

Consultation title: Ofcom Diversity and Inclusion Programme 2018-2022

Name of respondent: **Simon Albury**

Representing (self or organisation/s): **Campaign for Broadcasting Equality CIO**

## **Campaign for Broadcasting Equality CIO response to the consultation on the Ofcom Diversity and Inclusion Programme 2018-2022**

The Campaign for Broadcasting Equality welcomes Ofcom's new commitment to strengthen diversity in broadcasting and the invitation to suggest any activities that should be part of Ofcom's Diversity and Inclusion Programme.

### **1 Independent Production**

The diversity and inclusion programme fails to address the issue of diversity in independent production. I understand that Ofcom has been advised that its statutory powers and duties relate directly to its licensees and that that they do not give it a basis to require diversity data about the employees of independent production companies.

This means that Ofcom cannot be a wholly effective regulator for diversity in broadcasting. Ofcom should have identified this issue and should be considering how its powers might be extended, at least in relation to the BBC.

Sir Peter Bazalgette, then Chair of the Arts Council, told the Lords Communications Committee inquiry on the BBC:

*"The fundamental principle here should be that public money should be spent for the benefit of everybody, and the products of that public money - programming, arts events, whatever they happen to be - should draw on all the talents of the country, not only to reflect the country but to bring forward those people for their personal fulfillment as well."*<sup>1</sup>

Ofcom's report "Diversity and Equal Opportunities in Television" (14 September 2017) demonstrates that the BBC fails to act according to this fundamental principle and fails to draw proportionately on all the talents of the country. BAME people are under represented.

### **The £1 billion diversity gap**

BBC external supply amounts to £1 billion annually. Last year, £433 million was spent with the independent production sector, and hundreds of millions more with rights holders, performers, talent directors, production resources and musicians.

---

<sup>1</sup> Lords Select Committee on Communications Inquiry on BBC CHARTER RENEWAL: PUBLIC PURPOSES AND LICENCE FEE, 21 JULY 2015  
<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/communications-committee/bbc-charter-renewal-public-purposes-and-licence-fee/oral/18803.html>

The BBC fails to monitor or require diversity in external supply. Ofcom has said it does not have the power to seek such information.

Within DCMS, the current prevailing view is that independent producers are commercial companies that work with a range of other public and commercial providers beyond the BBC and that introducing regulatory requirements and performance measures to secure greater diversity in external supply would risk undermining a well-functioning competitive market.<sup>2</sup>

This projects a fragility on the indie sector which is very far from the robust reality. As an experienced economic regulator, Ofcom must recognise that this view is naive and unsustainable.

The UK independent television sector is one of the most robust in the world. Despite the difficult economic climate, independent television sector revenues have grown from £1.3 billion in 2005 to over £2.5 billion in 2016.<sup>3</sup>

In the commercial market suppliers are required to meet different specifications for different customers and different projects. Diversity requirements should be part of the specification for BBC external supply.

Some might argue that requiring the BBC to require diversity in external supply might disadvantage the BBC in the market. It is hard to see how such an argument might be sustained but even if it were, it would be preferable that the corporation were disadvantaged than BAME people were to remain disadvantaged in the expenditure of the BBC's public funds.

Ofcom should be clear about how it sees the limits of its powers and clear about what steps could be taken to extend them, if necessary.

## **2 Ofcom BAME Advisory Committee**

Ofcom has an Advisory Committee on Older and Disabled People but no BAME Advisory Committee. It should establish a BAME Advisory Committee

## **3 Diversity Stakeholders Meeting**

On 13<sup>th</sup> July Ofcom 2018 held a useful "BBC Performance diversity stakeholder event." It has held no stakeholder event on this Diversity and Inclusion Programme consultation. Ofcom says it will "ensure that diversity

---

<sup>2</sup> DCMS has said it doesn't think that extending the regulatory perimeter to include independent production companies that work with the BBC is a feasible approach. These are commercial companies that work with a range of other public and commercial providers beyond the BBC and DCMS would want to avoid any possibility of undermining a well-functioning competitive market. The government expects the BBC to lead the industry on all areas of diversity, and we hope to see progress in the BBC's approach to diversity as their new workstreams bed in.

<sup>3</sup> Pact Census Independent Production Sector Financial Census and Survey 2017, by Oliver & Ohlbaum Associates Ltd (November 2017)

groups know of our work and how to engage with us.....” Ofcom should hold an annual diversity stakeholder event to explain what it is doing and to obtain feedback.