

## BBC Response to Ofcom's Invitation to Comment on Measuring Media Plurality

### I. EXECUTIVE SUMMARY

#### *The UK media sector and plurality*

The media play a vital role in shaping our culture, values and democratic society. A healthy sector must ensure a plurality of news supply offering a diverse and wide range of views. Yet it should also demonstrate other characteristics: high levels of news consumption and reach, accurate and well-funded journalism, competition between providers and a variety of ownership and governance structures.

In many respects the UK sector fits this model. It is benefiting from an explosion of new sources of media content online and growth in some traditional media, such as 24/7 TV news.<sup>1</sup> Consumers are responding by expanding the number of media sources they use regularly. However, the sector also faces challenges – above all, the erosion of traditional business models by the fragmentation of audiences and revenues.

The UK's plurality regime was designed to help sustain the health of the sector and prevent any one player having undue influence. Interventions to regulate content and support public service broadcasting also contribute substantially towards this goal.

#### *Measuring plurality*

The complexity of measuring plurality across media is such that simple restrictions on cross-media ownership have remained resilient internationally as the main means of ensuring plurality. It is therefore worth considering first whether existing UK cross-media ownership laws can be made fit for purpose in the light of significant platform, market and audience developments. Nonetheless the BBC welcomes the aim to measure plurality across platforms, including online, and has considerable experience to offer.<sup>2</sup> In our view:

- Audience share is a partial and crude metric and should not be used on its own
- Ofcom must consider instead a number of measures, namely available voices, concentration of market, "multi-sourcing" and internal (as well as external) plurality
- Another measure that has been part of the current debate is share of media revenues. The BBC believes this is a metric that Ofcom should consider
- Mergers and acquisitions should remain the main triggers for plurality assessments; any other triggers bring with them complexities and need careful consideration.

#### *The position of BBC news in the market*

On any metric the BBC is a leading provider of news in the UK. It delivers significant public benefits through the universal availability of well-funded, high quality news. The strategic commitment of the BBC to news and to those parts of the value chain facing commercial pressures (e.g. newsgathering and specialist journalism) is of real value.

Ultimately, the BBC's popularity is a result of the daily choices of millions of UK citizens who regularly consume its services and rate it the most trusted, accurate and impartial news provider. Audiences choose the BBC despite the expanding range of other news providers: BBC News attracts 72% of all TV News minutes consumed, despite only broadcasting 27% of news minutes broadcast.<sup>3</sup>

---

<sup>1</sup> For example, since launch in 2006, Al Jazeera English has added to the range of voice and newsgathering capacity reflected in UK consumption, acting as a source of stories for agencies such as Reuters (Perspective, 'Setting the News Agenda', Dec 2010).

<sup>2</sup> The BBC runs what we believe is the only continuous survey across media: the Cross Media Insight survey. See section III (b).

<sup>3</sup> All channels including 24/7, BARB weekly average across 2010, all adults

A virtuous circle exists between the BBC's impartiality and accuracy, trust and audiences:

- Trustworthiness, along with accuracy and being up-to-date, are the top factors that govern choice of news provider; the BBC leads other broadcasters on all of these and the biggest lead is for trust<sup>4</sup>
- The top reasons for trusting BBC news are because it is "accurate/reliable/truthful" and "impartial/unbiased"<sup>5</sup>
- The number of people who would choose the BBC to turn to for accurate and impartial coverage is five times higher than for the next nearest news provider.<sup>6</sup>

Importantly, however, the popularity of BBC news does not result from 'economic dominance': the BBC today takes a smaller share of UK broadcast revenues than at any other time in its history – and it is a share that is all but certain to fall over coming years.<sup>7</sup> Nor does the BBC's reach preclude use of multiple sources by audiences.<sup>8</sup> New BBC data suggests UK adults use 3.2 news providers per week. The 9% who use only the BBC are likely to include a large number of users who would not otherwise access any news at all.<sup>9</sup>

### *Why the BBC is different*

The BBC is qualitatively different from other UK news providers as Ofcom itself noted<sup>10</sup>; it is in a category of one as a publicly-funded, independent news provider with strict governance and regulation. At the heart of the BBC's difference lie three factors:

1. The BBC's remit under Royal Charter to act independently and in the public interest supplying news intended for all, not any one commercial niche
2. Its accountability to licence fee payers and the need to meet their singularly high expectations of the BBC including of its values and behaviour
3. Unique governance and regulation safeguarding editorial standards and integrity.

These three factors mean that the BBC plays a vital role in securing a vibrant and diverse news market. Together, they form a 'triple lock' tying the BBC to the public interest in news plurality. They also contribute to the BBC's role as the provider offering the greatest range and diversity across its output. Audiences want the BBC to deliver a range of perspectives<sup>11</sup> and they believe it does so to a greater extent than any other news provider.<sup>12</sup>

### *How the BBC fits into the UK plurality regime*

In light of the fundamentally different nature of the BBC:

- The BBC should not itself be the trigger or subject of any new plurality regulation
- Assessments of plurality might take into account its role in audiences' news diet
- However, Licence fee payers and Parliament established the public interest safeguards for the BBC at the time of the last Charter in 2006
- The appropriate time for reviewing them is at the time of each Charter review.

---

<sup>4</sup> OLR for BBC, 4,639 UK adults 18+, February 2010

<sup>5</sup> Ipsos MORI for BBC, UK adults 16+ who follow the news (977), November 2011. This found the BBC to be the most trusted news provider. When asked why they trusted the BBC the most for news in an unprompted, open ended question, 29% gave as their reason "accurate/reliable/truthful" and 23% "impartial/unbiased"

<sup>6</sup> Ipsos MORI for the BBC, 2,044 UK adults 15+, August 2011. "Which one source are you most likely to turn to if you want impartial news coverage?" and repeated "for news that is accurate?". 47% would choose the BBC for the impartial news coverage and 54% for news that is accurate; this compares to the 9% who cited the next nearest news provider (ITV) for both.

<sup>7</sup> Sources: WARC, Zenith, PwC, Screen Digest, BBC

<sup>8</sup> Indeed, the BBC actively increases multi-sourcing eg. by linking from bbc.co.uk to other news sources and via Radioplayer.

<sup>9</sup> GfK for the BBC, Cross Media Insight Survey, 8,450 adults 16+. Q311. Number of sources is based on a retail level.

<sup>10</sup> Report on public interest test on the proposed acquisition of BSkyB by News Corporation, Ofcom December 2010

<sup>11</sup> 1,024 UK adults 15+; Ipsos MORI for the BBC, August 2010. "The BBC should air all kinds of views and opinions, even if some people find them challenging" (90% agree, 4% disagree); The BBC should provide something that suits different people's tastes and interests, even if not everything is of interest to me personally (91% agree; 2% disagree).

<sup>12</sup> ICM for BBC, 1,003 GB adults 18+, November 2011. To what extent do you agree or disagree with the following statement: [Provider] shows a range of perspectives when reporting a news story. BBC net agreement 79% vs. an equivalent of 69% for the next nearest provider (ITV)

## II. CONTEXT

The BBC welcomes the opportunity to respond to Ofcom's Invitation to Comment on measuring plurality across media.

Before addressing the five key questions posed by the Secretary of State<sup>13</sup>, first we look at the ambitions, scope and limitations of media plurality regulation in the UK. Although Ofcom has been asked to focus on measuring media plurality, this must be founded on an analysis of the underlying ambitions behind the UK's plurality regime, the purpose and roles of different media organisations and the underlying state of the market to which any rules will apply.

### II. (a) Media Plurality in the UK

The media – traditional print, broadcast and digital – play a vital role in shaping our culture, values and democratic society. As Secretary of State Jeremy Hunt said in his recent RTS Cambridge speech: *"the media industry is different because of the special influence that it has on our national culture, on our identity and on the way that we view ourselves."*<sup>14</sup>

A healthy sector must ensure a plurality of news supply offering a diverse and wide range of views, and that no single news provider can control the news agenda. However, a well-resourced and healthy news sector should also display the following characteristics:

- news media that reach and are consumed by a significant number of readers, viewers and listeners and are trusted
- the accurate, fair and balanced reporting of events and high quality journalism which holds powerful interests to account
- sufficiently low barriers to entry and competition between providers that spurs quality and innovation in the gathering and dissemination of news
- overall investment at a level sufficient to guarantee high quality coverage, including extensive newsgathering and investigative journalism
- a variety of ownership and governance structures to safeguard editorial standards and institutional plurality.

In many respects, the UK news media fits this model. It is highly competitive with world-leading journalism and a wide range of providers and editorial voices. Choice has expanded with the growth of digital media, and consumers are increasingly multi-sourcing their news.

However, commercial news providers in the UK and around the world – especially newspapers – face structural challenges to their business models. There is a fragmentation of news consumption across many different suppliers; a shift in advertising from newspapers to the internet; and, as yet, no new revenue model for broad-ranging online news provision that is able to offset the losses in traditional media. A combination of these pressures poses a risk to the overall quality and range of UK journalism. In addition, the reputation of UK journalism has been damaged by the malpractices now subject to investigation by the Leveson inquiry and various police investigations.

---

<sup>13</sup> These are: 1. What are the options for measuring media plurality across platforms? What do you recommend is the best approach? 2. Is it practical or advisable to set absolute limits on news market share? 3. What could trigger a review of plurality in the absence of a merger, how might this be monitored and by whom? 4. Could or should a framework for measuring levels of plurality include websites and if so which ones? 5. Whether or how it should include the BBC?

<sup>14</sup> Jeremy Hunt, speech to the Royal Television Society, September 2011

This state of affairs raises complex questions for policymakers. Undue concentrations of media power and influence pose a threat to the long-term economic sustainability of a competitive sector and to the health of democratic discourse. An effective public interest regime must guard against such developments. At the same time, policy-makers should ensure that securing the important goal of plurality does not add to the economic or funding pressures facing news.

Public intervention – through the BBC and commercial public service broadcasters – will continue to make a significant contribution to a well-resourced and plural media market. Television news is most trusted by audiences to present fair and unbiased coverage of UK and international events.<sup>15</sup> This reputation is, at least partly, because it operates within a clear regulatory framework requiring impartiality and due accuracy.

The BBC will retain a strategic commitment to high quality and independent coverage, analysis and investigation. As set out in *Delivering Quality First*, it will focus investment in those areas which offer public value and where the market is under pressure, such as international newsgathering, investigative journalism and regional news. Its unique governance structures safeguard impartiality while its editorial structures and culture encourage “internal plurality” of views and perspectives across its different outlets.

## II. (b) Ambitions of Media Plurality

Plurality of supply – the existence of a “sufficient” number of different media enterprises with different owners – is a common aim for media markets around the world. Two slightly different concerns influence this thinking. First, media content in its widest sense – arts, drama, comedy and so on – can have a significant impact on social and cultural attitudes and values in a society. Broadcast media, especially television, are considered to have a particularly powerful influence in this respect.

Second, news media specifically can play a significant role in supporting the effective functioning of a democratic society, by ensuring wide and free dissemination of a diverse range of information, opinions and arguments.

Plurality in the supply of news media is thought to be desirable to:

- Ensure a sufficiently representative range of viewpoints and opinions are expressed
- Ensure that bias or misrepresentation in one source is exposed by others; and
- Reduce the capacity of any specific media owner to:
  - Influence politicians and distort the political process
  - Control the news agenda.

The House of Lords Communications Committee summarised this concern as follows:

*“In 2001, the Government published a consultation paper on media ownership in which it was stated that “A healthy democracy depends on a culture of dissent and argument, which would inevitably be diminished if there were only a limited number of providers of news”. This was a sentiment shared by the previous Conservative administration: “A free and diverse media are an indispensable part of the democratic process. They provide the multiplicity of voices and opinions that informs the public, influences opinion, and engenders political debate. They promote the culture of dissent which any healthy democracy must have. If one voice becomes too powerful, this process is placed in jeopardy and democracy is damaged.”<sup>16</sup>*

---

<sup>15</sup> Ofcom Media Tracker 2010 quoted as part of Ofcom’s Public Service Broadcasting Report 2011, 2,100 UK adults 16+

<sup>16</sup> House Of Lords Select Committee on Communications, *The ownership of the news*, 27 June 2008

Plurality can, therefore, be seen as a means to several different ends: *inter alia*, a culture of dissent, informed and democratic debate and quality journalism. This breadth of ambition extends beyond the summary in Ofcom's ItC which focuses on the influence of the media on opinions and setting the political agenda (paragraph 1.6).

From both these perspectives, the ownership, governance and regulation of media enterprises have been seen to be of particular importance both in the UK and around the world. Whereas competition rules are generally believed to be sufficient in most other markets to protect the consumer and ensure innovation and growth, media markets are widely felt to require additional measures to safeguard the public interest.

## II. (c) Scope of Media Plurality

The ItC asks whether other genres – beyond news and current affairs – are relevant to consideration of media plurality.

There may be a case to look at genres beyond news – at least initially. For example, satire from *Spitting Image* to *10 O'Clock Live*, and from *Private Eye* to *The Daily Mash* form an important backdrop to how we think about business and politics and hold powerful interests to account. More broadly, drama, comedy and factual formats can play a role, alongside news and current affairs, in helping condition the political discourse. These genres contribute to the way we see ourselves as a society. From time to time, major contemporary TV dramas like *House of Saddam*, *Criminal Justice* (based on the penal system) and *Occupation* (explored Basra from British soldiers' perspective) have had a significant impact on public debate.

However, the BBC recognises that news and current affairs are likely to be the key focus of Ofcom's work.

## II. (d) Policy and Regulatory Tools

While there is widespread acceptance that plurality can have great value, it is not, of course, a panacea, but rather one element in ensuring a vibrant media market that contributes to society.

Beyond rules on media ownership and the public interest test<sup>17</sup>, competition policy plays a role. Other interventions include content regulation and support for public service broadcasting. These interventions have treated different media in different ways. In the UK, broadcasting in particular has been highly regulated. Significant interventions include a publicly-funded BBC, a not-for-profit Channel 4, and a regime of content regulation for all other broadcasters, including a requirement to ensure that news is impartial and accurate. Print media, in contrast, have the freedom to provide partisan comment and opinion, within a self-regulated regime. New digital media are as yet largely unregulated, and are host to a multitude of opinionated blogs alongside a wide range of news sources. Indeed, some of the interventions above are almost certainly more significant in securing the provision of high quality and balanced news than plurality measures on their own.

---

<sup>17</sup> Current plurality rules include: 1. The plurality "public interest" test, in which an assessment of plurality can be triggered by a "public interest" intervention in a merger between media enterprises. 2. National cross media ownership rules regulating the cross ownership of a Channel 3 licence and one or more national newspapers with an aggregate market share of more than 20%. 3. Restrictions on holding broadcast licences prevent or limit control of television and radio by certain owners whose influence might cause concern. 4. Rules which require Channel 3's news provider to be independent of the BBC, not under the control of political or religious bodies and suitably well funded.

## II. (e) International Comparisons

Finally, while international comparisons must take into account a vast range of differences between countries explored, it is nonetheless a useful exercise to explore the ambitions, scope and limitations of media plurality regimes beyond the UK. We have commissioned an initial examination of the current practice in a selection of countries in Europe, North America, and Australasia (chosen for their scale and relevance).<sup>18</sup> From this study, a number of key conclusions can be drawn:

- In the countries we examined, there are typically two main approaches: first, restricting ownership/control of multiple media outlets (e.g. the number of TV channels, radio stations or newspapers that can be owned by any single entity) to ensure a range of “voices” is available in any defined market; second, preventing large media enterprises from having excessive influence, usually with reference to an audience share limit. Sometimes a combination of these approaches is used.
- In most countries examined, regulatory intervention is only considered in the event of a merger/acquisition which might affect plurality. It is much less common for regulators to intervene in the event of some pre-determined market share threshold being breached by a media enterprise e.g. through organic growth. Periodic reviews of media plurality do take place in some countries – although these seem to be intended to inform decisions about future ownership rules, rather than to make immediate interventions to address plurality concerns.
- Public broadcasters are normally seen as contributing to rather than threatening plurality. They are typically not affected by any restrictions on ownership/control, and are not subject to market share constraints. Their existence is often taken into account, however, when determining levels of plurality acceptable in the rest of the media market.

## III. MEASUREMENT, LIMITS AND TRIGGERS

### III. (a) Plurality across Media

*What are the options for measuring media plurality across platforms? And what do you recommend is the best approach? Could or should a framework for measuring levels of plurality include websites and if so which ones?*

The BBC believes that measuring media plurality across platforms is a reasonable aim. As the Secretary of State argued in his recent RTS Cambridge speech, the rise of services and business models operating across platforms makes an important case for measurement on a consistent basis.

Digital platforms have grown since the Communications Act 2003, with the internet soon to be the second most important source of news for consumers ahead of radio and newspapers and particularly important to younger audiences.<sup>19</sup> While the precise

---

<sup>18</sup> We have examined data on approaches to media plurality taken in the US, Canada, Australia, New Zealand, Norway, Australia, Germany, France, Italy, Spain and Ireland.

<sup>19</sup> Ofcom, [The Ofcom Media Tracker survey: 2010 survey results](#), July 2011, 2,100 UK adults 16+. The internet is currently on a par with radio but has risen rapidly from being cited as the most important source by 3% in 2005 to 7% in 2010.

boundaries need consideration, the BBC believes websites should be included in measurements of plurality.<sup>20</sup>

### III. (b) Approaches to Measurement

The preceding discussion, we hope, makes clear that assessing the adequacy or otherwise of plurality is a complex challenge. No single metric is likely to be sufficient to fully capture the extent of plurality or its significance in terms of the key policy goals. However, there are also disadvantages in using too many and overly complex metrics in such an assessment, including a potential lack of transparency in approach. This complexity is arguably one of the reasons for the resilience of rules about cross-media ownership in most developed national media markets.

Given this, we think that it will be important for Ofcom to examine a small range of key factors when considering measurement options, using an evidence based approach as far as possible. We suggest the following four areas:

- Number of available voices
- A measure of concentration (such as share)
- Multi sourcing by consumers
- Internal as well as external plurality

#### *a) Number of available voices*

The starting point for any plurality assessment, we believe, must be an analysis of the number of different voices – measured across platforms - available to consumers in any market. Availability leads to choice and, regardless of actual scale of consumption, can ensure that a range of ideas are circulated and that scope exists for alternative views and perspectives to be presented. Digital media mean that stories from relatively obscure sources can quickly become common currency of debate.

#### *b) Concentration and share*

Even if there is a wide range of available voices, we recognise that undue concentration of consumption might be a cause for concern. In fact, some measure of market share has tended to be a key metric in plurality assessments so far. Several options exist in relation to share metrics:

Share of revenue: one metric used internationally and discussed in the UK debate on plurality has been share of total media revenues controlled by a media enterprise. It has been proposed as a proxy for the economic power of a provider and its ability to exert that to diminish in the longer term the competition it faces. It has been proposed as a response to the dynamic risks to plurality not captured by competition law and its typically static assessment of often narrowly defined markets. The precise public interest gap in competition law and the extent to which this should be filled by additional measures on plurality is a complex question. The BBC believes that, at least in the first instance, this is a metric Ofcom should consider.

Share of news consumption: the BBC recognises that share of consumption (e.g. share of reference or time spent) is likely to be a relevant metric. All things being equal, a scenario with evenly and widely distributed shares is likely to be more plural than one with more

---

<sup>20</sup> It may also be appropriate to consider whether they should be explicitly included within the scope of “media enterprises” for the purpose of the current merger and public interest regime.

concentrated share. However, it provides only a very crude and partial picture of plurality and is fraught with methodological challenges, as discussed below.

When considering share of consumption, there are two metrics which are commonly considered. The first is time spent with each media provider. This methodology presents some challenges in that:

- It mixes different measurement systems and methodologies (BARB/Comscore, consumer research for NRS/RAJAR) unless one system can be developed to cover all platforms
- It mixes output that is all news (eg TV news bulletins) with output that is a mix of news and other items (eg time with newspapers can be reading the news, but can also be doing the crossword or checking job ads)
- It is not clear that one minute of news on radio = one minute on TV = one minute of newspaper consumption. For instance, radio may sometimes be treated as 'background noise', whereas newspapers are often engaged with more actively.

A second possible share metric is 'share of references' which we believe offers potential, but which also has some challenges. For example, this can rely on respondent recall of the news they have consumed, and thus underestimate incidental consumption (eg. on radio or through occasional visits to particular providers via Google News).

The BBC has considerable experience in the field of measurement across media, which may be of help to Ofcom as it takes its thinking forward. The BBC has been running what we believe to be the only continuous cross-media survey, the Cross-Media Insight survey (CMI). Each week a sample of 650 UK adults (a different 650 each week) record their media consumption across television, radio, online, teletext, red button, and mobile.<sup>21</sup> Like all research methodologies, it is not perfect and was designed for purposes other than those which Ofcom is seeking to meet.<sup>22</sup> However, we believe CMI produces some instructive data and reveals some important methodological points about asking respondents to record their cross-media (including news consumption) on a daily basis.

### *(c) Patterns of consumption especially multi-sourcing*

Considering share as a measure of plurality in isolation could lead to perverse outcomes. Instead, multi-sourcing, the total quantum of news consumed and 'internal plurality' are vitally important factors in measuring plurality.

### Multi-sourcing

An analysis of multi-sourcing is a third critical component of any rigorous plurality assessment. Ofcom estimated that on average UK consumers use 2.8 retail providers of news each week.<sup>23</sup> Arguably, this figure could be conservative. For example, new data from

---

<sup>21</sup> CMI is representative of the UK population 16+, and respondents complete the survey each day for a week. They record what television, radio and online content they consumed the previous day. This daily survey covers 88 television channels (16 at a programme level and the remainder at a channel level); 75 radio stations (c50 stations at a programme level; the remainder at a station level) and c100 websites. Then, in an additional survey at the end of the week, respondents state whether during that week they consumed any content via teletext, red button, mobile, on-demand or DVD, and they record their newspaper readership that week. Overall, the survey covers over 100 sources of news.

<sup>22</sup> The survey does not itemise the bulletins on BBC radio or on commercial radio, nor does it itemise the one-minute news summary on BBC One or the news output on BBC Three. However, reasonable assumptions can be made on the likelihood of individuals having consumed news on these services by using their responses on the times at which they use these services and/or their responses on the length of time they use them for.

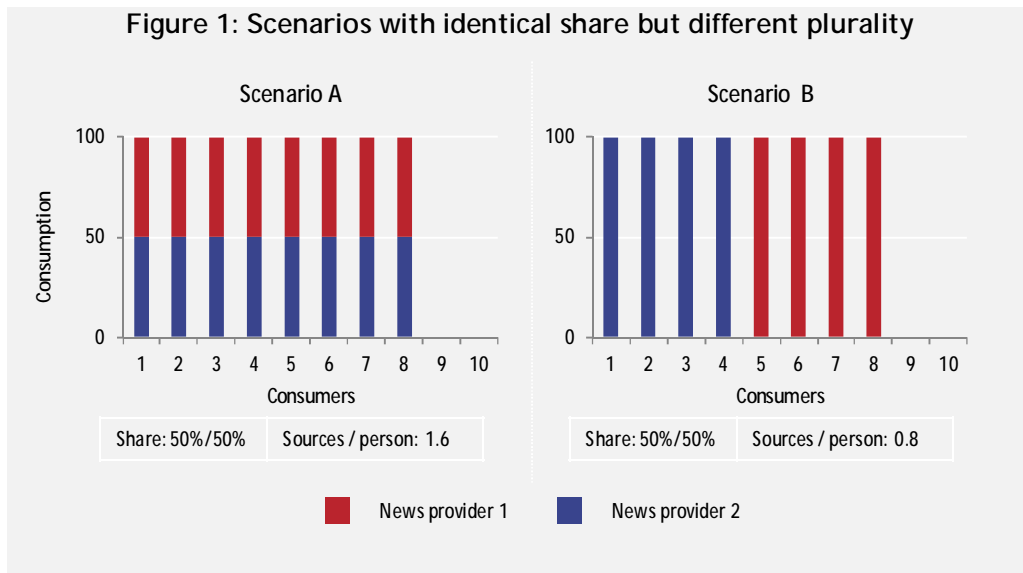
<sup>23</sup> Report on public interest test on the proposed acquisition of BSkyB by News Corporation, Ofcom December 2010



the BBC's CMI survey indicates that in Q311 UK adults used 3.2 news providers (retail level) on average per week.<sup>24</sup>

Multi-sourcing is likely to increase as consumers make greater use of the internet and mobile for news, platforms on which usage is more 'promiscuous' than traditional platforms.

The importance of multi-sourcing is illustrated in Figure 1. This presents two scenarios, each with two news providers (1 and 2). In Scenario A, all consumers who take news (8 out of 10), take news from both providers. In Scenario B, 4 consumers take news exclusively from provider 1 and 4 from provider 2. The level of consumption and market share is identical in both scenarios. However, Scenario A is far more plural. All consumers who take news hear it from two different providers, giving them the opportunity to hear differing views and make up their own minds. In Scenario B, each consumer is likely to be completely reliant on their sole news provider, since they get no alternative perspective.



An approach to plurality based on market share would not distinguish between these two scenarios. By contrast, one that considers multi-sourcing sees a sharp difference between these two scenarios – in Scenario A, the sources per person are 1.6<sup>25</sup>, whereas Scenario B has 0.8 sources per person, indicating far less plurality.

### Quantum

Multi-sourcing is also valuable because it provides a window into the quantum of news consumption which might otherwise be neglected in a share-orientated measure. News plurality has little societal value if it comprises a diverse but tiny market. The closure of a newspaper title or TV service might 'even up' market shares, but this is presumably damaging not beneficial to the extent to which that news consumption disappears rather than being redistributed.

Conversely, a leading news organisation might increase its share by developing a news product that appealed to an audience that otherwise consumed no news at all. A share-only approach to plurality might suggest this was a bad outcome, representing a further

<sup>24</sup> GfK for the BBC, Cross Media Insight Survey, 8,450 adults 16+. Given that CMI records lower reach for television news than BARB, it is possible that this is an under-estimation of the number of news retail providers used per person

<sup>25</sup> Two sources for eight consumers, and zero for two consumers, for an average of 1.6

concentration of the market. A multi-sourcing approach, by contrast, would show a positive result, namely an increase in average news sources per person.

Here it is instructive to look at those who only use the BBC as a news source (11% according to Ofcom)<sup>26</sup>. New data from the BBC's CMI survey found that this audience segment – measured at 9% by CMI – skews towards those aged 16-34. This is an age demographic which is more likely to be disengaged from politics and current affairs.<sup>27</sup> Research by TFI suggests that, although there has been an increase in recent years, the active interest that younger audiences take in accessing news via television and radio remains lower than older age groups by a significant margin.<sup>28</sup> The BBC, given its source of funding and universality requirement, goes to great lengths to engage this audience with news in its scheduling, treatment and choice of coverage. For example, the one-minute BBC One 8pm News Summary, scheduled immediately before *Eastenders*, has proved successful in engaging young audiences since its launch in December 2007. It achieves a younger audience profile (20% are aged 16-34) than news/weather on BBC One as a whole (9%).<sup>29</sup> It is likely that most of the 37% of 15-34 year olds who are reached by Radio 1 listen primarily for the music but a large number will encounter its regular, accessible and targeted news bulletins.

#### *d) Range and diversity of voice*

Finally, any assessment of plurality needs also to capture the range, diversity and balance of perspectives *within* one news entity rather than *between* different news entities (often called “internal plurality”). This is reflected in some commercial newspapers who pride themselves on taking an objective approach to reporting news, but present a range of opinions and views in their columns. Their brand or reputational value depends on them doing this – it is what their customers want. Some newspapers in contrast present highly opinionated versions of the news and have a clear political standpoint. It is what *their* customers want. A simple market share measure would treat both types of newspaper equally, but it is not obvious that this would provide a fair indication of the range and diversity of views available in the marketplace.

“Internal plurality” is equally an important factor in broadcasting. The “due accuracy and impartiality” requirement on TV broadcasters means that news stories have to be presented in a fair and balanced manner, and if opinion is included, a range of views must be sought. Some argue that this does not provide full protection from editorial agenda setting: choice of stories, for example, might be used to promote a particular set of views. Even if this is accepted, however, it would be wrong to equate the “influence” of TV news with that of a newspaper which has complete freedom to select and pursue its own particular editorial agenda. In fact there are good reasons to conclude that current impartiality rules do provide protection against overt agenda setting<sup>30</sup> and that it would be hard for TV news services to avoid or downplay major news stories, however embarrassing to their owners. As for far as the BBC is concerned, the evidence suggests it does not provide a single, monolithic voice in news. The BBC's remit, universality obligation and editorial culture result in a breadth of news coverage and a variety in approach, tone, presentation and format.

---

<sup>26</sup> Report on public interest test on the proposed acquisition of BSkyB by News Corporation, Ofcom December 2010

<sup>27</sup> Research by the Hansard Society in 2011 showed that 41% of 18-24 year olds and 51% of 25-34 year old respondents said they were interested in politics, compared to responses of over 60% for all age groups up to 74 years old. Three fifths of 18-24 year olds had said they were ‘not very’ or ‘not at all’ interested in politics, and only 8% were ‘very interested’.

<sup>28</sup> 15% of 15-24 year olds and 24% of 25-34 year olds responded that they usually watch TV current affairs programmes, compared to the average of 35%. 13% of 15-24 year olds and 20% of 25-34 year olds responded that they specially chose to listen to radio current affairs, compared to the average of 27%. 10% and 16% for 15-24 year olds and 25-34 year olds respectively responded that they regularly visit online newspapers – while higher than the overall average in the case of 25-34 year olds, this figure is still low compared to the figures on Radio and TV and does not compensate for them.

<sup>29</sup> BARB, Jan-Nov 2011

<sup>30</sup> See for example – ‘Past and future trends in plurality and the setting of the news agenda’, Perspective, Nov 2010

### III. (c) Setting Absolute Limits

*Is it practicable or advisable to set absolute limits on news share?*

Plurality rules can take the form of hard and fast caps on media ownership – either in terms of number of media companies that any one enterprise can control, or in terms of some limit on overall market share.

Of the two, the advantage of taking the first approach – limits on number of media companies controlled – are two fold. First, they are clear and easy to implement, hence providing a degree of transparency and certainty to players in the market. Second, they do not prevent organic growth within a media enterprise. It is these sorts of rules which are most commonly found around the world. A disadvantage might be that they prevent what might be efficient mergers (often across different types of media) to the detriment of the financial health of media players and, possibly, consumers too. We think there may still be a case for this sort of intervention in the UK. However, Ofcom may want to give some consideration to whether the current cross-media ownership rules take account of the changes in platform and market dynamics, and in how people gain access to content.

The second approach – market share limits – might be more suited to a multi-media world, if those limits are expressed across media. They address concerns about undue concentration, but do allow a more flexible approach to development of services across different media. However, they also have drawbacks: measurement difficulties (as described above) and the potential for adverse incentives on organic growth. In addition, they could risk penalising successful businesses. Our initial view is that, at best, such limits could be of value as an indicator of a possible problem with plurality, not as a fixed constraint on growth.

#### *Sufficiency*

Whatever the metric(s) used to measure plurality, this is only an intermediary step in any assessment. While for example the closure of enterprises may well lessen plurality, the key question is not whether a particular development reduces plurality, but rather whether it leads to insufficient plurality.

The wider the scope of plurality rules, the more critical it is that market participants have at least some sense of where ‘insufficiency’ begins. Without this clarity, the rules could have a negative effect on innovation and investment, by raising the prospect of intervention in reaction to small share gains.

It is notable that in the report on the proposed acquisition of BSkyB by NewsCorp, Ofcom reported that some parties felt that plurality was currently ample and others felt plurality insufficient - but did not offer its own view. The ItC also only refers to this item in a way that suggests it may be impossible to provide guidance by asking “Is it possible to define a set of characteristics of a market that could raise concerns about levels of plurality?”<sup>31</sup>

Plurality may be a subtle question such that a single ‘bright line’ is inappropriate. However, Ofcom might wish to consider:

- whether current plurality is sufficient, and whether amply so, or marginally. (This exercise could also have the advantage of acting as a precedent for any future test, giving market participants a sense of how any future developments might be viewed)
- Ranges against the chosen metrics, within which plurality would be presumed to be sufficient, or marginal, or insufficient.

---

<sup>31</sup> Ofcom, *Invitation to comment on measuring plurality across media*, 21 October 2011

### III. (d) Triggers

Current practice in most countries we have examined is to intervene only in the event of a merger or acquisition. We believe this should remain the main trigger for any assessment in the UK.

We note that the Secretary of State for Culture Media and Sport has floated the idea of applying the public interest regime in the absence of mergers. As demonstrated by the analysis of international case studies, the issue of triggers for plurality – and indeed remedies – raises many considerations that require detailed consideration.

A ‘floating’ test, for example, based on organic growth or market exit would need to be designed so as to avoid constant review. One approach might be to provide that a full review only be triggered should there be a material change. Hypothetically, this might involve a significant drop in the number of news sources consumed per person or a marked gain in overall share by a leading commercial provider. It might be that the full review determined there was still sufficient plurality after the analysis.

Our initial view is that these problems remain significant, suggesting that any such triggers will be difficult to define and implement. An alternative approach to a ‘floating’ test might be a ‘periodic’ review – a regular assessment of plurality in the market, say every 3 - 5 years, when regardless of market developments there would be a high level review of plurality, with a more detailed review to follow should the initial analysis suggest that, *prima facie*, plurality might have dropped below a sufficient level. This could be combined with Ofcom’s statutory review of ownership rules.

A further consideration created by any such test is what might the appropriate action be in the event of any revealed plurality concern. To whom should remedies be applied, and what should those remedies be?

In a test anchored in mergers, the remedies inherently apply to the merging parties. With a floating test it is not necessarily so. If the plurality concern is that one provider is too powerful, then the focus of any remedies can be that single provider. However, if the concern is about some overall insufficiency of plurality, this leaves open the critical question as to how to apply remedies in the event of an insufficiency. It is important to note that an insufficiency is a feature of a *market*, not of an individual player.

If insufficiency arises organically, the interventions are less obvious, may carry unintended negative consequences, and may not be applicable to all organisations. One possibility would be *divestment* – requiring the target entity to spin out part of its operations. However, imposing divestment as a remedy for organic growth may have a chilling effect on the market, hence competition law targets abuse of dominance rather than dominance *per se*. A further complication is that many news outlets are loss-making entities owned by broader, profitable media companies, so there is no guarantee that the loss-making news outlet that might be ordered to be sold would find a buyer.

#### IV. WHETHER OR HOW TO INCLUDE THE BBC?

On any metric, the BBC is a leading provider of news in the UK.<sup>32</sup> It delivers significant public benefits in terms of the universal availability of well-funded, high quality news across TV, radio and online. Given the uncertainty facing the wider news media, the strategic commitment of the BBC to news and to those parts of the value chain facing commercial pressures (e.g. newsgathering and specialist journalism) will be of increasing value.

However, questions have been raised about whether the strong position of the BBC narrows media plurality, and whether it should therefore be subject to new regulation in this area. Ultimately, the BBC's popularity is a result of the daily choices of millions of UK citizens who regularly consume its services - despite the expansion in the sources of news available. These choices reflect their perception of the BBC's accuracy, quality and trustworthiness.<sup>33</sup>

The BBC is qualitatively different from other UK news providers; it is in a category of one as a publicly-funded, independent news provider with strict governance and regulation of its behaviour. The BBC uses its leading position not to advance its own interests and opinions but to ensure that a diversity of news and views is presented to all in a fair and balanced way. At the heart of this difference lie three important factors. First, the BBC's remit – as enshrined in the Charter and Agreement - to act in the public interest, to maintain its independence from political and commercial pressures, and to “sustain citizenship and civil society” through the provision of a range of high-quality, free-to-air news. Second, its accountability to licence fee payers and the necessity of meeting their singularly high expectations of the BBC. Third, its unique governance and regulatory structure that oversees the standards of its editorial output.

These three factors – the BBC's public interest remit, audience expectations and governance – mean that it plays a vital role in securing a vibrant and diverse UK news media. Each is a guarantee that the BBC's role in news is different to that of any other provider. Together, they form a ‘triple lock’ tying the BBC to the public interest in news plurality. In addition, the editorial structures and culture encourage internal plurality of views and perspectives.

In a previous assessment of media plurality, Ofcom itself noted the fundamentally different nature of the BBC as a news provider:

*“As with all media enterprises, the BBC may have an institutional view which can shape its editorial decisions. However, the governance of the BBC is different from other broadcasters in that it has a Royal Charter that requires it to be “independent in all matters concerning the content of its output...and in the management of its affairs.” Its strategic direction is set by the BBC Trust, which is held publicly accountable for the performance of its role in meeting the “public interest, particularly the interest of licence fee payers”. The Trust must also maintain the independence of the executive, which oversees output. This is fundamentally different from other media enterprises, including News Corp, which typically have a controlling proprietor.<sup>34</sup>*

The consequences for plurality are clear. The BBC accepts that any assessment of plurality might take into account its share, voice and role in audiences' news diet. The BBC's

---

<sup>32</sup> While measurement is complex and no single indicator can adequately capture plurality, as an example, Ofcom's analysis in the Sky/News case suggested the BBC had 37% share of references. Kantar for Ofcom, 2,018 UK adults, Nov 2011

<sup>33</sup> Accuracy, being up-to-date or trustworthiness are the most important factors that influence people's choice of news provider. Of the three most important factors influencing choice of news provider, the BBC has a lead over other broadcasters. This is particularly the case for trust. [OLR for BBC, 4,639 UK adults 18+, February 2010].

<sup>34</sup> Report on public interest test on the proposed acquisition of BSkyB by News Corporation, Ofcom December 2010

contribution to supply and consumption of news is significant and, in some parts of the market, only the BBC may be capable of delivering high quality and well-resourced news.

However, given the fundamentally different nature of the BBC, it should not itself be the trigger or subject of new regulation to safeguard plurality. Licence fee payers and Parliament established both the appropriate scale and public interest safeguards for the BBC at the time of the last Charter in 2006. The BBC believes they have been upheld ever since. The appropriate time for reviewing them is at the time of each Charter review.

The international evidence outlined supports this approach. Around the world, public broadcasters have been seen as an important intervention in support of media plurality, providing impartial and independent information to appreciative audiences, and adding to the available range and diversity of voices in news. While their share of audiences might be taken into account when assessing plurality, PSBs tend not in practice to be affected by any restrictions on ownership/control nor to market share constraints. Indeed, exemptions from restrictions for PSBs have been legally challenged and upheld, for example in the Constitutional Council of France in 2000, which found that it was a legitimate distinction “having regard to the special obligations” on France Télévision.<sup>35</sup>

The rest of this section looks at each of the three factors described above in turn and how together they secure the BBC’s positive contribution to plurality.

#### IV. (a) BBC’s Independence and Public Interest Remit

The primary purpose of the BBC is to ‘serve the public interest’ and ‘promote its public purposes’. The BBC’s Royal Charter establishes its freedom from political and commercial interests and obliges the BBC to produce high-quality news, universally available to all licence fee payers.

News and current affairs are the “inform” part of the original Reithian objectives of “inform, educate and entertain”. This is now captured in the first of the BBC’s Charter-enshrined public purposes - “sustaining citizenship and civil society” – and is reinforced by the BBC Agreement, which focuses on News above any other genre. For example, the BBC Trust must seek to ensure that the BBC gives information about and increases understanding of the world through accurate and impartial news, other information, and analysis of current events and ideas. The Agreement also makes specific provision for the inclusion of news and current affairs throughout the schedule of the BBC’s flagship TV channel, BBC One.<sup>36</sup>

The BBC’s success in delivering the remit set for it by licence fee payers and Parliament is demonstrated by the audiences that choose to consume BBC news in all its forms. BBC news delivers reach to 80% of UK adults weekly.<sup>37</sup> This is not a result of the BBC’s scale, it is a function of consumer choice: BBC News currently attracts 72% of all TV News minutes consumed, despite only broadcasting 27% of news minutes broadcast.<sup>38</sup> Nor is it an unintended consequence of the BBC’s existence as a PSB intervention in the UK market but a reflection of that mission.<sup>39</sup> The universal availability and wide consumption of news to which the BBC contributes brings recognised benefits to society.<sup>40</sup> The BBC’s output also

---

<sup>35</sup> Conseil Constitutionnel, [Décision no 2000-433 DC](#), 27 July 2000

<sup>36</sup> Clause 47

<sup>37</sup> Kantar Media for BBC, 3,022 UK adults, 16+ claimed reach

<sup>38</sup> All BARB-measured news provision (ie. the PSB channels incl. BBC News Channel, Sky News, Euronews and Fox News), weekly average across 2010, all adults. If you exclude the smallest of these, Fox News and Euronews, the BBC accounts for 52% of TV news minutes broadcast (but 72% of viewing).

<sup>39</sup> 80% of the public would miss the BBC if it wasn’t here, up from 70% in 2007 Sources: Kantar Media for BBC Trust, 2010/11 UK adults 15+, =2,273; BMRB for BBC Trust, 2007, UK adults 15+, =4,508

<sup>40</sup> see the work of Professor Cass Sunstein on the significant positive externalities of the availability of accurate and impartial news, providing access to the tools for citizens to make up their own minds about current events and issues

achieves significant impact. For example, 64% of BBC viewers agreed that BBC News Channel coverage improved their understanding of the key General Election issues. This compares to 45% of Sky News viewers saying the same of Sky News.<sup>41</sup> In serving its mission, the BBC can bring the nation together at times of national celebration, crisis and importance - such as the 35m who followed its Royal Wedding coverage, the 13.2m audience following the English riots on 9 August 2011 on the News Channel and the 21m who saw BBC News coverage on the day of the Comprehensive Spending Review.<sup>42</sup>

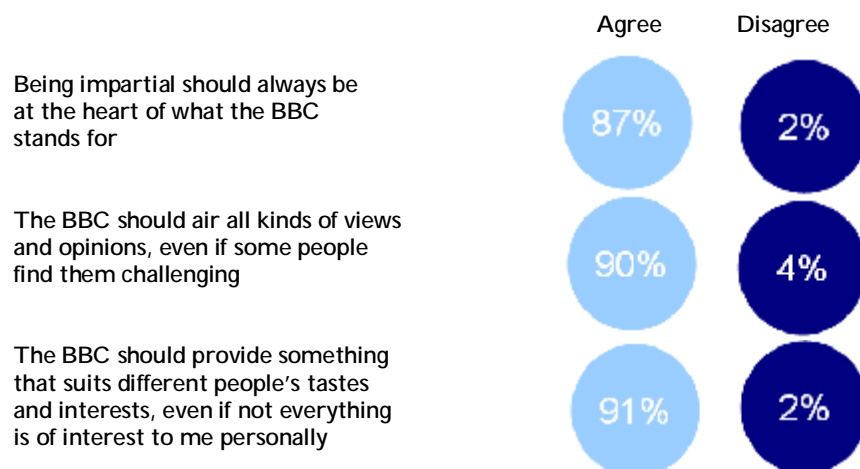
The BBC's requirement to serve all licence fee payers<sup>43</sup> encourages it to reflect a wide range of different views and perspectives and to be even-handed in its treatment of the news agenda and individual stories. It cannot serve one particular audience or commercial niche, acting as a news source that some love to consume and others love to hate.

#### IV. (b) Licence Fee Payer Expectations of the BBC

Audience expectations also play an important role in shaping the BBC's contribution to the UK's news ecology.

Audiences know what attributes they want the BBC to demonstrate. They want the BBC to be impartial. Internal plurality also matters to audiences.

Figure 2: Audience expectations of BBC impartiality and internal plurality



Source: 1,024 UK adults 15+; Ipsos MORI face-to-face omnibus survey, 13-19 August 2010

Furthermore, audiences have much higher expectations of the BBC than other providers. For example, the number of people who agree that the "BBC programmes should have higher standards of morality, values and behaviour than those of other broadcasters" outnumber those who disagree by two-to-one (55% agree to 24% disagree).<sup>44</sup>

<sup>41</sup> YouGov survey, adults 18+, May 2010

<sup>42</sup> Annual report 2010/11

<sup>43</sup> BBC Charter, under the Royal Charter, the BBC Trust must "represent the interests of Licence Fee Payers" (clause 23(a)) who are defined in the BBC Agreement to be those paying a TV licence but also "any other person in the UK who watches, listens to or uses any BBC service, or may do so or wish to do so in the future." (clause 102). Her Majesty's preamble also makes it clear that the Royal Charter is extended "in the interests of Our People" suggesting all UK citizens, not just some. The BBC's fifth public purpose is "representing the UK, its nations and its communities" (clause 4, Royal Charter) elaborated in the Agreement to be include providing "content that reflects the lives of different people and different communities within the UK" (clause 19).

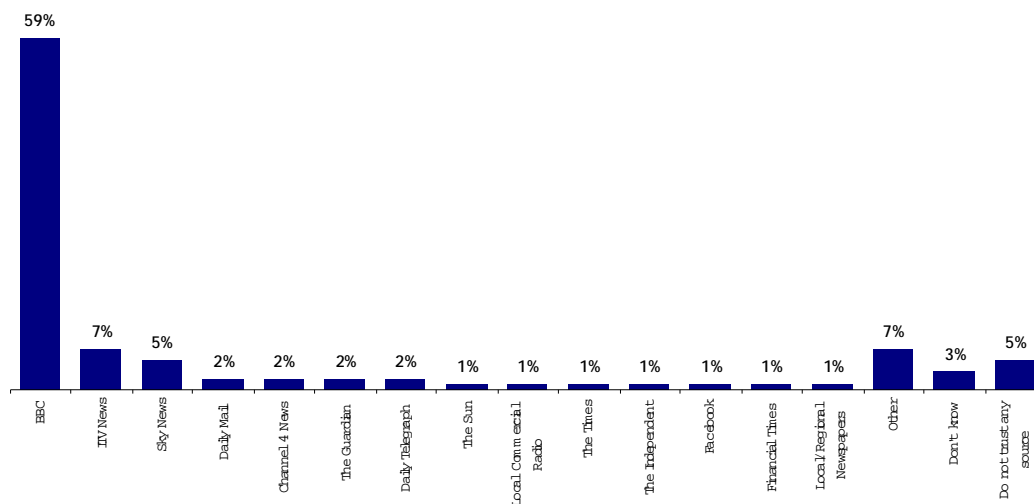
<sup>44</sup> Ipsos MORI for the BBC, 2,206 UK adults 16+, 2009

These expectations are not something the BBC can ignore; they help to “keep the BBC honest”. When unfulfilled, they result in declining trust for the BBC and risk undermining the contract between licence fee payers and the BBC. This happened over the fake competition winners and the press trailer for The Queen documentary which coincided with a fall in trust from 58% in 2006/07 to 55% a year later.<sup>45</sup> In the case of the ‘fakey’ cases, the BBC’s response - quickly admitting its mistakes and doing everything possible to make sure they didn’t happen again – led to trust returning to levels higher than those prior to the cases.

Those cases are the exception. Overall, audience data suggests that the BBC meets audiences’ singularly high expectations. The BBC’s success in delivering ‘all kinds of views and opinions’ and ‘something that suits different people’s tastes and interests’ is demonstrated in the analysis of ‘internal plurality’ below.

The BBC has consistently been found to be the most trusted of news providers. The latest BBC research (November 2011) shows that over two-thirds of UK adults trust BBC news highly – a considerably higher proportion than for the next most trusted provider (ITV).<sup>46</sup> When users of each other major UK news source were asked to rate both that source and the BBC on trust, they always rated the BBC higher.<sup>47</sup> Indeed when asked to select the news provider they trust the most, audiences select the BBC more than eight times more frequently than ITV or any other single news provider.

Figure 3: Most trusted news provider (when choosing one)



Source: Ipsos MORI for BBC, UK adults 16+ who follow the news (977), November 2011.

Audiences say they trust the BBC above all for two reasons. The first is that it is “accurate/reliable/truthful” (29%). The second is that it is “impartial/unbiased” (23%). These reasons for trusting the BBC are a considerable source of distinctiveness from other providers.

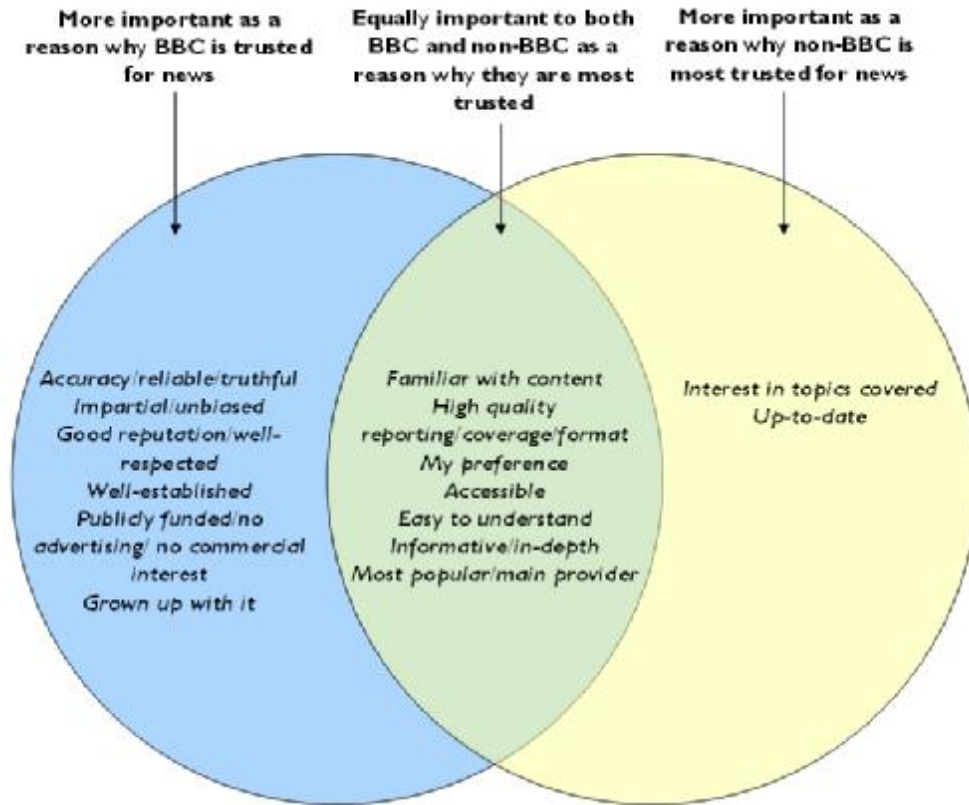
<sup>45</sup> Kantar Media for the BBC, UK adults 15+: 2006/07 7,173. 2007/08: 8,683. Figure for 2011/12 to date is 67%: 6,963 UK adults 16+.

<sup>46</sup> “To what extent do you trusted the following as a source of News?” 68% gave the BBC a score of 8 – 10 on a scale where 1=do not trust at all and 10=trust a great deal. The equivalent score for the next most trusted provider, ITV News was 45%. Ipsos MORI for BBC, UK adults 16+ who follow the news (963), November 2011.

<sup>47</sup> A similar pattern is shown when looking at ‘impartiality’ (source: Ipsos MORI for the BBC, 2,044 UK adults 15+, Aug 2011).



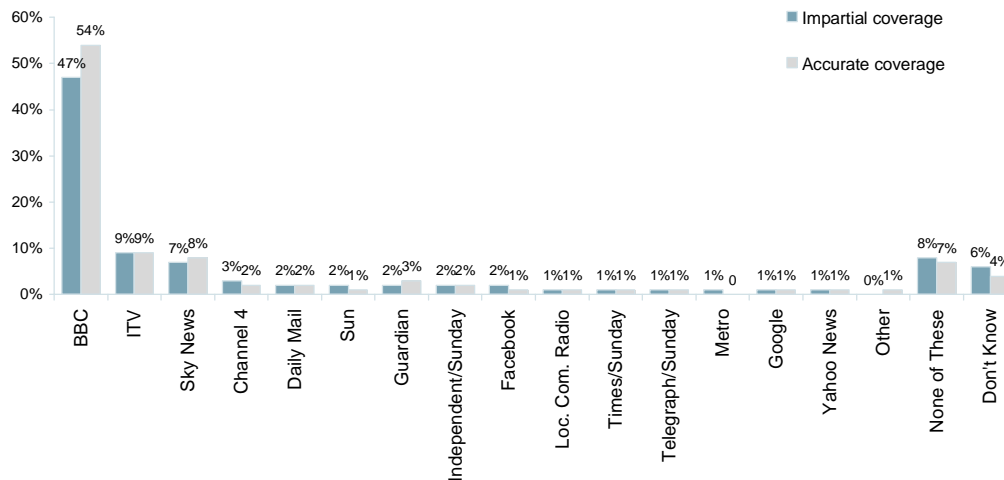
Figure 4: reasons for trusting the news provider trusted the most



Source: Ipsos MORI for the BBC, UK adults 16+, 572 who trust the BBC the most for news; 262 who trust other providers most for news, November 2011

This BBC lead in accuracy and impartiality is corroborated by other research.

Figure 5: Single source turned to for impartial and accurate coverage



Source: Ipsos MORI for the BBC, 2044 UK adults 15+, August 2011

BBC evidence that trust and accuracy are a source of distinctiveness for the BBC is also confirmed by external research. For example the Qualitative Consumer Analysis undertaken by 2CV for ITV earlier this year found that while ITV was perceived as accessible, approachable and on-my-level, BBC news was perceived as trusted, accurate and expert.<sup>48</sup>

#### IV. (c) Governance and Editorial Controls

The BBC's news output operates within a very different governance and regulatory environment from any other UK news provider.

##### *Governance*

The BBC is like other broadcasters subject to Ofcom broadcast codes covering, *inter alia*, fairness, privacy, harm and offences, protection on minors as required by the Broadcasting Acts and Communications Act 2003. Compliance with these statutory codes is monitored and enforced by Ofcom and breaches can result in sanctions.

The BBC also has additional and unique safeguards. The BBC Charter and Agreement requires the BBC Trust to ensure the BBC acts in the public interest through detailed regulation of all its output, including its news and current affairs.<sup>49</sup>

Due accuracy and impartiality requirements are a core component and themes such as the BBC's coverage of business, the UK's nations and science have been subject to impartiality reviews led by the BBC Trust. Although overall these have found the BBC's journalism to be impartial and independent, they have in some cases led to material changes to BBC coverage. For example, the BBC's business coverage was significantly strengthened following the BBC Trust-commissioned independent review led by Sir Alan Budd. Similarly, the Trust-commissioned review by Professor Anthony King of BBC network news and current affairs coverage of the four UK nations resulted in "significant" improvements to BBC output. The BBC Trust announced this summer new measures to strengthen its work on impartiality, such as committing to annual reviews of the impartiality of the BBC's output and introducing a series of seminars on impartiality.<sup>50</sup>

A further component is the stipulation in the BBC Agreement that BBC "public services must not contain any output which expresses the opinion of the BBC or of its Trust or Executive Board on current affairs or matters of public policy other than broadcasting or the provision of online services." If one key purpose of plurality rules is to prevent an organisation using its media power to warp the political debate towards its own views, this is an important safeguard.

##### *Editorial Guidelines*

The BBC Editorial Guidelines, approved by the BBC Trust, form a core part of ensuring the BBC maintains the highest journalistic standards. All BBC content production staff are contractually obliged to work to the Editorial Guidelines, and are required to renew that commitment periodically. The Guidelines are supported by online and face-to-face training, parts of which are mandatory. In total, the BBC invests £31 million annually in training.<sup>51</sup>

---

<sup>48</sup> March 2011; cited in 'Informing the UK', Communications Chambers (Oct 2011).

<sup>49</sup> As noted in the Ofcom quotation above, this includes the BBC's requirement to be independent. Other external industry voices have identified this as an important factor. For example, in their report commissioned on behalf of News Corp, Perspective stated of the BBC that "the combination of their market performance with their reputation for independence and authority that makes the capacity of News Corp and Sky News to exert any greater influence over the BBC's agenda... minimal". Past and future trends in plurality and the setting of the news agenda (Nov 2010).

<sup>50</sup> See Trust review: [http://www.bbc.co.uk/bbctrust/assets/files/pdf/about/how\\_we\\_govern/bbc\\_governance.pdf](http://www.bbc.co.uk/bbctrust/assets/files/pdf/about/how_we_govern/bbc_governance.pdf)

<sup>51</sup> Figure for 2010/11, "Helping Drive Growth in the UK Economy", BBC (Sept 2011)

The Guidelines are designed to ensure that BBC's journalism and other output is conducted to the highest ethical and editorial standards<sup>52</sup>, is carried out in the public interest<sup>53</sup>, and is appropriately managed and supervised<sup>54</sup>. Importantly, they set out a definition of the public interest.<sup>55</sup> They also set out the need to balance privacy and the freedom of the press, mirroring the approach taken when the courts apply the Human Rights Act<sup>56</sup>.

This approach has enabled responsible but courageous journalism. For example, Panorama recently exposed appalling abuse of patients at Winterbourne View in Bristol. The programme drew a substantial audience for such serious programming.<sup>57</sup> It led to arrests and to an immediate stop to the abuse. It also stimulated a national debate about standards and oversight of all care homes. It was manifestly undertaken in the public interest. Yet it, and other BBC programmes like it, necessarily involved secret filming and someone posing as an employee. Although BBC investigative and undercover journalists have been the subject of police investigations into their conduct, none has been prosecuted in the UK.

The BBC also has a robust system for adjudicating and reporting complaints it receives. The Editorial Complaints Unit, the BBC's internal appellate body and the Editorial Standards Committee of the BBC Trust, the ultimate arbiter of complaints about the impartiality and accuracy of BBC content have the power to order the BBC to broadcast corrections and apologies. The vast majority of the BBC's News and current affairs output each year, on television, radio and online, meets the BBC's due accuracy and impartiality requirements. In the last reporting year, the Editorial Complaints Unit and the BBC Trust's Editorial Standards Committee between them upheld, or partially upheld 11 complaints relating to news or current affairs programming. Such complaints can lead to broadcast corrections and apologies, and have done so in relation to five items/programmes. However, these numbers should be put in the pan-BBC context of the 185 million times audiences switch on or over to the BBC each day.

#### IV. (d) Range and diversity of voice

The BBC's impartiality and even-handedness do not prevent it from being a source of a broad range and diversity of voice (or 'internal plurality'). In some cases, the BBC's impartiality helps deliver this range: consider the lively debate from multiple perspectives that is inherent to Question Time, compared to a single editorial line in any one newspaper (albeit that there may be columnists with a range of views). Treatment and the way in which BBC impartiality is delivered also have a role to play. Impartiality should be "no excuse for insipid programmes"<sup>58</sup>. Indeed, Ofcom's own guidance makes clear that "due impartiality" requirements do not require the kind of insipid, boilerplate reporting some might claim.<sup>59</sup> The BBC's approach, reinforced by its Editorial Guidelines, is founded on an understanding that impartiality is not a simple balance between two sides of an argument. It is a complex and ongoing series of judgements across different stories, programmes and outlets which, in their totality, give a broad range of views, some mainstream, some less so – all reported with neutrality, open-mindedness and appropriate distance.

---

<sup>52</sup> Editorial Guidelines, 2.1

<sup>53</sup> Editorial Guidelines, 1.2.6

<sup>54</sup> Editorial Guidelines, 2.2.1 – 2.2.9

<sup>55</sup> Editorial Guidelines, 7.1

<sup>56</sup> The is in contrast to the PCC code which does not do so.

<sup>57</sup> 'Undercover Care' had an average audience of 3.4m adults with a 13.7% share (31 May 2011). This was on a par with other Panorama specials in 2010/11 which had an average audience of 3.4m adults, but a slightly higher share (14.5%).

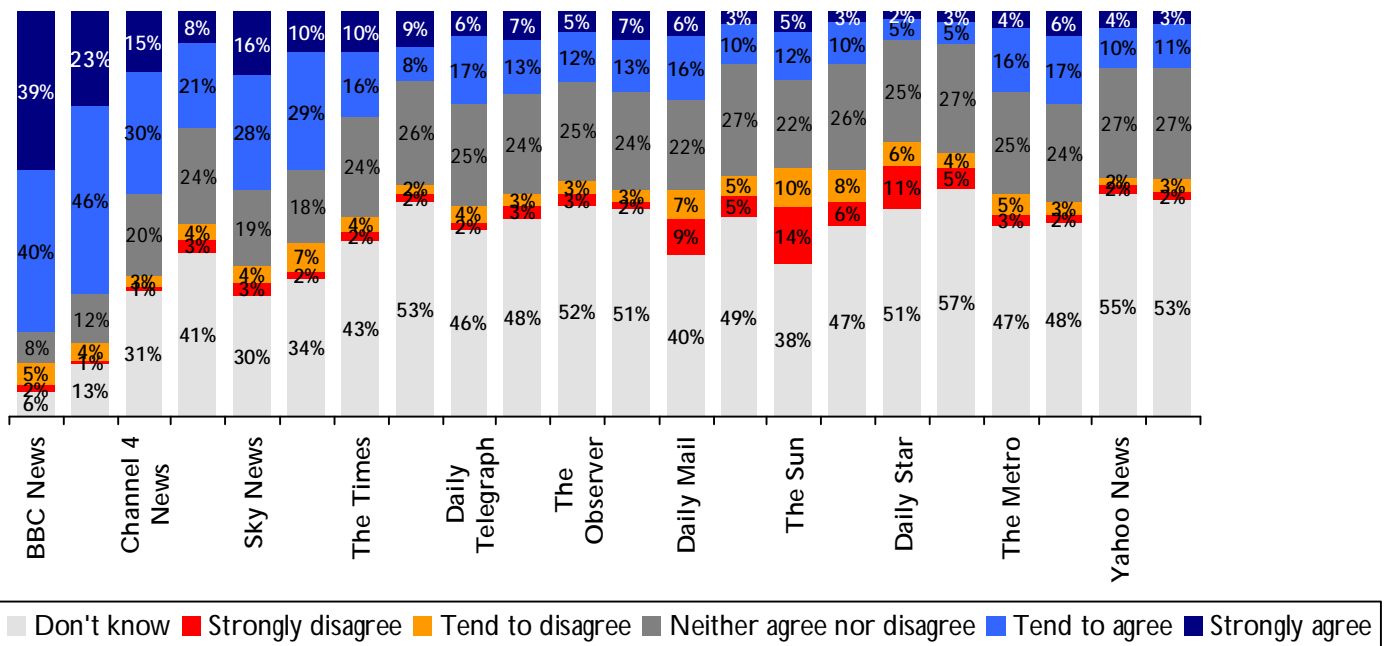
<sup>58</sup> John Bridcut for the BBC Trust, 'From Seesaw to Wagon Wheel: safeguarding impartiality in the 21st Century' (June 2007)

<sup>59</sup> "Due" is an important qualification to the concept of impartiality. Impartiality itself means not favouring one side over another. "Due" means adequate or appropriate to the subject and nature of the programme. So "due impartiality" does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented. The approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to content, and the extent to which the content and approach is signalled to the audience.' [Ofcom's Broadcasting Code].

In addition to the range of views reflected by the BBC *within* individual stories, there are differences *between* the treatment of those stories and the editorial agenda of individual BBC outlets and platforms. The BBC's 'universality' remit necessitates a breadth of news coverage and a variety in approach, tone, presentation and format. As a result, BBC news across platforms and editorial outlets offers 'something for everyone' rather than a single, monolithic voice in news coverage. The different treatments of news for different audiences is reflected in the breadth of the BBC's offer from the Radio 4's Today programme to Radio 1 Newsbeat, the 10 O'clock News to the 8pm News Summary, 1830 regional bulletins to World News Tonight on BBC Four.

The BBC has a clear lead over other news providers in terms of the proportion of the UK public who think it shows a range of perspectives in its news reporting - with 79% net agreement vs. an equivalent of 69% for the next nearest provider, ITV - and by far the highest proportion strongly agreeing.<sup>60</sup> The BBC leads ahead of print, digital sources and, importantly, other PSBs and non-PSB broadcasters who are subject to impartiality rules. It demonstrates that the BBC is the greatest single source of 'internal plurality'.

Figure 6: range of perspectives shown by different sources of news



Source: ICM for BBC, 1,003 GB adults 18+, 11-13 November 2011.

<sup>60</sup> If "Don't Know" is excluded, BBC = 85% net agree and ITV = 80% net agree. However, it is worth noting that the % saying 'strongly agree' for BBC is far ahead of ITV (BBC = 42% strong agree (don't knows excluded); ITV = 27% strongly agree (don't knows excluded)).

## V. CONCLUSIONS

The UK's plurality regime was designed to help sustain the health of the media sector and prevent any one player having undue influence. Reviewing the regime is a complex undertaking; it must account for other interventions to regulate content and support public service broadcasting which contribute substantially towards the above goals. Measuring plurality should not rely on audience share alone – a partial and crude metric. As well as share (or market concentration), available voices, “multi-sourcing” and internal plurality should also be considered. Ofcom should consider share of media revenues too. Alongside its work on measurement, Ofcom should define how much plurality is “sufficient” before it tackles the complex challenge of whether there should be any new triggers for plurality reviews. As a starting point, mergers and acquisitions should remain the main triggers.

In this context, the BBC welcomes Ofcom's previous recognition of the difference of the BBC from other news providers. Through the BBC's provision of a broad range of news output, the BBC strengthens plurality rather than damaging it. Audiences trust the BBC, more than any other broadcaster, to deliver accurate and up-to-date news which is impartial.

The BBC is qualitatively different from other UK news providers; publicly-funded, independent and with strict governance and regulation. The BBC's remit under Royal Charter is to act independently and in the public interest, supplying news intended for all rather than any one commercial niche. Its accountability is to licence fee payers and their singularly high expectations of the BBC, its values and its behaviour. Unique governance and regulation aim to safeguard editorial standards and integrity.

In light of the fundamentally different nature of the BBC it should not itself be the trigger or subject of any new plurality regulation. Assessments of plurality might take into account the BBC's role in audiences' news diet. However, Licence fee payers and Parliament established the public interest safeguards for the BBC at the time of the last Charter in 2006. The appropriate time for reviewing them is at the time of each Charter review.