

## Cover sheet for response to an Ofcom consultation

### BASIC DETAILS

Consultation title: Broadcasting Code Review

To (Ofcom contact): Sarah Winter

Name of respondent: David Seers

Representing (self or organisation/s): Central Office of Information (COI)

Address (if not received by email):

### CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing	<input checked="" type="checkbox"/>	Name/contact details/job title	<input type="checkbox"/>
Whole response	<input type="checkbox"/>	Organisation	<input type="checkbox"/>
Part of the response	<input type="checkbox"/>	If there is no separate annex, which parts?	

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

### DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom seeks to publish responses on receipt. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name David Seers Signed (if hard copy)

**COI response to Ofcom proposals on revising the Broadcasting Code**

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## **Introduction**

The Central Office of Information (COI) is the Government's centre of excellence for marketing and communications. COI works with government departments and the public sector to produce information campaigns on issues that affect the lives of every citizen - from health and education to benefits, rights and welfare. As such we have a responsibility to offer clear and consistent advice to government departments on the effectiveness, efficiency and propriety of their communications. We therefore have a vested interest in clear rules for broadcast activity so that government may exploit a broad range of communications channels in its conversations with citizens.

## **Executive summary**

In considering our response we concluded that we needed to be more 'free-form' to make our point than the online response mechanism suggested by Ofcom allowed. However, there are a number of simple answers to simple questions and they are as follows;

### **Q10.**

a. Do you consider that the rules on commercial television would benefit from being separated from those for radio?

Answer: Yes

b. Do you agree with the introduction of the proposed new Section Nine on commercial references in television programming?

Answer: Yes

### **Q26.**

a) Do you consider that the rules on commercial radio would benefit from being separated from those for television?

Answer: Yes

b) Do you agree with the introduction of the proposed new Section Ten on commercial references in radio programming?

Answer: Yes

The remainder of our response is comment on the potential new rules for Public Information Programming. Clearly this is an arena in which COI may be active in future. We welcome the potential introduction of the new rules but we seek further clarification. Please accept that these general observations are intended to apply to the potential rules as they pertain to both radio *and* television.

## COI response to potential introduction of new rules for Public Information Programming on radio and television

1. Ofcom acknowledges “a clear appetite amongst broadcasters and potential funders for this type of programming”. COI welcomes the new rules but remains unclear of the precise difference that Ofcom is attempting to make between Public Information Programming and commercial sponsorship.
2. The understandable difficulty in defining a “public interest” test may hinder in turn the ability to define Public Information Programming as a distinct genre. At what point in the planning, commissioning or production cycle is a programme defined as Public Information Programming, by whom and to what end?
3. Ofcom stresses that this genre of programming “must be restricted **solely** to seeking to educate or inform the audience on matters in the public interest.” Is the intention here to preclude funders of public information from engaging audiences through the genres of light entertainment, factual entertainment or situation comedy? We see a potential danger here that such programming will be restricted to a genre that will appeal to neither commissioners nor viewers.
4. Rule 9.33 (and its radio equivalent 10.47) whilst permitting “References to non-commercial activities” prohibits them from being “unduly prominent”. However, government communication will have as its very objective the prominent promotion of the “activities or products of the funder”. In the context of what is in the public interest, the use of the word “promote” is positive when used to describe activities or products around nutrition and healthy eating for example, or quitting smoking services or best practice for small business in a difficult economic climate. There is perhaps a tension between the spirit of the new rule and the wording, which retains some of the prohibitive connotations associated with the rules on commercial sponsorship.
5. A further issue for us is that of credits where Public Information Programming appears to be at a disadvantage over regular sponsorship. Public Information Programming credits must carry “no other information and/or message” than a reference to the name and/or logo of the funder. However, commercial sponsor credits “can include reference to the sponsor’s products and services for the purpose of helping to identify the sponsor and the sponsorship arrangement.” Why the difference? Also, does the prohibition of “other information” in Public Information Programming credits exclude telephone numbers and/or urls?
6. We note that Ofcom intends, at a later stage, to provide detailed guidance on a number of issues around Public Information Programming (6.37 television and 7.98 radio) and “to provide further guidance on the content of sponsor credits”. Given that both Ofcom and COI are charged with serving the public interest, and this guidance would only be available once the rules were adopted, we would very much welcome an opportunity for further discussion on this guidance in advance of publication.
7. In conclusion, COI welcomes the introduction of new rules for Public Information Programming but would expect there to be a clear distinction, for the viewing and listening public, between such content and that of the commercial sector. Without defining a public interest test or whether promoting government activities or products would constitute a breach of any new rule, this distinction is not immediately apparent. We look forward to further discussion with Ofcom in advance of any final revision to the Broadcast Code on the points outlined above.