

Ofcom's Annual Report on the BBC: 2023/24

Annexes 1 to 3

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A1. Compliance with regulatory requirements

Introduction and summary

A1.1 This annex sets out our assessment of the BBC's compliance with the specified requirements set out in Clause 59 of the Framework Agreement (the Agreement). The specified requirements include various conditions and obligations as per Table A1.1 below.

Table A1.1 Specified requirements under clause 59 of the Agreement

Specified requirements under clause 59 of the Agreement		
	This sets out the regulatory conditions Ofcom considers appropriate for requiring the BBC to:	
The Operating License	1. fulfill its Mission and promote the Public Purposes;	
The Operating Licence	2. secure the provision of distinctive output and services; and	
	3. secure that all audiences in England, Scotland, Wales and Northern Ireland are well served.	
Schedule 3 of the Agreement	This includes obligations relating to the BBC's commissioning activity, as well as other matters.	
The Operating Framework	This contains the provisions Ofcom considers appropriate to secure the effective regulation of the activities of the BBC as set out in the <u>Royal Charter</u> (the Charter) and <u>Agreement</u> .	
Other specified requirements	Which, amongst other things, include the information requirements in Article 47 of the Charter and clauses relating to complaints under clause 56 of the Agreement.	

Summary of our findings

Our assessment is that in relation to the Operating Licence, the BBC has complied with all but one of the licence conditions for 2023/24. At this stage, we are not taking enforcement action against the BBC for the condition it failed to comply with and explain our reasoning below.

There are a number of areas of interest that we have drawn attention to in this annex and that we will continue to monitor over the next reporting period. We are particularly encouraged by the quality and transparency of the BBC's <u>Delivering our Mission and Public Purposes</u> report and believe this is an important step in the compliance process.

- A1.2 The reporting period of this compliance annex (2023/24) is the first year where compliance has been assessed against all the conditions in the <u>new Operating Licence</u>.¹
- A1.3 As part of our assessment of the BBC's compliance with the new Operating Licence, we have set out our findings in relation to the following:
 - a) The BBC's compliance with its Operating Licence requirements for 2023/24, including a breach of condition 4.66.2 in relation to Radio Foyle and an assessment of the BBC's Workforce Diversity requirement;
 - b) whether the BBC achieved the plans it set out in its 2023/24 Annual Plan as part of the transparency requirements; and
 - c) an assessment of the BBC's compliance with the transparency requirements in relation to its Annual Plan for 2024/25.
- A1.4 We set out our findings for each of these under the relevant headings below. We set out further details of our assessment, and the information relied on, in the rest of this annex.

Information relied on in assessing compliance

A1.5 In assessing the BBC's compliance with the specified requirements, Ofcom has relied on various sources of information. These range from information gathered using our formal powers, information provided by the BBC informally and publicly available information such as the BBC's Annual Reports and Accounts 2023/24, the BBCs Annual Plan 2024/25, and the 'Delivering Our Mission and Public Purposes' (DoMaPP) 2023/24 report.³

Our assessment of compliance with the Operating Licence conditions

A1.6 In its DoMaPP 2023/24 report, the BBC set out in detail how it performed for the relevant period, including its performance against the quotas imposed by the Operating Licence and how it has delivered against qualitative requirements. We have closely scrutinised this report, along with the other sources of information identified above and our assessment of the BBC's compliance with the Operating Licence between 1 April 2023 and 31 March 2024 is that the BBC has complied with all but one of its licence conditions.⁴

³ Our assessment is based on the evidence gathered. It does not preclude us from looking further at any particular matter; for example, if we receive a complaint and/or if other evidence is relevant.

¹ In last year's report we only included an assessment of BBC's compliance with the transparency requirements under the new Operating Licence in relation to its Annual Plan for 2023/24, this year we have included all the conditions.

² Article 47 of the BBC Charter.

⁴ Any conditions set for the calendar year have been measured across the 2023 calendar year.

- A1.7 We consider the DoMaPP 2023/24 report sets out how the BBC has performed and complied with the Operating Licence and has significantly improved the BBC's transparency in this regard, allowing Ofcom, stakeholders, and the public to effectively hold it to
- A1.8 One area in particular that the new Operating Licence has imposed new requirements on the BBC is in relation to the discoverability of content across BBC services (for example, condition 1.3.2 requires the BBC to make its most recent news programmes on BBC iPlayer and BBC Sounds 'easily discoverable'). On the whole, we have been encouraged by the steps taken by the BBC to ensure its content is easily discoverable, for example through the addition of a new personalised music rail on BBC Sounds and the curation of bespoke pages for the news category on iPlayer. The BBC has also provided evidence that "audiences are discovering and viewing programmes in all genres, including those that appeal to narrower segments of the audience". 5 Whilst we are encouraged by the BBC's work in this area, we are keen to see what else the BBC does going forwards to ensure content continues to be easily discoverable and we will continue to monitor this closely.
- A1.9 In relation to the one Operating Licence condition we have found the BBC breached for the relevant period, we discuss this below. We also set out our assessment of the BBC's workforce diversity requirement.

Condition 4.66.2 - BBC Radio Foyle news and current affairs

Compliance Issue

- A1.10 Condition 4.66.2 of the Operating Licence requires that in each Financial Year at least 1,043 hours are allocated to news and current affairs programmes (including repeats) on Radio Foyle.
- A1.11 In June 2024, the BBC notified Ofcom that it had not met the quota of 1,043 hours for news and current affairs programmes on Radio Foyle and that it had only delivered 743 hours. It outlined that the reason for falling short of the quota was due to a change it made to the Radio Foyle Breakfast show as part of the well-publicised changes it was making to the Radio Foyle schedule. Specifically, the BBC replaced the previous two-hour Radio Foyle breakfast show with 'North West Today', a new 30 minute breakfast time news programme with an editorial focus for the Radio Foyle audience.8
- However, the BBC has told us that due to an internal miscommunication relating to the A1.12 erroneous inclusion of non-opt news programming i.e. Radio Ulster when calculating its output, it incorrectly believed it would still be able to meet its quota for this condition. It did not therefore submit an Operating Licence change request at the time. Once the error

⁵ Fig 13, BBC DoMaPP.

⁶ The BBC subsequently set this out in the DoMaPP report.

⁷ The BBC initially announced these changes in March 2023. We also included some of the detail of these changes and the potential impacts in paragraphs 4.49 to 4.54 in our 'Modernising the BBC's Operating Licence' <u>Statement</u> and <u>associated letters</u>, although this was in the context of the quota not needing to be changed.

⁸ In January 2024, the BBC extended North West Today to 60 minutes.

was realised, the BBC informed Ofcom that it should have requested a licence change when the changes were announced.

Ofcom response

- A1.13 We consider that the quotas included in the Operating Licence are required to ensure the BBC continues to deliver content that reaches and serves all audiences. This is particularly the case where the quotas are intended to reach and serve specific audience groups, such as in this instance, where Radio Foyle serves audiences in the North West of Northern Ireland.
- A1.14 Non-compliance with these quotas is a potentially serious matter and it is therefore important that the BBC takes reasonable steps to ensure it meets its quotas and monitors its output throughout the year to ensure that any issues are identified in a timely manner. In this case, the BBC has missed its quota by 300 hours, achieving only 71% of the required level of output.
- A1.15 Where the BBC is planning to make changes that are likely to impact its compliance with the Operating Licence, it is important the BBC follows the correct processes and requests to amend the Operating Licence before it implements its changes. In doing so, this will allow Ofcom to consult on the proposed changes in advance.
- A1.16 The BBC will be submitting a request to amend the Operating Licence in relation to the Radio Foyle news and current affairs condition to reflect the current output. Once we receive this request, we will consult on and make a full assessment of the changes and whether we agree with the BBC's proposals. We will consider what action to take about the breach of this quota following the conclusion of the consultation process.

Workforce diversity data requirement

- A1.17 The Operating Licence sets a range of conditions related to: how the BBC's services have reflected, represented and served the diverse communities of the whole of the UK; progress that has been made towards the BBC's representation and/or portrayal targets; measures of audience satisfaction; and compliance with its Diversity Commissioning Code of Practice (DCCoP). The BBC sets out how it has complied with these conditions in its Annual Report, its DoMaPP and its BBC <u>Diversity Commissioning Code of Practice Progress Report 2023-2024</u>.
- A1.18 Condition 4.12 of the Operating Licence requires the BBC to monitor and report to Ofcom annually on the diversity of all staff (employees and freelance) of the BBC who are employed in connection with the provision of the UK Public Services, including specified information. The BBC has provided Ofcom with one set of data which includes UK Public Services staff and World Service staff providing English language content broadcast on the BBC's UK public services. We have used this data to assess compliance with the Operating Licence and also for the purposes of our annual report on Equity, Diversity and Inclusion (EDI) in Broadcasting which will be published later in the year and allows us to compare the BBC to the wider broadcasting industry.

A1.19 This summary should be read alongside our commentary of the BBC's delivery of Public Purpose 4.

A note on data

The figures we use in this section to describe the BBC's workforce may differ slightly from – and are not directly comparable to - those in the BBC's own reporting in its Equality Information Report ("EIR"). This is for a number of reasons, including the following:

- The EIR includes a small number of staff with UK contracts who are based outside the UK, whereas our workforce data includes only UK-based staff.
- The EIR includes all World Service staff with UK-based contracts, whereas our workforce data only includes UK-based World Service staff who work on English language content provided on the BBC's UK public services.
- The BBC's EIR uses a definition of 'leadership staff' which is different from the definition of 'senior management' used by Ofcom.
- The BBC's EIR figures are expressed as a percentage of total staff (as requested by Ofcom). However, in our own reporting on workforce diversity we now express figures as a percentage only of those who provided data for more detail on the rationale behind this approach for the purposes of our reporting, see our 2023 EDI data methodology report (3.33 to 3.35).
- A1.20 Table A1.2 shows headline data for the BBC public services More detailed data is available in the interactive dataset accompanying this report. Industry-wide data for comparison will be available in and alongside our 2024 report on Equity, Diversity and Inclusion in broadcasting.

Table A1.2 - Headline data on workplace diversity

Representation by characteristic	UK working population benchmark	BBC public services
Sex		
Women	48%	48%
Women in senior management	-	51%
Intersex	-	0%
Unknown data	-	0%
Ethnicity		
Minority Ethnic Group	16%	18%
Minority Ethnic Group in senior management	-	12%
Unknown data	-	4%
Disability		

Representation by characteristic	UK working population benchmark	BBC public services
Disabled employees	18%	10%
Disabled people in senior management	-	12%
Unknown data	-	7%
Socio-economic background – Parental occupation		
Working class background	39%	27%
Unknown data	-	21%
Socio-economic background – Schooling		
Non-independent school	93%	87%
Unknown data	-	18%

- A1.21 We welcome the BBC's continued provision of regional data giving insight into the make-up of employees in different parts of the UK. Overall, 55% of BBC staff are now based outside of London, with some large differences in ethnicity by region for example, overall 18% of staff are from a minority ethnic group, higher in the West Midlands (at 26%, and above the population average of 21%) and London (27%, but lower than the population average of 39%). When using regional diversity data, we have urged all broadcasters to identify the areas from which they recruit in practice, to ensure that their regional workforces are representative of the available working population.
- A1.22 The BBC has set itself representation targets for its BBC Group staff in the UK of: Women (50%); Ethnicity (20%); and Disability (12%) to be met by March 2026 and a 25% lower socio-economic diversity target to be met by 2026/27. We note that all these targets are set as a proportion of total workforce (rather than as a proportion of those who provided information). As with last year, the BBC reports having met its target for woman across the BBC this year and is continuing to work towards the others.
- A1.23 Based on the information the BBC has provided, we are satisfied that it has met condition 4.12 of the Operating Licence.

Our assessment of whether the BBC took the steps that it set out in the Annual Plan 2023/24

A1.24 The Operating Licence requires the BBC to publish extensive information, with its Annual Plan, about how it will deliver for audiences, including details of any significant changes it plans to make and the reasons for those changes. It is also required to publish a report about whether it took the steps that it had set it out in the Annual Plan and it does this through the DoMaPP report. The purpose of these requirements is to support comprehensive and ongoing scrutiny of the BBC's plans and reporting, and for Ofcom

- stakeholders, and the public to effectively hold the BBC to account and enable Ofcom to intervene swiftly if necessary. For the first time, this year we are able to report on how the BBC's planned output (for 2023/24) compared to its actual output (for 2023/24).
- A1.25 On the whole, the BBC has delivered in line with what it planned to in its Annual Plan 2023/24, with the majority of plans having been achieved or exceeded. Whilst there are some areas where the BBC did not achieve its planned output, there are also areas where it has delivered significantly more than it planned.
- As noted above, the 2023/24 reporting period is the first period in which the BBC has been assessed against the new Operating Licence. A key element of the new licence was the removal or amendment of certain quotas, to allow the BBC greater flexibility to deliver its content where it would have the most impact and serve audiences better. An important aspect of this new approach was ensuring that where the BBC planned to make significant changes, such as in its output, it set out the reasons for those changes. Therefore, we have closely reviewed the BBC's output in relation to conditions in which quotas that were previously in place have been removed or amended.
- A1.27 It is worth noting that, this year, it was not always possible to do a like for like comparison between the old conditions that have been removed or amended and the new transparency requirements in the Operating Licence. This is because the new transparency requirements require the BBC to break information down to a more granular level (e.g. First Run hours, acquired content hours, etc), with far more data points, than it has previously been required to do.
- A1.28 Where we have been able to make a direct comparison, or close to a direct comparison, we have not identified any areas of particular concern. Whilst the plans that the BBC makes in its Annual Plan do not form part of the Operating Licence, the ability for Ofcom (and industry stakeholders) to understand the BBC's delivery against its plans over time is an important factor in effectively holding the BBC to account. As this year is the first full year of assessment, we will be using the figures provided by the BBC as a reference point for future comparisons.
- A1.29 As part of our assessment, we have given particular focus to at-risk genres such as religion, ethics, specialist factual content, art, music, comedy, and children's programming. We note that for almost all of these genres, the delivered output was above the BBC's plans and in some instances, it was significantly above.
- A1.30 We have also identified a small number of areas where the BBC did not publish information in the DoMaPP required by the transparency requirements or did not provide it broken down to the degree that we expected. This information has now been provided to Ofcom by the BBC and we have set it out in the table below. We have provided this information in order to be transparent with stakeholders but do not consider the absence of this information raises material concerns. Comparing it with data set out in the BBC Annual Plan 2023/24, the delivered hours are broadly in line with, or above the planned hours. However, whilst these conditions in the Operating Licence are new and we are only in the first full year of assessing the BBC's compliance under the new Operating Licence, we

expect in time that the BBC's DoMaPP will include all the information and data splits required by the transparency requirements.

Table A1.3 Information Ofcom identified as not included in the BBC's DoMaPP 2023/24

#	Condition	Information not included	Information provided by BBC
3.2.3 + 3.4.3	BBC TV & iPlayer Sounds, children's acquired content – number of hours	This information was not included in the DoMaPP.	Total hours: 2,888
3.2.3 + 3.4.3	BBC TV & iPlayer, children's factual content – number of hours	The break down by 'TV hours' and 'iPlayer hours'.	TV hours: 774 iPlayer hours: 280
3.2.3 + 3.4.3	BBC TV & iPlayer, children's entertainment content – number of hours	The break down by 'TV hours' and 'iPlayer hours'.	TV hours: 290 iPlayer hours: 100
3.2.3 + 3.4.3	BBC TV & iPlayer, children's education content – number of hours	The break down by 'TV hours', 'iPlayer hours', and 'First Run Hours'.	TV hours: 62 iPlayer hours: 71 First Run hours: 0.5
3.2.3 + 3.4.3	BBC TV & iPlayer, children's drama content – number of hours	The break down by 'TV hours' and 'iPlayer hours'.	TV hours: 958 iPlayer hours: 865
3.2.3 + 3.4.3	BBC TV & iPlayer, all children's content – number of hours	The break down by 'TV hours' and 'iPlayer hours'.	TV hours: 4,479 iPlayer hours: 425
3.2.3 + 3.8.3	BBC Radio, new documentaries 6 Music – number of new hours	This information was not included in the DoMaPP.	New hours: 131
3.8.3	BBC Radio, religious programming Radio 4 – number of hours	The BBC did not provide the 'total hours' or 'Repeat Hours'.	Total hours: 278 Repeat hours: 66

#	Condition	Information not included	Information provided by BBC
3.12	BBC Radio 5 Live – Sports Commentary	The BBC did not provide the hours of live sports commentary on Radio 5 Live broken down by each sport.	The BBC provided us with a breakdown of live commentary for each sport. In total, there was 3,168.5 hours of live sports commentary across 5 Live and 5 Live extra for a total of 21 sports. Over 75% of these hours was made up from five sports, men's and women's cricket, men's and women's football and tennis, with the remaining hours being made up from 16 sports. We will be following up with the BBC on how it collates and presents this information going forwards.
4.63.2	BBC One Northern Ireland – Non-news and non-current affairs	The BBC provided the hours for BBC One NI and BBC Two NI combined but not broken it down by channel.	BBC One NI total hours: 134 BBC One NI First Run hours: 101
4.64	BBC Two Northern Ireland – Non-news and non-current affairs	The BBC provided the hours for BBC One NI and BBC Two NI combined but not broken it down by channel.	BBC Two NI total hours: 197 BBC Two NI First Run hours: 92
4.64 BBC Two Northern Ireland – Current Affairs The BBC did not provide the total number of hours for current affairs or the number of first run hours for current affairs.		Total hours: 28.5 First Run hours: 1.5	

Our assessment of the BBC 2024-25 Annual Plan

Compliance with transparency requirements

A1.31 As noted above, the Operating Licence includes transparency requirements that require the BBC to publish extensive information, with its Annual Plan, about how it will deliver for audiences, including details of any significant changes it plans to make and the reasons for those changes. Although compliance with these transparency conditions relates to the BBC's plans for the reporting period 2024/25, consistent with our approach last year, we

- consider it appropriate to include our assessment of the BBC's compliance with these conditions for its 2024/25 Annual Plan in this year's compliance assessment. This ensures we are holding the BBC to account in a timely manner and provides clarity and transparency to stakeholders and the public about our assessment of compliance.
- A1.32 Overall, we consider the BBC's Annual Plan to be a further improvement on last year's Annual Plan in relation to transparently setting out its plans for the year ahead. The information the BBC included in its Annual Plan for 2024/25 was clearly set out and included the types of information we would expect in order for Ofcom to take an informed view on the BBC's plans and whether it has complied with the relevant transparency requirements. As noted above, it also allows us, and stakeholders, to understand its plans over time and compare them with its actual output which is an important factor in effectively holding the BBC to account.
- A1.33 The BBC has largely acted on the areas for improvement that we identified in last year's Compliance Report. In particular, we noted last year that in regard to conditions 3.4.2 and 3.8.2, we were unclear which 'new titles and output' are planned from independent producers for BBC TV and radio content. We stated we expected the BBC to provide more commentary about the broad range of independent producers it is working with. In its Annual Plan for 2024/25, the BBC clearly set out, for each content genre, examples of both new and existing/repeat programming, and the relevant production company. 9
- A1.34 We have also noted other improvements in how the BBC has transparently set out its plans in its Annual Plan for 2024/25. Some examples of this are set out in the table below.

Table A1.4 Areas of improvement Ofcom have identified in the BBC's Annual Plan 2024/25 (compared to 2023/24)

#	Condition	Improvement we have identified
		Notable improvement in specific examples of original content in each content genre
3.2.1	BBC iPlayer and Sounds (condition 3.2.1) and UK Public Radio Services (condition 3.8.1) - providing a broad range of original	Where the BBC proposed reductions in its plans for 2024/25 (vs 2023/24), these were explained well
3.8.1	UK content	Examples given include more context on the (radio) programme, so it is easier to see how it is UK original content

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⁹ We note the BBC has also adopted this approach in its DoMaPP report (in particular, for Public Purpose 3 and 4).

#	Condition	Improvement we have identified
3.3	BBC Online - taking steps to reach, serve and engage with all audiences, including experimenting with innovative forms of delivery where appropriate	Better balance of examples given between iPlayer and Sounds with more specific examples of new forms of delivery and trials/experiments the BBC is conducting in content delivery
4.42	BBC Online - providing content of interest and relevance to audiences, including a broad range of content	Wider range of examples given, with clear
4.51	 which reflects Scotland's culture (condition 4.42) which reflects Wales's culture (condition 4.51) 	links between examples of programming and relevance to each nation's culture Covered all specified parts (i.e. stated BBC outlets) of each Operating Licence condition
4.59	which reflects Northern Ireland's culture (condition 4.59)	Condition

Information not included in the BBC Annual Plan for 2024/25

- A1.35 One area we identified last year where the BBC could improve how it communicates its plans was in regard to the BBC setting out explicitly either where it had no plans for a certain type of content or its plans were consistent with previous years. As set out in Table A1.5 below, there were a small number of clarifications that Ofcom sought this year along with a number of other follow-ups where we considered the BBC had not provided the relevant information in its Annual Plan for 2024/25.
- A1.36 We have provided this information below in order to be transparent with stakeholders but do not consider the absence of this information raises material concerns. However, whilst these conditions in the Operating Licence are new and we are only in the first full year of assessing the BBC's compliance under the new Operating Licence, we expect in time that the BBC's Annual Plan will include all the information and data splits required by the transparency requirements.

Table A1.5: information Ofcom identified as not included/requiring further clarification in the BBC's Annual Plan 2024/25 in regard to the new Operating Licence transparency conditions

#	Condition	Information not included	Clarifications/ Information provided by BBC
3.14.4	BBC must set out its plans for TV and iPlayer to provide a range of genres and content types, including [] religion. The BBC must set out [] the planned hours of acquired content	Number of acquired hours – religious content	The BBC clarified that it had no plans to acquire religious content in 2024/25.

#	Condition	Information not included	Clarifications/ Information provided by BBC
3.14.5	BBC must set out [] its plans to provide [] for children's programming, including drama, factual, entertainment and education [] for each of the genres and content types specified in this condition, the planned hours and planned hours of First-Run UK Originations	First Run content – children's education	41 hours are repeats, with 4 hours first run originations – new material is live lessons which are 3 to 5 hours per annum
3.14.6.1	BBC must set out the planned hours of documentaries (including repeats) and planned hours of new documentaries on each of [] Radio 1	Radio 1 – total planned hours of documentaries	The BBC clarified that the 100 hours of new documentaries constituted the total hours of documentaries.
3.14.6.1	BBC must set out the planned hours of documentaries (including repeats) and planned hours of new documentaries on each of [] Radio 6 Music	BBC 6 Music - planned hours of First Run documentaries	520 hours of speech-based content, of which about 100 hours will be first-run
4.68.3.2	BBC must set out planned hours of current affairs programming for [] (v) BBC Two Wales []	BBC Two Wales - current affairs programming, total hours & First Run hours	The BBC clarified that all current affairs programming is on BBC One Wales and this is consistent with scheduling over previous years

Information subsequently corrected by the BBC after its Annual Plan

A1.37 In addition to the information in the tables above, in our review of the BBC's Annual Plan for 2024/25, we identified several areas where the information the BBC published was incorrect. We understand from the BBC these were a result of drafting errors and not changes to the amount of planned output.

Table A1.6: information Ofcom identified as incorrect from the BBC's Annual Plan 2024/25

#	Condition	Originally stated BBC hours	Subsequently corrected BBC hours
4.68.3.1	Planned hours of programs other than news and current affairs – BBC One and BBC Two Wales	560 hours	350 hours

#	Condition	Originally stated BBC hours	Subsequently corrected BBC hours
4.68.3.3	Planned hours of programs other than news and current affairs First Run UK originations – BBC One Wales	150 hours	100 hours
4.68.3.3	Planned hours of programs other than news and current affairs First Run UK originations – BBC Two Wales	130 hours	100 hours
4.48.2	Planned first run hours of Gaelic programming - BBC Alba	455 hours	570 hours

A1.38 In addition to the above errors, the BBC also stated in its Annual Plan that, in relation to condition 3.8.3 "Radio 4 will broadcast about 500 hours of documentaries, of which about 300 hours will be new first-run documentaries. While still above the quota from the previous Operating Licence, this is 100 hours lower than our commitment in 2023/24 reflecting the need to concentrate on high-impact content that delivers value for audiences." The reference to these planned hours being above the previous Operating Licence quota is incorrect. The previous quota (i.e. original documentaries excluding repeats, therefore being first-run) was Condition 2.29.1, which was "at least 375 hours are allocated to original documentaries (excluding repeats)" on BBC Radio 4. Therefore, the BBC's plan of 300 hours of new/first run documentaries on Radio 4 for 2024/25 is lower than the quota under the previous Operating Licence. The BBC's explanation (to Ofcom) for this reduction in hours was that it needs to concentrate on high-impact content that delivers value for audiences.

Schedule 3 obligations

- A1.39 The following section sets out our assessment of the BBC's compliance in 2023/24 with the applicable regulatory obligations in Schedule 3 of the Agreement.¹¹
- A1.40 Table A1.7 contains the relevant regulatory obligations in Schedule 3 of the Agreement and our assessment of the BBC's compliance with them. We have found that the BBC was compliant with all the applicable regulatory requirements in Schedule 3 of the Agreement. We also provide further detail on Schedule 3 Paragraph 7, which is about competition in commissioning, at the end of this section.

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¹⁰ Pg 71, 2024/25 BBC Annual Plan

 $^{^{11}}$ Paragraph 2 of Schedule 3 to the Agreement is not a specified requirement – see Clause 59 of the Agreement

Table A1.7: Schedule 3 obligations

Regulatory obligation	2023/24 assessment
Paragraph 1: No charge to be made for reception of UK public services and associated content	We required the BBC to report to us if, and in which cases, it charged for reception. It confirmed in its response to the 2 July 2024 Notice that it made no such charges. 12
Paragraphs 3 – 5: Content standards, fairness code and party-political broadcasts	These are reported on separately in the content standards section of our 2023/24 Annual Report on the BBC.
Paragraph 6: Programmes to be reserved for independent production	The BBC has an obligation that 25% of the hours of qualifying programming in each year across its television public service channels are allocated to broadcasting a range and diversity of independent productions. It must also meet similar quotas for each of BBC One and BBC Two.
	In Ofcom's <u>PSB Annual Compliance Report</u> we set out that the BBC had exceeded each of these quotas (achieving 39% of hours (up 6 percentage points) across all channels in 2023 and 37% and 51% of hours on BBC One and BBC Two respectively). The BBC also provided these figures in its <u>BBC Commissioning Supply report</u> .
Paragraph 7: Television, radio and online production – securing competition between BBC producers and external producers	The BBC was required to meet an obligation to provide competition in commissioning for at least 60% of relevant radio programmes. For the reporting period 2023/24, the BBC reported it had achieved 61%. Further detail on our assessment of the BBC's compliance with Paragraph 7 is provided below this table.
Paragraph 8: Code relating to programme commissioning	The BBC confirmed it has not made any revisions to its Code of Practice during the relevant period. It has provided the data fulfilling the reporting requirements under section 13.1 of the Code to Ofcom.
Paragraph 9: Code relating to provision for the hearing and visually impaired	In 2023, BBC channels continued to meet or exceed their requirements to provide access services. As set out in the Ofcom Television Access services report 2023 the BBC maintained and applied the Code on Television Access Services and achieved all of its annual quotas for subtitling, signing and audio description and also promoted the availability of access services on the EPG.

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 $^{^{12}}$ We issued the BBC with a Formal Information Request on 2 July 2024 to which it responded on 31 July 2024.

Regulatory obligation	2023/24 assessment
Paragraph 10: Retention and production of recordings	Ofcom has set the periods of time that the BBC must retain recordings in its published complaint handling procedures. On the basis that the BBC has provided recordings to Ofcom upon request, and how the BBC set out its policy on this in response to the 2 July 2024 Notice, we are satisfied that it has complied with this requirement.
Paragraph 11: International obligations	We have not specifically notified the BBC of any international obligations during 2023/24.
Paragraph 12: Equal opportunities	The BBC provided information on actions taken to meet its obligations to promote equality of opportunity, including in its Annual Report and Accounts (page 61), Equality Information Report, the Diversity Commissioning Code of Practice progress report and its response to our 2 July 2024 Notice. This included information on progress against its strategic D&I commitments in its <i>Diversity and Inclusion Plan 2020-23</i> and its work to develop the next phase of its D&I Strategy. Having assessed this information, we are satisfied that the BBC has complied with this obligation in 2023/24.
Paragraph 13: Training	The BBC has provided information regarding how it met these obligations on pages 57-60 of its Annual Report and Accounts and has provided additional information in response to the 2 July 2024 Notice. Having assessed this information we are satisfied that the BBC has complied with this obligation for 2023/24.
Paragraph 14: General provisions about arrangements under paragraphs 12 and 13	The BBC has reported to Ofcom on the arrangements under paragraphs 12 and 13, including in its Annual Report and Accounts, Equality Information Report and the Diversity Commissioning Code of Practice progress report. The BBC has set out how it has ensured those affected by the arrangements under paragraphs 12 and 13 are aware of them, and how the arrangements under paragraphs 12 and 13 are regularly reviewed. Having assessed this information, we are satisfied that the BBC has complied with this obligation for 2023/24 but will closely follow its work on a new diversity and inclusion strategy to understand how the BBC will develop its arrangements to promote equality of opportunity.

Competition in commissioning

A1.41 Ofcom has two roles in relation to competition in the BBC's commissioning activity. First, to consider whether any additional intervention is necessary in the Operating Framework to protect fair and effective competition. Second, to consider the BBC's compliance with the requirements placed on it under Schedule 3 Paragraph 7 of the Agreement, and if

necessary, to enforce them. Those requirements mean that during the Charter period the BBC must open up more commissioning opportunities to competition between producers and that, where it does so, competition must be on a fair, reasonable, non-discriminatory and transparent (FRNDT) basis.

Schedule 3 Paragraph 7 requirements

- A1.42 The specific quota requirements imposed on the BBC under Schedule 3 Paragraph 7 of the Agreement are, firstly in relation to making relevant television programmes, ¹³ that it must:
 - a) secure competition for the commissioning of at least 40% of the in-house guarantee for drama, comedy, entertainment and factual programmes by 31 December 2018, alongside maintaining existing levels of competition;
 - b) remove the in-house guarantee for children's, sport and non-news related current affairs programmes by 31 December 2019; and 14
 - c) secure competition for 100% of relevant TV programmes by 31 December 2027.
- A1.43 There are separate quotas for radio and online public services. The BBC must secure competition in commissioning for at least 60% ¹⁵ of relevant radio programmes ¹⁶ by 31 December 2022, and it must secure competition for the commissioning of 100% of relevant online material ¹⁷ by 31 December 2027.

BBC's progress in meeting contestability quota requirements

- A1.44 In its <u>TV Commissioning Supply Report for 2023/24</u>, the BBC reported that the percentage of hours of relevant TV programmes which were contested has significantly increased from 63% in 2022 to 77% in 2023. We will continue to monitor its progress on contestability in TV commissioning over the years leading up to the 2027 target.
- A1.45 The BBC has met its target to secure competition in commissioning for at least 60% of relevant radio programmes by December 2022. In its Annual Report and Accounts 2023/24 it reported contesting 61% of relevant broadcast hours, therefore continuing to exceed this

¹³ 'Relevant television programmes' means all television programmes included in the UK public services except: (a) Programmes reserved for independent productions; (b) News and news-related current affairs programmes; (c) Any programme where the BBC considers that complying with the obligation would not secure value for money.

¹⁴ As we reported in our previous Annual Reports, the BBC met these requirements.

¹⁵ Of the total time allocated to broadcasting relevant radio programmes on the UK public broadcast services.

¹⁶ 'Relevant radio programmes' means all network radio programmes included in the UK public services except: (a) news programmes; and (b) repeats, continuity, simulcasts, EBU material and autoplayed music.

¹⁷ 'Relevant online material' means all online material included in the UK public services except: (a) programmes included in the UK public on-demand programme services; (b) news and news-related current affairs material; and (c) any material where the BBC considers that complying with the obligation would not secure value for money.

- requirement. 18 The BBC also reported that in 2023/24, 82% of its spend on relevant online material had been contested; up from 80% in 2022/23.19
- A1.46 We will continue to monitor and report on the BBC's progress in working towards the remaining upcoming quota requirements.

The fair, reasonable, non-discriminatory and transparent (FRNDT) requirement

- A1.47 Schedule 3 Paragraph 7 is clear that, in meeting the quota, the BBC is required to ensure that there is genuine competition between BBC producers and external ones (whether independent producers or not) on a FRNDT basis.
- A1.48 Ofcom has not received any complaints from stakeholders about commissioning processes, and have not opened any investigations. We speak to TV producers and radio industry representative bodies as part of our ongoing sector engagement and no significant issues about competition within the commissioning process were raised. No significant issues about the FRNDT nature of the BBC commissioning process were raised with us.
- A1.49 We will continue to monitor whether the BBC is meeting its obligations regarding FRNDT commissioning. This will include ongoing engagement with production companies to understand more about the BBC commissioning process.

Operating Framework requirements

- A1.50 Ofcom is required by Article 46 of the Charter to set an Operating Framework to secure effective regulation of the BBC's activities as set out in the Charter and Agreement.
- A1.51 The Operating Framework must include requirements to protect fair and effective competition in relation to:
 - a) material changes the BBC proposes to the UK public services and non-service activities;
 - b) the effect of UK public services, trading activities and non-service activities on fair and effective competition; and
 - c) agreements with, and conduct affecting, third parties in relation to UK public services, trading activities and non-service activities.
- A1.52 We must also include requirements about the relationship between the BBC and its commercial and trading activities. These are described in more detail below.
- A1.53 In March 2017, we published a statement (updated October 2017), Introduction to Ofcom's Operating Framework for the BBC. In it, we explained our and the BBC's roles under the new regulatory scheme and detailed how our Operating Framework is structured.
- A1.54 We have set out the Operating Framework in a series of documents which impose requirements on the BBC and provide guidance on our regulatory approach. Most of these

¹⁸ Page 136, BBC Annual Report and Accounts, 2023/24.

¹⁹ Page 136, BBC Annual Report and Accounts, 2023/24.

applied from 3 April 2017. Table A1.8 below summarises the position in relation to the requirements we have set in the Operating Framework.

Table A1.8: Operating Framework requirements

Relevant Charter/Agreement provision	Operating Framework requirement	Assessment of BBC compliance	
The impact of proposed changes to the BBC's public service activities (Articles 11 and 20 of the Charter and Clauses 7 to 11 and 15 to 20 of the Agreement)	Specified requirements contained within: Assessing the impact of proposed changes to the BBC's public service activities: Ofcom's procedures and guidance ²⁰	We have set out in this annex and the main body of this report more	
The impact of the BBC's ongoing public service activities (Article 11 of the Charter and Clauses 12, 15, 21 and 22 of the Agreement)	Specified requirements contained within: Assessing the impact of the BBC's public service activities: Ofcom's procedures and guidance	detailed comments on what we and the BBC have done in these	
The impact of the BBC's commercial and trading activities (Clauses 23 to 27, 28, 31 and 32 of the Agreement)	Specified requirements contained within: The BBC's commercial and trading activities: requirements and guidance	areas	
The impact of the distribution of BBC public services (Article 11 of the Charter and Clauses 15 and 61 of the Agreement)	Specified requirements contained within: <u>Distribution of BBC public services: Ofcom's requirements and guidance</u>		

Commercial and trading activities

A1.55 We carried out ongoing monitoring of the BBC's performance in relation to its commercial activities, including assessing the annual reporting information provided by the BBC under our rules. There were no concerns arising from our review of its compliance with our commercial and trading activities reporting requirements in 2023/24. We also received assurances from the BBC about issues that were not satisfied in our BBC Studios review and consider these matters resolved. We explain this in section five 'Protecting fair and effective competition' of our main report.

Other specified requirements and relevant matters

A1.56 We are also required to report on the BBC's compliance with the additional specified requirements set out in Table A1.9 below. We have not identified any concerns with the BBC's compliance of the specified requirements in Table A1.9 between 1 April 2023 and 31 March 2024. We have provided more detailed comments on the BBC's approach to

²⁰ In April 2023 we published our decision on these changes, <u>Statement: How Ofcom regulates the BBC's impact on competition</u>.

complaints handling in our main report. We have also provided further information regarding complaints made to Ofcom at the end of this section.

Table A1.9: Other specified requirements

Relevant Charter/ Agreement provision	Requirement	Assessment of BBC compliance
Provision of information to Ofcom (Article 47, the Charter)	The BBC must provide information that Ofcom formally requires under Article 47.	We have not found the BBC in breach of this requirement.
BBC complaints handling (Clause 56, the Agreement)	In September 2017, Ofcom published its first determinations in relation to the BBC's complaints handling, which set out: - the period for which the BBC must retain records of its handling of relevant editorial complaints; - the form and intervals at which the BBC must report editorial complaints to Ofcom; and - the form and intervals at which the BBC must publish information about the operation and effectiveness of its procedures for editorial complaints. Ofcom published revised determinations on 3 July 2020 and 22 June 2022, requiring more transparent publication of BBC Executive Complaints Unit findings on relevant editorial complaints. In October 2018, Ofcom published its equivalent determinations in relation to the BBC's non-editorial (competition and other regulatory) complaints handling.	The BBC has complied with the determinations Ofcom set in relation to editorial complaints handling and non-editorial (competition and other regulatory) complaints handling. As we explain further in the content standards section of our 2023/24 Annual Report on the BBC, our revised determinations in relation to editorial complaints has led to the BBC publishing its reasoning in 186 not upheld cases in the period 1 April 2023 to 31 March 2024. We have set out in the main body of this report more detailed comments on what Ofcom and the BBC have done in the area of the BBC's approach to complaints handling more generally.

Complaints made to Ofcom

- A1.57 In enforcing compliance by the BBC with 'competition requirements' and other 'relevant requirements', 22 Ofcom may consider complaints and carry out investigations into compliance as we consider appropriate.
- A1.58 In 2023/24, we did not receive any complaints related to the BBC's requirements regarding commissioning.

²¹ A 'competition requirement' is any requirement placed on the BBC by Ofcom to regulate the impact of the BBC's activities on competition. These requirements are set out in Ofcom's <u>Procedures for enforcement of BBC competition requirements</u>.

²² A 'relevant requirement' is a specified requirement placed on the BBC by Ofcom or the Charter and Agreement, which is not covered by a more specific Ofcom enforcement procedure. These requirements are set out in Ofcom's <u>Procedures for enforcement of requirements in the BBC Agreement and compliance with Ofcom enforcement action.</u>

A2. Our approach to performance measurement

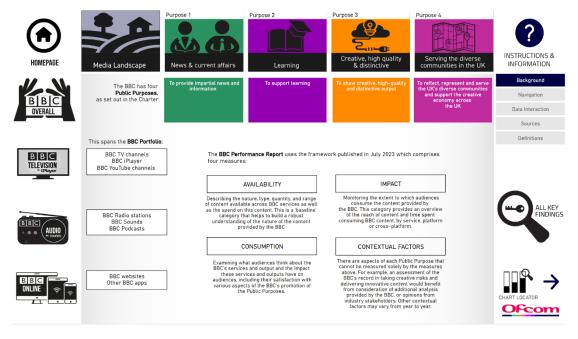
Approach to this year's report

Each year, we must report on how the BBC has performed against the performance measures we set as detailed in the <u>performance measurement framework</u>. Underlying data and evidence that supports our assessment is included in the accompanying <u>interactive report</u>.

The <u>interactive report</u> for our seventh annual report on the BBC, published in November 2024, used several data sources. These included 18 data sources from Ofcom annual trackers (e.g. BBC Performance Tracker, News Consumption Survey), industry sources (e.g. Barb, RAJAR), and other third-party sources (e.g. Ampere Analysis). In addition to this we also use a range of data sets supplied by the BBC including from their own trackers and internal analytics. See below for the full list of sources used in this year's assessment.

For transparency, we publish the data from the majority of the different sources we have used in our assessment. The <u>interactive report</u> includes around 60 different sections, presented using a three-way matrix of media platform, Public Purpose and measurement area (availability, consumption, impact, contextual factors):

Figure A2.1: Interactive report overview page



In this section we have focused on Public Purpose 1 as an example of the type of information and data we use to assess the BBC's performance in delivering the public purposes. The examples we

provide relate to BBC TV news but we collect data on the BBC news provision across all platforms to inform our assessment of Public Purpose 1.

For example, Figure A2.2 shows the BBC TV network hours for news and current affairs output, split by channel. In assessing the BBC's performance here, we consider the hours of output the BBC has delivered during peak and non-peak times, how much content is first-run UK originated, and the amount of regional programming. We can also assess the BBC's spend in this area in both real and nominal terms.

INSTRUCTIONS & All Day The BBC's total news and current affairs network TV output increased slightly in 2023. Within this, news output increased by 305 hours, while current affairs output ased by 228 hours BBC TV network hours for news & current affairs by channel ВВС TELEVISION 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022

Figure A2.2: Interactive report Public Purpose 1 TV availability data

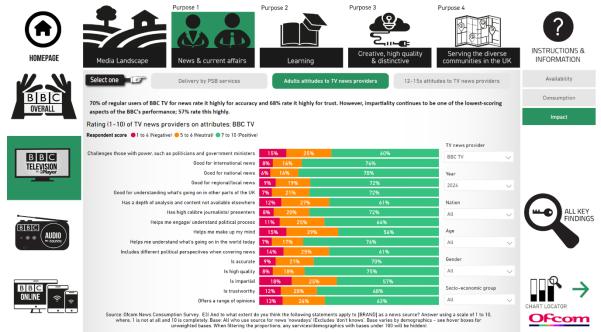
Figure A2.3 shows Barb viewing data to the news genre across all BBC channels combined; we are also able to consider the audiences reached by each of the individual BBC TV channels. In assessing the consumption metrics for Public Purpose 1, we also draw on our annual News Consumption Survey to consider how audiences use BBC TV for news in relation to a range of other services.



Figure A2.3: Interactive report Public Purpose 1 TV consumption data

The final example (Figure A2.4) shows how we also use a range of measures to consider the audience perceptions of the BBC's TV news output. For Public Purpose 1, we primarily use our annual News Consumption Survey to understand how audiences consider BBC TV news to be delivering against a number of attributes. We can also assess the BBC relative to audience perceptions of other TV news providers. These can be considered across a wide range of demographics including age, gender, region, socio-economic group and working status. For Public Purpose 1 we also use our annual Teens News Consumptions Survey as well as our annual Public Service Media Tracker.

Figure 2.4: Interactive report Public Purpose 1 TV impact data



Sources used (2023/24 monitoring)

We use a range of sources to inform our performance assessment of the BBC across all four purposes and for TV, radio and online:

	Sources
Availability	 Ampere Analysis BBC Annual Report and Accounts BBC supplied data: BBC Sounds genre analysis Ofcom analysis of BBC data Ofcom analysis of broadcaster data Ofcom EDI in Broadcasting 2023
Consumption	 RadioMonitor BBC supplied data: AV Analytics Piano Analytics (BBC Teach and BBC Bitesize traffic) Compass by Ipsos YouTube Analytics BBC iPlayer account activations quarterly data BBC Sounds account activations quarterly data DJS Research Student and Teacher Tracker 2023/24 Barb Ipsos Iris Ofcom Audio Survey Ofcom BBC Performance Tracker Ofcom News Consumption Survey Ofcom Podcast Survey RAJAR Ofcom Mis and Disinformation Survey 2024 BBC Sounds quarterly data
Impact	 Ofcom Audio Survey Ofcom BBC Children's Performance Tracker Ofcom BBC Performance Tracker Ofcom News Consumption Survey Ofcom Public Service Media Tracker Ofcom Video on Demand Survey Ofcom Podcast Survey BBC supplied data: DJS Research Student and Teacher Tracker 2023/24 Ofcom Local news and media in the UK qualitative research report

	Sources
	 Ofcom BBC Audience Review: Understanding what factors may drive lower satisfaction levels among D and E socio-economic groups
Contextual Factors	Contextual factors are a broad measure, that include a range of metrics. Sources include quantitative data, which looks to understand the BBC's place in the context of the wider marketplace, or qualitative assessment of the BBC's record or strategy in a certain area.

Ongoing work

Alongside the new Operating Licence, we published an <u>updated performance measurement</u> <u>framework</u> in July 2023.

We continue to review our monitoring of the BBC's performance to ensure it remains up to date and also allows for flexibility. This includes:

- Regularly reviewing our annual tracking surveys, to ensure they capture the most relevant information.
- From April 2025, we will begin fieldwork on a new combined research programme which will merge our current, separate BBC and PSM trackers and provide a single adults survey (the PSM Tracker) and a wider Children's PSM Tracker The results from the first year of fieldwork will be available summer 2026, and will be used in our reporting on the BBC from that point forward.
- Reviewing data available from third-party sources, and ensuring we are using the best available data sources across metrics.
- Continued engagement with the BBC on its internal data.

A3. Estimated shares of video and audio listening

Figure A3:1: Viewing shares for all linear, BVoD, SVoD services, and VSPs²³

	Aged 4+		Aged 16-34	
	2022	2023	2022	2023
Broadcast - Live + recorded playback share	60%	56%	26%	20%
BBC incl linear portfolio	19%	17%	7%	5%
ITV incl. portfolio channels	14%	12%	6%	5%
Channel 4 incl. portfolio channels	6%	6%	4%	3%
Channel 5 incl. portfolio channels	4%	4%	1%	1%
Multichannels	17%	17%	8%	7%
BVoD share	7%	8%	8%	10%
BBC iPlayer	3%	4%	4%	4%
ITVX	1%	2%	1%	2%
Channel 4 (All 4)	1%	1%	1%	2%
Other players	2%	2%	2%	3%
SVoD/AVoD share	15%	16%	29%	<i>30%</i>
Netflix	9%	9%	18%	16%
Amazon Prime Video	3%	3%	5%	5%
Disney+	3%	4%	6%	8%
Other SVoD	0%	1%	0%	1%
VSP share	18%	20%	37%	40%
YouTube	14%	15%	24%	26%
TikTok	4%	5%	10%	12%

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²³ The annual figures here represent the average between January and December. The viewing shares presented here use a different methodology to those set out in 2023's report. In last year's report, we used data from IPA TouchPoints to estimate out of home viewing for SVoD/AVoD and VSP viewing. This year, the IPA changed their delivery of the TouchPoints data so we made the decision to focus on in-home viewing using Barb data only. This change has only resulted in minor differences to the figures in 2023's report but we have recalculated these figures to allow comparisons with this year's figures.

Total (excl. DVD/Blu-Ray and unidentified video on TV)	100%	100%	100%	100%
BBC live + recorded playback + iPlayer total	22%	20%	10%	9%
Other VSPs	1%	1%	2%	2%

Source: Barb as-viewed on TV sets and other devices using the home's WiFi network.

Figure A3:2: Total audio listening shares²⁴

	All aged 15-	+	Aged 15-34	
	2022/2023	2023/2024	2022/2023	2023/2024
Radio (not including online)	<i>50%</i>	47%	25%	25%
BBC Radio	25%	22%	8%	8%
Global Radio	11%	11%	7%	8%
Bauer Media Audio	9%	9%	6%	6%
Wireless	2%	2%	1%	1%
Other	4%	3%	2%	2%
Online radio (live and catchup)	12%	13%	7%	8%
BBC Radio	5%	4%	2%	2%
Global Radio	3%	4%	2%	3%
Bauer Media Audio	2%	3%	2%	2%
Wireless	1%	1%	<1%	<1%
Other	1%	1%	1%	1%
Podcasts	6%	5%	10%	9%
Spotify	4%	3%	6%	7%
Apple Music	1%	<1%	2%	1%

²⁴ Since 2021, the TouchPoints survey has been split into two waves a year - Wave 1 takes place between January and March and Wave 2 between September and November. From 2024 onwards, TouchPoints has combined Wave 2 2023 and Wave 1 2024 to form the 2024 Superhub. Altogether, the sample comprised approximately 6,000 individuals (aged 15+) across Great Britain. Furter details on fieldwork dates, sampling and methodology can be downloaded as a factsheet from the IPA website. To allow for direct comparisons, we have presented the Superhub 2024 results and the Superhub 2023 results (which consist of Wave 2 2022 and Wave 1 2023).

Amazon Prime	<1%	<1%	1%	<1%
BBC Sounds	<1%	<1%	<1%	<1%
Other	1%	<1%	2%	1%
Streamed music	20%	22 %	44%	45%
Spotify	14%	15%	32%	35%
Apple Music	2%	2%	4%	4%
Amazon Music	2%	2%	4%	2%
Google	1%	1%	2%	2%
BBC Sounds	<1%	<1%	<1%	<1%
Other Music Streaming Service	1%	1%	1%	1%
Other forms of audio ²⁵	12 %	13%	14%	14%
BBC (Radio and Sounds)	30%	27%	10%	11%

Source: TouchPoints and RAJAR.

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 $^{^{\}rm 25}$ Personal music (CD and digital), music video sites/channels, audiobooks.