
Equity, diversity and inclusion

Guidance for broadcasters

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1. Overview

This guidance sets out recommendations to help broadcasters develop their equity, diversity and inclusion (EDI) arrangements in line with their licence conditions.¹ When making their EDI arrangements, broadcast licences stipulate that broadcasters shall have regard to this guidance.

Equality of opportunity, and the associated goals of EDI can be successfully achieved in a variety of ways, and we understand that broadcasters are at different stages of their journey. This guidance provides a framework to be used as a point of reference and inspiration. It is not designed as an exhaustive resource for effective practice and links to further resources can be found on our website.

¹ For information on Ofcom's statutory powers and detail on broadcasters' licence conditions see Annex 1.

2. Introduction

- 2.1 The recommendations in this document aim to guide broadcasters in developing EDI arrangements. They include specific expectations in line with broadcasters' licence conditions and further guidance on promoting EDI within organisations.
- 2.2 Broadcasters must make arrangements to promote equal opportunities in employment between men and women, between people of different racial groups and for disabled people. They should also make arrangements for training and retraining of employees. To meet their licence conditions, broadcasters should:
- have a written EDI strategy;
 - communicate this strategy to their employees;
 - collect statistics to monitor the make-up of their employees;
 - publish observations on the operation and effectiveness of their arrangements;
 - review their strategy and arrangements from time to time; and
 - in making these arrangements, have regard to the guidance in this document.
- 2.3 Ofcom expects to see broadcasters go further in terms of promoting EDI by:
- setting diversity targets;
 - taking active steps to ensure fair recruitment practices;
 - setting 'S.M.A.R.T' goals and progression plans for their diversity strategies;
 - fostering an inclusive culture;
 - creating training and promotion opportunities for staff from underrepresented groups at all levels;
 - adopting arrangements to improve retention of diverse talent;
 - commissioning content with diverse stories and voices; and
 - using their influence to ensure that production companies have EDI arrangements in place when contracting freelancers for their commissions.
- 2.4 Ofcom will continue to collect and publish information on broadcasters' workforce diversity and their arrangements for promoting equal employment opportunities in our annual monitoring reports. Broadcasters will be asked to show how they have had regard to the recommendations in this guidance through a qualitative maturity model assessment. Ofcom will investigate any broadcaster who is unable to demonstrate that they have met their licence conditions.

3. Recommendations

Strategy and leadership

Written policy statement

- 3.1 The EDI strategy should at a minimum include:
- a definition of what the organisation means by EDI;
 - the organisation's EDI policy objectives;
 - information on how the objectives will be met;²
 - a description of the organisation's approach to fostering an inclusive culture; and
 - information on how to report discrimination.
- 3.2 Policy statements should be reviewed on a regular basis to ensure policies are relevant and up to date.
- 3.3 We strongly encourage broadcasters to go beyond setting out simple objectives and how they will be met. Improving diversity and inclusion should be part of a long-term strategy to building an inclusive culture, through focused initiatives. We acknowledge that broadcasters will be at different stages of developing and implementing their EDI arrangements, and our monitoring tools aim to recognise that and support broadcasters to keep progressing.

Setting diversity targets

- 3.4 Broadcasters should consider setting clear and measurable targets on diversity to demonstrate commitment to ensuring that the make-up of their employees better reflects the society we live in. In seeking to meet those targets, broadcasters must comply with the Equality Act 2010.
- 3.5 Setting 'S.M.A.R.T'³ targets provide a quantifiable commitment to tackling under-representation, and we would expect chief executives to be accountable for delivery against such targets, demonstrating leadership and commitment from the top of the organisation.

Governance

- 3.6 We recommend broadcasters have transparent and accountable EDI governance structures in place. These can take many forms, depending on the size of the organisation; for instance, it could be an EDI working group with members drawn from different areas and levels of the organisation or from existing governance structures, including the Board.

² See [Ofcom's Diversity Hub](#) for further suggestions on what to include.

³ S.M.A.R.T is an acronym meaning specific, measurable, achievable, relevant, and time-bound objectives.

- 3.7 It should be clear who is responsible for governance within your organisation and what mechanisms are in place for assessing the efficacy of the organisation's EDI strategies and policies.

Transparency and communicating with employees

- 3.8 Transparency on EDI and accountability for its delivery are central to building trust between an organisation and its employees and for getting buy-in from staff. Broadcasters should consider publishing data and information on the efficacy of their EDI strategies, which demonstrates how they have used their data to improve outcomes or bring in new policies.
- 3.9 Broadcasters should actively communicate their EDI strategy to their employees. This should be seen as an ideal opportunity to have an open dialogue with staff, encouraging them to engage with the benefits of having a diverse range of people and viewpoints within an organisation.
- 3.10 Broadcasters should demonstrate how their strategy is communicated to employees; this could include, for example, on a staff intranet, in team meetings or a newsletter, with employee groups or networks. This will ensure compliance with the Ofcom licence condition, which requires broadcasters to take appropriate steps to make those affected by the arrangements aware of them.

Diversity and leadership

- 3.11 We would recommend senior management be involved in developing and agreeing EDI strategies and receive regular updates on progress (for example, through committees or steering groups where companies have these).
- 3.12 Larger companies should consider having a senior level diversity sponsor/champion leading the agenda within their organisation. This person can take responsibility for promoting EDI and helping to raise awareness across the organisation.
- 3.13 Broadcasters should consider appraising all senior employees against diversity objectives, to ensure they are engaged and know what is expected of them. Different senior managers could be made responsible for promoting EDI for different networks, so that each has its own committed sponsor.

Data collection, monitoring and evaluation

Collection of data to monitor employee characteristics

- 3.14 Regular monitoring of the characteristics of employees, such as sex, race and ethnicity, and disability, is a means of checking where there is underrepresentation and whether the diversity and inclusion policy is being implemented effectively. Without accurate monitoring, it is unclear how broadcasters can identify any gaps, ensure the relevance of their equality and diversity policies and plan effective engagement with their employees.

- 3.15 Broadcasters need an appropriate system to achieve this and one that will suit their company. In a small company with a simple structure, it may be enough for managers to ask individuals to record their information in written form, while in larger and more complex organisations, a more formal process or online system may be necessary. The important thing is to have an understanding of employee make-up in terms of the protected characteristics and know how well the organisation is doing in meeting the goals that it has set itself.
- 3.16 At a minimum broadcasters should monitor the sex, race and ethnicity, and disability of people they employ, however they should also aim to monitor the other relevant protected characteristics in the Equality Act 2010. Ofcom will request information from broadcasters across all the relevant protected characteristics.
- 3.17 Ofcom also encourages broadcasters to collect data on socio-economic background of their employees and has, since 2019, requested this information from broadcasters, to help form a picture of how open and accessible the sector is.⁴ In addition, we encourage broadcasters operating in multiple nations and/or regions to monitor the diversity of their employees in each of those areas. This may help to further inform their EDI policies and approach. We would also like broadcasters to consider collecting cross-sectional data on some combinations of characteristics to help identify where disadvantage is compounded for employees.⁵ We will continue to publish details on the scope of information provided by broadcasters to Ofcom.

Communicating the importance of data collection

- 3.18 Diversity data collection should be presented clearly to staff; they should be told how the information obtained through monitoring will be handled and used. This should include telling staff that the broadcaster will share information with Ofcom for the purposes of its annual monitoring reports. One way to ensure staff support is by allowing them to input on how and what information the company should be capturing. The monitoring system should ideally track the diversity of applicants in response to a recruitment advertisement from the earliest stage of the application process, through their employment, right up to their departure from the organisation.
- 3.19 Broadcasters should check at regular intervals that the information collected is up to date or allow employees to update their information themselves. Broadcasters could set regular times in the year when employees are reminded of the benefits of ensuring their information is correct and how they can do this. Broadcasters must comply with relevant data protection legislation in processing their employees' personal data.⁶

⁴ There are several questions that can be used to gather this information but the key measurement question for this characteristic asks the individual what their parental occupation was when they were 14.

⁵ For 2022-23 we asked for cross-sectional data for sex and ethnicity, disability and ethnicity, disability and socio-economic background, and ethnicity and socio-economic background.

⁶ Further information can be found on the [Information Commissioner's Office website](#).

How to collect employee data

- 3.20 To obtain as complete a picture as possible, broadcasters should ensure they provide employees with the option to ‘prefer not to say’ so that this can be recorded separately from ‘no data’. It is important to clearly distinguish between instances where employees have chosen not to disclose data and where they have not been given an opportunity to provide this data. This enables a broadcaster to understand if employees are feeling uncomfortable about sharing their information or if they were missed out of the monitoring process. It will also enable broadcasters to demonstrate that they have sought to obtain the data.
- 3.21 Broadcasters should ensure they are collecting the right level of information. Not only should broadcasters aim to monitor the breadth of characteristics referred to in paragraphs 3.16 and 3.17, but they should also consider the level of detail it is appropriate to collect.⁷ For example, there is value in understanding the detailed ethnic background of employees as this information can help broadcasters better target their strategies and initiatives.⁸
- 3.22 When collecting data on disability, it is important that broadcasters ask all employees. Only recording employees with a disability status if they request a related workplace adjustment may fail to identify employees with non-physical disabilities or other conditions that may require support from an employer to ensure equality of opportunity.
- 3.23 Disability is the only characteristic that can be supported by positive discrimination under the Equality Act 2010,⁹ and we urge broadcasters to be mindful of this when considering how to improve representation of disabled people in their employment.
- 3.24 Ensure monitoring captures the entire workforce, including all main job levels and job types. Monitoring is a useful way to identify where in the workforce diversity may be less supported and will help to indicate where certain groups may be disadvantaged. We strongly encourage broadcasters to monitor freelancers as well as employees. Monitoring information should be tracked across the following:¹⁰
- for all job applicants;
 - joiners to the organisation;
 - leavers from the organisation;
 - across different job roles;
 - at different job levels in the organisation - this is particularly important at senior levels as it is at this level that employees are more likely to be decision makers, exerting particular influence;
 - those promoted within the organisation; and

⁷ To understand the level of detail Ofcom consider it appropriate to collect, see the [quantitative data statement](#).

⁸ Many research agencies and reports use the same ethnic categories as those in the census. This level of detail may be of particular value to broadcasters with a large number of staff, but less relevant for small to medium-sized broadcasters.

⁹ Certain positive action measures are allowed in relation to other protected characteristics. See the Equality and Human Rights Commission/Ofcom publication [Thinking outside the box](#) for further information.

¹⁰ See Ofcom’s [quantitative data statement](#) for detail on what data we request.

- those completing training.
- 3.25 Ofcom will continue to request monitoring data across all the categories mentioned above with respect to each protected characteristic.
- 3.26 We recommend that the data is regularly analysed to identify trends or gaps in monitoring. Results should be reviewed by senior leaders and used as a tool to evaluate the efficacy of existing EDI arrangements and inform revisions to arrangements.
- 3.27 The challenges broadcasters face in improving their EDI are often shared across the sector. Ofcom believes collaborative action is one of the best solutions for an industry wide challenge. We encourage all broadcasters, large and small, to share ideas and best practice and compare trends from their data, as sharing knowledge and learnings can only increase the pace of positive change.¹¹

Recruitment

- 3.28 Fair recruitment practices are essential to attract a wide pool of applicants and to ensure a company has the best talent for the role. This is often the first engagement an individual has with a company and it could shape their opinion about the importance the company places on EDI.
- 3.29 We suggest that broadcasters proactively look at where there is underrepresentation in their workforce, whether at certain levels of seniority, job functions or in certain regions in which they operate. They should use this information to inform their recruitment practices.
- 3.30 It is important to ensure the recruitment process is free from bias. We recommend all recruiting staff undertake relevant training, to help ensure that recruiters are aware of how they can better promote equality of opportunity.
- 3.31 There are a number of measures that can be implemented at the recruitment stage that may help to reduce the possibility of bias and better secure diversity and inclusion, including:
- advertising the vacancy in an accessible location and in an accessible format;
 - removing names and other details on applications that could lead to unconscious bias;
 - being systematic when sifting applications, for example by using a scoring system;
 - before conducting interviews, checking that any 'reasonable adjustments' have been made to ensure all candidates are treated equally; and
 - using more than one interviewer, ensuring the interview panel is diverse and ensuring that all interviewers are appropriately trained.
- 3.32 If your company has an internship or apprenticeship programme, it is important to consider barriers which may be faced by potential applicants (such as economic

¹¹ Broadcasters must comply with applicable laws including data protection and competition law when sharing ideas and best practice.

- circumstances) and ensure the programme is able to attract diverse talent. Companies should avoid unpaid or poorly paid internships that could deter potential applicants.
- 3.33 We suggest broadcasters ensure that their diverse recruitment practices extend beyond entry and junior level recruitment. There should be an equal focus on recruiting diverse talent into mid-career and senior positions, where they may have a greater impact on shaping the culture of an organisation.
- 3.34 Outreach programmes or schemes that connect with people from underrepresented groups and communities are an important tool for diverse recruitment, and many broadcasters already have successful systems in place. We encourage broadcasters to reach people at different stages of their educational and career development; for example, broadcasters could look at creating a scheme to help ‘career changers’ move into broadcasting from other sectors. It could also include a range of positive action schemes. Broadcasters must comply with relevant equality legislation when taking positive action.¹²
- 3.35 Broadcasters should consider using onboarding or new hire surveys to better understand how inclusive the recruitment process was, as well as getting a sense, as early as possible, of the ambitions and needs of their staff so they can be supported to develop and thrive.

Progression, development and retention

Progression

- 3.36 Broadcasters should ensure there are measures in place to promote diversity at all levels. Job opportunities should be well advertised internally and accessible to all to ensure staff have the best opportunity to progress within an organisation. Broadcasters should consider using specific progression strategies that recognise and adapt to employees at different stages of their career, including support for employees mid-career, as well as leadership succession planning to help retain diverse talent.
- 3.37 We recommend that broadcasters hold focused discussions with employees about progression and inclusion, to inform action plans for a more diverse workforce, particularly where employees with specific protected characteristics are under-represented at certain levels of the company and within particular job functions.
- 3.38 Broadcasters should include in their overall diversity strategy, a progression plan with a range of commitments. They should consider strategies that are targeted towards supporting the development of specific under-represented groups. This could include, for example, a women in leadership programme or a mentoring or sponsorship scheme for deaf, disabled or neurodivergent talent.

¹² See the Equality and Human Rights Commission/Ofcom publication [Thinking outside the box](#) for more information on what action can lawfully be taken to increase diversity in the industry.

- 3.39 We recommend that managers are encouraged and empowered to develop progression and development plans for their direct reports. Employees should feel supported by their manager and organisation in their own development and career planning.

Development and training

- 3.40 Broadcasters should consider using targeted training for staff in different roles, especially managers, recruiters and people in leadership roles, to help improve EDI outcomes. For example, managers could be provided with training on how to have constructive, honest conversations to help progress their own development and aid in the development of others. Broadcasters could also provide technical training or funding where there are skills gaps and natural progression pathways exist.
- 3.41 Broadcasters should consider providing personal development training programmes that encourage employees to develop their skills and experiences. For example, training to help develop public speaking or presentation skills.

Retention

- 3.42 A broadcaster's progression, development, and culture and voice strategies should all help to improve the retention of talent within their organisation. To retain staff, it's vital to foster an internal culture which engages a diverse range of voices. The next section of this guidance addresses this in more detail.
- 3.43 Broadcasters should consider implementing specific strategies, including setting retention targets in addition to any targets relating to recruitment or overall workforce makeup. It may also be useful to have check ins with new recruits periodically to gauge job satisfaction and identify and address potential reasons why staff may look to leave their organisation.
- 3.44 Broadcasters should have processes in place to monitor the characteristics of staff who leave. They should also consider using exit surveys and/or interviews to gain a better understanding of why staff are leaving, so recurring issues and themes can be identified and addressed to help improve retention.

Culture and voice

Culture

- 3.45 Broadcasters should aim to embed diversity and inclusion at the centre of their business. This means empowering all staff to engage with EDI strategies and fostering an inclusive culture to allow all colleagues the opportunity to thrive.
- 3.46 Broadcasters may want to consider introducing versions of the following examples of good practice for promoting an inclusive culture:
- **EDI training for all staff in their organisation.** This could include training on the broadcaster's own diversity policies or external training focusing on specific issues or skills. Diversity and inclusion training should not be seen as a one-off or 'tick box'

exercise. Consideration should be given to how best to encourage positive engagement in companywide training schemes.

- **Defining the expected workplace behaviours of employees** and communicating these to staff, so employees understand the behaviours that are and are not acceptable.
- **Strategies that focus on creating and promoting an inclusive culture in the workplace.** In addition to giving employees a voice (see below), e.g. events and workshops available to all staff that celebrate diversity and educate staff, such as a LGBTQ+ history month event.
- **Policies that promote the health and wellbeing of employees.** Supporting physical and mental health and wellbeing at work is a vital part of an employer's duty of care and supports workforce cohesion and productivity. This could include, for example, an occupational health scheme, workshops, or access to professional support for mental health, arrangements for bereavement or carers leave or a flexible working policy.
- **A strategy to ensure broadcasters are effectively adjusting to the needs of their staff,** for example access passport schemes.¹³ Broadcasters should ensure they are creating an environment in which staff feel comfortable communicating their accessibility, or other requirements, related to a protected characteristic.

3.47 Broadcasters should have a complaints and whistleblowing facility to ensure that employees who experience or witness discrimination can safely and effectively report it. It is imperative that such a service, whether provided in house or by an external body, is widely advertised, understood and trusted by staff.

Voice

3.48 We recommend organisations encourage staff at all levels to engage with EDI policies. This could include supporting the creation of staff forums or networks where issues and ideas from across the business can be communicated to the senior leadership team and open and honest discussions can take place.

3.49 Broadcasters should give adequate resources to these groups to ensure they can operate effectively and provide a clear framework on how networks are expected to interact with the leadership teams.

3.50 It is important to check in regularly with staff to take account of their experiences of working in their organisation. Broadcasters should consider using surveys or employee forums to gather qualitative data on whether under-represented groups feel included and heard. It should be clear to employees how their responses will be used and broadcasters should point to action that has been taken in response to employee feedback.

Commissioning

3.51 Ofcom's statutory powers to promote equality of opportunity only relate to broadcasters and their direct employees. However, the influence of broadcasters on the wider industry

¹³ Some broadcasters already collaborated on a [cross-industry access and inclusion passport scheme](#).

is significant and we want to see them continuing to ensure that equality, diversity and inclusion are taken into account when commissioning content from production partners. While the commissioning process does not form part of the criteria used to assess whether a broadcaster has met its equality of opportunity license condition, we believe broadcasters should be taking responsibility for the diversity of their commissions, both on screen/air and behind the scenes. We recognise that some broadcasters already have diverse production policies in place. Where this is the case, we encourage broadcasters to focus on how they can effectively monitor, evaluate and report on the progress of these arrangements.

- 3.52 Broadcasters without diversity commissioning policies could consider putting in place an EDI commissioning template or process to ensure their production partners know what is expected of them to deliver a diverse production.
- 3.53 We encourage broadcasters to put in place an effective whistleblowing mechanism for freelancers working on their commissions, to ensure freelancers are able to report harassment, bullying or discriminatory behaviour. This mechanism could be provided by the broadcasters themselves or broadcasters could use an external body; either way it should be easy to access and engage with.
- 3.54 Where possible we encourage broadcasters to engage with the Creative Diversity Network to support the monitoring of the diversity of the freelance workforce through the Diamond survey.

Further information

- 3.55 Additional information and templates for monitoring forms can be found in Ofcom's diversity resource (www.ofcom.org.uk/diversity). This resource includes further information on how to develop a policy statement, and links to organisations such as the Equality and Human Rights Commission and the Creative Diversity Network.
- 3.56 This guidance is effective from 2 November 2022. Broadcasters shall have regard to the above recommendations in any new arrangements for promoting EDI that are made after this date and/or in reviewing their existing arrangements and their application.

A1. Legal background

- A1.1 Ofcom has legal duties to promote equality of opportunity in the broadcasting sector, set out at sections 27 and 337 of the Communications Act 2003 (the 'Act').
- A1.2 Section 337 of the Act requires Ofcom to include conditions in radio and television broadcasters' licences obliging licensees to make arrangements to promote equal opportunities in employment on the basis of sex, racial group and disability.¹⁴

'337 Promotion of equal opportunities and training

(1) The regulatory regime for every service to which this section applies includes the conditions that OFCOM consider appropriate for requiring the licence holder to make arrangements for promoting, in relation to employment with the licence holder, equality of opportunity –

- (a) between men and women; and
- (b) between persons of different racial groups.

(2) That regime includes conditions requiring the licence holder to make arrangements for promoting, in relation to employment with the licence holder, the equalisation of opportunities for disabled persons.'

- A1.3 In making the arrangements referred to above, broadcasters must have regard to guidance published by Ofcom.
- A1.4 The BBC is required to make arrangements for promoting equality of opportunity in relation to disability, race, sex¹⁵ and between those who belong to a low socio-economic group and those who do not belong to such a group under paragraph 12 of Schedule 3 to the BBC Agreement.¹⁶

¹⁴ This obligation only applies to broadcasters (or groups of companies) who employ more than 20 people in connection with the provision of licensed broadcasting services and are authorised to broadcast for more than 31 days a year.

¹⁵ As defined in the Equality Act 2010.

¹⁶ The [BBC Agreement](#) as amended on 26 May 2022.

A1.5 Section 27 of the Act places a further duty on Ofcom to promote equal opportunities.

'27 Training and equality of opportunity

(1) ...

(2) It shall be the duty of OFCOM to take all such steps as they consider appropriate for promoting equality of opportunity in relation to both –

(a) employment by those providing television and radio services; and

(b) the training and retraining of persons for such employment.

(3) It shall also be the duty of OFCOM, in relation to such employment, training and retraining, to take all such steps as they consider appropriate for promoting the equalisation of opportunities for disabled persons.

(4) The reference in subsection (2) to equality of opportunity is a reference to equality of opportunity—

(a) between men and women; and

(b) between persons of different racial groups.'

A1.6 While Ofcom only has legal duties regarding equality of opportunity between men and women, people of different racial groups and for disabled people, we recognise that good EDI practices should include provisions for other protected characteristics in the Equality Act 2010 as well as for socio-economic background.

A1.7 Therefore, this guidance can be used to help broadcasters make arrangements to promote equal opportunities in employment between men and women, people of different racial groups and for disabled people, and for age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment;¹⁷ and also with respect to social, educational and geographic background. Ofcom reports on broadcasters' compliance in its annual Diversity and equal opportunities in broadcasting monitoring reports.

¹⁷ As defined in section 7 of the Equality Act 2010.