



## **NUJ response to Ofcom's consultation: holding the BBC to account for the delivery of its mission and public purposes**

July 2017

1. The NUJ agrees, or has no great objections, to the overall approach to setting the BBC's licence conditions, its list of public purposes, including the objectives and regulatory conditions and framework for performance set out by Ofcom in this consultation document. The NUJ supports Ofcom's idea of originating research projects and having a power to step in over complaints about the corporation, handling appeal stages.
2. While having no objection in principle to the increased quotas on news coverage and other broadcasting output, the union is concerned that the corporation's funding will make it difficult in practice (see below).
3. The union will be seeking assurances that Ofcom will have sufficient resources and staff to fulfil its new obligations to the BBC. Ofcom must also show that it is independent of the government or it will lose all credibility. Governments of all hues have attempted to put pressure on the BBC, Ofcom must resist this.
4. Ofcom has a reputation as a light-touch regulator in its dealings with the commercial sector and in its role overseeing the PSB remit. The NUJ has already taken issue with its decision to allow ITV local news to be reduced by one-third in the latest 10-year broadcast licences for ITV, STV, UTV and Channel 5. ITV's lack of commitment to peak time news was shown when it moved the News at Ten to 10.30 to make way for the disastrous topical entertainment programme, the Nightly Show – despite its major revamp of the so-called flagship news bulletin. Ofcom did nothing when ITV slashed its current affairs coverage, including World in Action. Other broadcasters have a PSB remit and, while the BBC should provide news and current affairs aimed at the majority of licence fee payers and specific groups, by age or other characteristics, the corporation should not have to make up the shortfall of other broadcasters shirking their news and current affairs responsibilities. The BBC has, in recent years, prioritised breaking news over in-depth analysis and current affairs. The NUJ looks to Ofcom to safeguard levels of current affairs for viewers.

5. The BBC should continue to be a major contributor to the creative economy of the UK through investment in original content. The NUJ agrees that it should take risks in terms of its commissioning. BBC expenditure on first-run UK originations has declined by 30 per cent since 2004. Under Ofcom's plans, three-quarters of all programme hours on the BBC's most popular TV channels should be original productions, commissioned for UK audiences. The NUJ supports this, but notes that it will have cost implications at a time when the BBC is making huge cuts to its budget.
6. The BBC should be providing: significant levels of news, current affairs and factual programmes; coverage of regional, national and international themes and news; trusted information to the highest editorial standards; and links to third-party online material, particularly within its news stories.
7. In principle, the NUJ supports the increase in quotas for BBC TV and radio and the need to show/air news and current affairs at peak times. Yet, the disastrous licence-fee deal has forced the corporation to make huge savings which will inevitably have an impact on editorial. This behind-the-door deal will cost the BBC £1.3bn over five years, then £750m each year to fund what is a state benefit, the free licences for over-75s. In return, the BBC was promised an inflation-linked licence fee rise, the closure of the iPlayer free broadcast loophole and an end to paying for broadband. But, as industry researcher, Enders Analysis, has pointed out, this will not offset the full cost of the welfare policy which, after BBC One, will be the single biggest item in the corporation's budget.
8. BBC's director general, Tony Hall, has said: "The overall result is that, by 2022, the BBC will need to make savings of £800m a year. That's 23 per cent – and in some parts of the BBC, it will be more." Lord Birt, a former BBC director general, said during the BBC charter debate in the House of Lords last year that the cost of the two raids on the licence fee in the past decade had taken "almost exactly 25 per cent out of the real resources available to the BBC for its core services. A massive reduction in programming is therefore simply unavoidable".
9. The NUJ will be calling on the regulator to monitor the effects of the forthcoming cuts, which will inevitably lead to job losses, impose pressure on programme budgets and put in jeopardy elements of the BBC's public purposes. Ofcom said: "We recognise that the BBC may face challenges in delivering the on-going efficiencies associated with the 2016 licence fee settlement and we will consider in future whether any regulatory requirements need to evolve as a result, while also assessing how the mission and public purposes can continue to be delivered."
10. A functioning democracy needs informed citizens who have access to a range of media and voices. The high level of trust in which the BBC is held has led it to become the broadcaster people turn to in times of turmoil or during national elections.

11. The BBC has a unique and important role in local news coverage and its service was literally a lifeline to residents in Cumbria during the floods of 2015. Local radio in particular is seen as a friend to many older, housebound people. This service is already being provided on a shoestring and a survey by the NUJ revealed the BBC had closed more than 20 district offices in the past 10 years leading to many parts of the country without an adequate news service. The survey also found that once an office was closed, the designated reporter post for that area soon disappeared. The BBC plans to shut most of its remaining district offices.  
<https://www.nuj.org.uk/news/regional-news-coverage-suffers-as-bbc-closes-most-of-its/>
12. The NUJ fought proposals to merge the BBC News Channel with BBC World News. The proposed shotgun wedding between these two would have made for a poor marriage, by blurring lines between the licence-funded service and the commercially-funded channel. The union argued they offered very different services for different audiences and were important and popular in their own right. The BBC did not go ahead with the plan, but said it would mean a budget cut of 10 per cent across the board at both channels.
13. All democracies require balanced, impartial news coverage which does not depend on the personal prejudices and foibles of media moguls, commercial pressure to appease shareholders or government interference. The BBC is free from shareholder and advertiser influence and the chase for ratings. It has a high level of trust and must be impartial. But being impartial does not mean giving two sides of the argument irrespective of veracity. One of the most contentious statements during the past year's referendum, blazoned on all the Brexit buses, was that leaving the EU would mean an extra £350m a week for NHS. This so-called fact was repeated many times by pro-Brexit MPs and supporters. The BBC's Reality Check site on a posting dated 15 April looked into the claim and judged this would not be the case; however this analysis was not used by many BBC journalists. Where the Reality Check provides proper grounds to contradict such a statement, it must be used as such and not presented as an "alternative fact".
14. Ofcom has acknowledged that defining distinctiveness in a measurable way, using regulatory conditions is complex. It said providing first-run originations contributed to the delivery of distinctiveness. The Charter defines distinctive output and services as those: "that are substantially different to other comparable providers across each and every UK public service in peak time and overall and on television, radio and on online in terms of: the mix of genres; quality of output; amount of original output; level of risk-taking; and range of audiences it serves". The NUJ is concerned that the inclusion of distinctiveness could be a way of saying the BBC should not produce "popular" formats that compete with commercial stations. Ofcom should resist the view that the BBC's role is to make programmes where the market has failed and should leave popular formats to the commercial sector. While the corporation

should not be spending licence fee-payers' money on off-the-peg TV series and formats, it should surely be free to produce the likes of *Strictly Come Dancing* and *Bake Off*. The BBC has a duty to *entertain* as well as educate and inform.

15. The NUJ agrees the BBC should reflect and serve the diverse communities of all the UK's nations and regions and that diversity should be included in its public purposes. As Ofcom's research has shown, there are communities who feel they are not served well and in some cases portrayed negatively. It is also fair to licence-fee-payers that the BBC spends the same on programmes, per head, in England, Northern Ireland, Scotland and Wales.
16. Yet, the NUJ strongly challenges Ofcom's decision to not include a requirement to improve off-screen diversity. The union believes off-screen diversity is as important as on-screen diversity and that there is a direct relation between the two. Production, editorial control and nurturing off-screen talent to encourage and influence are essential in driving diversity forward. If those who are hiring also reflect the UK's diverse communities, it is more likely that we will see greater diversity reflected in front of the lens.
17. The Directors UK report, *Adjusting the Colour Balance*, found that 1.5 per cent of UK television was made by a BAME director. The report said black and Asian directors were not only critically under-represented and under-employed, but they were also given a far smaller proportion of directing opportunities in many key programming genres. Some of the most popular drama, comedy and entertainment shows had never been directed by a director of black, Asian or minority ethnic background.
18. Ofcom must require the BBC to produce diversity data on all staff and freelancers providing programming and services across all platforms. Reports such as the Lords Committee on Communications, women in news and current affairs broadcasting; the NUJ's evidence from member surveys and its submission to the 2013 Rose Review; survey results from the Federation of Entertainment Unions and many other studies have documented the discrimination experienced by women, particularly older women, and black and Asian journalists at the BBC and in broadcasting generally.
19. The peers' report set out clearly the problems women journalists faced because of discrimination, bullying, recruitment methods and insufficient checks on employment practices, and it placed the ball very much in Ofcom's court to ensure that data on gender balance and pay are collected officially, to show the difference between broadcasters' recruitment policies on paper and what happens in reality.
20. Lord Best, chair of the committee, said: "We recommend that Ofcom should ensure the collection of all the data needed to monitor progress toward short, medium and long-term targets to ensure a better gender balance. If this hasn't materialised within a year, we would call on Ofcom to revive the model of a separate entity, such as the Broadcast Equality and Training Regulator (BETR), and delegate responsibility for gender equality issues to this body."

21. With colleagues in the Federation of Entertainment Unions, the NUJ wrote to Ofcom, in June 2014, criticising its stance on diversity monitoring. Ofcom has a duty under Section 337 which states that: “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, b) between persons of different racial groups”. This rule also applies to disability.
22. Ofcom, in its consultation document, recognises the BBC's new diversity and Inclusion strategy, which includes targets for representation in relation to women, disabled people, people who identify as LGBT+ and black and Asian ethnic minorities. The NUJ supports such initiatives, but what is needed is a sea-change in culture. If the people who are doing the hiring and the commissioning continue to be predominantly Oxbridge, white males, there is little hope that the aim of having BAME representatives on-screen and off-screen will be achieved. The lack of diversity has also been exacerbated by more than a decade of cuts to staff numbers.
23. The problem can be traced to the top of media organisations. The BBC board has 10 men and three women; all of them white. Ofcom, of course, found itself in the centre of the recent controversy over Channel 4's board members when the then culture secretary, Karen Bradley, rejected Ofcom's recommended candidate, the Arts Council England's Althea Efunshile, and approved four white men.
24. It is clear that while there are attempts to consider diversity issues, Ofcom does not go far enough to ensure that change is a reality, rather than a statistic.

#### References:

Directors UK: Adjusting the Colour Balance <https://www.directors.uk.com/press/uk-television-adjusting-the-colour-balance-bame-directors-working-in-uk-television-production-a-report-by-directors-uk>

Reality Check: Would Brexit mean extra £350m a week for NHS?  
<http://www.bbc.co.uk/news/uk-politics-eu-referendum-36040060>

Women in news and current affairs broadcasting, House of Lords Select Committee on Communications, 16 January 2015  
<https://www.publications.parliament.uk/pa/ld201415/ldselect/ldcomuni/91/91.pdf>

Women on air research <https://www.womenonair.ie/research>

FEU Creating without Conflict report <https://www.nuj.org.uk/documents/creating-without-conflict-final-report/>