

**“Diversity & EXCLUSION! It’s time Ofcom told us what’s going on”** The Campaign for Broadcasting Equality CIO second response to Ofcom’s proposed plan of work 2021/22.

The Campaign for Broadcasting Equality CIO (CBE) welcome the clear but scanty words on diversity in broadcasting in Ofcom’s proposed plan of work 2021/22 and the opportunity to respond.

CBE intends to submit a series of separate responses on different issues.

## **Summary**

Ofcom’s practice has been Diversity and Exclusion rather than Diversity and Inclusion. Ofcom prefers to keep things cosy with the organisations it regulates, rather than engage more widely with citizens and consumers whose interests Ofcom is charged with representing.

The following remedies should be applied in Ofcom’s plan of work 2021/22.

- If Ofcom has important meetings with important organisations, citizens and consumers should at least know what was discussed, if not who said what to whom.
- Ofcom should also invite critical voices to its cosy regulator meetings with the organisations it regulates. Ofcom (at least Kevin Backhurst) knows from the “BBC Performance diversity stakeholder event” it held on 13 July 2017, that broadcasters can make strong assertions for which no source or evidence can be provided. Ofcom rarely calls them out.
- Ofcom should hold diversity stakeholder events annually, not just at five yearly intervals. These should be open to anyone with an interest, not just the privileged. Too often the over-privileged determine the fate of the under-privileged.

## **The Argument**

Ofcom’s practice has been Diversity and Exclusion rather than D&I, Diversity & Inclusion. This needs to change.

Ofcom has a statutory duty to represent the interests of citizens and consumers. Important Ofcom meetings should no longer be held without letting citizens and consumers know what’s going on. Greater transparency is long overdue.

Transparency? The Creative Diversity All Party Parliamentary Group tells us what goes on in its confidential meetings, without naming names. Ofcom should learn from this cross-party group. As we shall see, Ofcom meetings take place without trace and without actions.

## **Human issues**

When dealing with human issues or ordinary humans, Ofcom lacks confidence. In 2017, the Campaign for Broadcasting Equality told an Ofcom consultation:

“Diversity in employment is a human issue. BAME people cannot be treated like spectrum, fibre and copper wire, which have no memory. Ofcom has limited experience of dealing with human issues.”

Ofcom’s aversion to meeting with ordinary humans was vividly exposed in 2019. Ofcom had promised that the Ofcom Annual Plan discussion in London on 17 January 2019 “will include a networking hour with refreshments at 1pm” Ofcom should have added “but don’t expect to mix with anyone from Ofcom!”

On the appointed day, Ofcom staff scuttled straight through the reception, as fast as their legs could carry them, to a secure zone from which people who didn’t work at Ofcom were completely excluded.

The Public Meeting itself was designed to exclude questions from the citizens and consumers, with little more than 20 minutes allowed for this. Look at the scope of Ofcom’s responsibilities in its Annual Plan and judge just how inadequate 20 minutes is. Little wonder that diversity veteran, EMMA founder, Bobby Syed, took to his feet at the meeting to protest.

## **Lords**

When Sir Lenny Henry and Marcus Ryder gave evidence to the Lords in 2019, Sir Lenny told them about their Ofcom meetings:

“There was always lots of chat but never any movement. It would be great if we had an official thing where actions were taken after each meeting, and you knew that there was a direction going forward and that something was going to happen. You never felt that anything was going to happen which was a shame; they were very nice people.”

Marcus Ryder explained the problem:

“there were no minutes for those meetings. Nothing was brought forward due to those meetings.”

A meeting without action and without trace.

## **Regulatory Love-In**

In November 2017, Sharon White announced that in 2018 Ofcom was “going to be holding a diversity summit with the major UK broadcasters to ....have a better understanding of what measures are effective.” Ofcom signalled that, as usual, it intended this summit to be a private event without a published outcome.

BUT this time there was an action and there was a trace. When Ofcom published its next Report on Diversity and Equal Opportunities in Television, it came with a warm video that might have been produced by any broadcaster’s PR department.

One after another, the top broadcasting CEOs appeared, united, saying things needed to get better and would. Not so much regulatory capture as a regulatory love-in.

A year later in September 2019, in her valedictory RTS interview, the Ofcom CEO had to confess to failure, saying:

“Over the last three years the dial hasn’t shifted, the numbers haven’t changed.”

### **Unreported Meetings**

In September 2020, the Ofcom diversity supremo, Vikki Cook, revealed in RTS Television magazine that Ofcom was:

“hosting regular round tables with broadcasting diversity leads. And we are agreed on the need for shared best practice and collective action. New cross-industry initiatives are currently in development as a result.”

If best practice is identified and collective action taken, ordinary people are not privileged to know. Ofcom prefers to keep things cosy with the organisations it regulates.

### **Privilege for the Privileged**

In 2017, I wrote “Ivory tower and elitist – why Ofcom isn’t tackling Fake Diversity”. It revealed that:

In May 2016, the Campaign for Broadcasting Equality and the TV Collective invited the Ofcom CEO, Sharon White, to speak “at an event about Ofcom and Diversity, with a mutually agreed format, at a time convenient to you.” We explained:

“As you will understand, diversity goes beyond protected characteristics and should also include social inclusion. The Ofcom CEO has usually spoken to restricted elite gatherings or at high price events which have been socially exclusive. We would like to produce an event, in Central London, which would cost no more than £10 a head. This would put it within reach of a wide range of BAME people and others with an interest in the issue.”

The piece went on:

“The invitation, which still stands, fell on deaf ears. Little wonder that Ofcom has no sense of the importance and urgency which BAME people working in television attach to effective regulation.”

Like her predecessor, Ofcom CEO, Sharon White continued to prefer restricted elite gatherings or financially-excluding higher priced events.

Dame Melanie Dawes appears to have positive new-broom tendencies. When Covid ends, perhaps she will sometimes choose to speak at events that cost no more than £10 a head. An invitation will be in the post.

### **BAME to MEG Mystery**

The catalyst for these thoughts was the latest Ofcom report “Diversity and equal opportunities in television and radio 2019/20.” BAME, a classification nobody liked, has been changed to MEG – Minority Ethnic Group. How did Ofcom get here and do people prefer MEG?

When I tried to find how the decision to change was made or who was consulted, I couldn’t discover if I was searching in vain, or merely searching incompetently. Perhaps Ofcom has squirrelled the details of the process away in an obscure document.

Perhaps the change was endorsed in secret by Vikki Cook’s broadcasting diversity leads, Directors UK, The Sir Lenny Henry Centre for Media Diversity, The TV Collective gal-dem, BECTU, The TV Mindset and some other representative groups.

Who knows? However it happened, I think we should be told.

### **Remedies**

- If Ofcom has important meeting with important organisations, citizens and consumers should at least know what was discussed, if not who said what to whom.
- Ofcom should also invite critical voices to its cosy regulator meetings with the organisations it regulates. Ofcom (at least Kevin Backhurst) knows from the “BBC Performance diversity stakeholder event” it held on 13 July 2017, that broadcasters can make strong assertions for which no source or evidence can be provided. Ofcom rarely call them out.
- Ofcom should hold diversity stakeholder events annually, not just at five yearly intervals. These should be open to anyone with an interest, not just the privileged. Too often the over-privileged determine the fate of the under-privileged.

The time for transparency from Ofcom has come.

**These remedies should be applied in Ofcom’s plan of work 2021/22.**

CBE looks forward to submitting further responses on other issues, in due course.