of news content is a positive move, along with the provision of advice to the Secretary of State on which Radio Selection Services should fall under Ofcom's jurisdiction.

Both announcements are a welcome move in both providing reassurance to listeners of availability of stations via smart, voice activated speakers and of a service that is fit for purpose. The continued licensing of new small-scale DAB digital services throughout the UK, in particular, local community radio stations, and licenses for supporting multiplexed is also welcomed, and we look forward to continued dialogue on this.

We note the recent disappointing decision of Global Radio to end all Welsh language programming on Capital Cymru. Whilst we understand Ofcom has no regulatory powers to refuse this change, we would be keen to understand what steps could be

taken, either through existing regulation, or potential future changes, to ensure safeguards are in place to protect essential Welsh language programming.

Listed Events

The provision of sports broadcast content plays an important role serving audiences in Wales. For example, the Welsh Government has always been clear that the Six Nations Rugby Union Championship should remain free-to air to our audiences. Whilst we recognise powers to change to events listed as Group A or B are matters for the UK Government, we welcome Ofcom's work to implement the amendment of the Listed Events Regime under The Media Act which sees "qualifying services" to only be provided by public service broadcasters (PSBs).

We live a safer life online

We are keen for Ofcom to provide feedback about the implementation of the regulations relating to the Online Safety Act. We appreciate the open approach taken to date and welcome Ofcom's willingness to work with partners and other stakeholders. We're keen to ensure that the voices of young people in Wales are heard and are delighted that our Keeping Safe Online Youth Group will be hosted by Ofcom in February for Safer Internet Day 2025 to discuss the OSA and its implications for them. We hope to have similar opportunities to work together in 2025/26.

Improving media literacy and critical thinking for children and young people is a key objective for us therefore we welcome Ofcom's commitment to support media literacy work in Wales. We actively participate in activities relating to Making Sense Of Media and are keen for this programme to be further supported and developed so that good practice examples of what works can continue to be shared and built upon.

Ofcom's research reports (such as Online Nation, Media Nations, and Children's Media Use and Attitudes) are hugely valuable to inform our work and to ensure we're up to date with the latest insights. The supplementary webinars offered recently have

been particularly useful to give a snapshot of the key points contained within the longer reports and the OSA consultations. We would like to see these continue to be offered.

Enabling wireless in the UK Economy

The plan of work states a priority to ensure that “spectrum remains an effective enabler for wireless communications for all people, businesses and sectors.” As part of their work on evolving their spectrum management framework, Ofcom will be consulting on introducing a regulatory framework to enable satellite services direct to mobile handsets.

Due to its rural nature 4G coverage in Wales is currently lower than England. Ofcom’s 2024 connected nations report shows that Wales has 5% 4G total not spots compared to 1% in England. Therefore, it would be of particular interest to Wales to understand how direct to device services could help extend mobile coverage to more remote rural areas, as well as potentially adding network resilience and access to emergency services in remote areas. Welsh Government welcomes Ofcom’s planned consultation in this area.

Mobile Coverage

Whilst all mobile network operators have now met their June 2024 obligations through the SRN programme, we would welcome details in Ofcom’s proposed plan of work on how they will help ensure that all MNOs meet their future obligations. Further details should also be given in the plan of work on how Ofcom will ensure that MNOs continue to improve mobile coverage beyond their SRN obligations.

Spectrum Annual License Fees

Coverage obligations connected to the auction of spectrum have been somewhat successful in driving mobile connectivity into more rural areas and these should be explored again as and when appropriate spectrum is auctioned.

Some form of financial incentive should also be considered to drive mobile connectivity further into unserved and underserved areas. One such approach could be a reduction in the amount paid for either new spectrum through the auction process or a reduction in the annual licence fee in return for a commitment to extending coverage in rural and remote areas. Whether through the auction process, or a reduction in annual spectrum license fees, progress against coverage in these areas would need to be tracked to ensure that any commitments made are delivered.

Taking this approach to its conclusion would require a fundamental change to the basis of spectrum auctions or the annual license fee but could precipitate a larger coverage uplift across the UK and establish equity of coverage. This would provide a real financial investment to deploy in rural and remote areas.

How We Deliver

Sustainability and climate change is one of the most pressing issues of our time and while we recognise that Ofcom do not include specific climate change objectives it should continue to work with sectors, not just telecommunications, to support and contribute to the advancement of net zero objectives.

It is important that Ofcom's work reflects the diversity in our society in Wales. The diversity and inclusion strategy is welcome as is the commitment to ensure that media content reflects this diversity and to engage with stakeholders.

There are a number of references to horizon scanning throughout the draft plan of work. It would be helpful if Ofcom could commit in the work plan to sharing the outputs of this work with the Welsh Government to support the work that we are doing across Wales.

The plan of work highlights the variety of ways in which Ofcom obtains evidence, intelligence and insights, including market research and intelligence; data

engineering and analytics; and technology insights. It would be helpful if Ofcom could commit in the work plan to sharing the outputs of this work with the Welsh Government to inform the work that we are doing across the communications landscape in Wales.

Welsh Government welcomes Ofcom's proposal to improve its existing mobile coverage data, which will support us in devising policy that will help improve mobile coverage for those currently in not-spot areas.