

“Cross-industry data bases? Ofcom doesn’t have a clue about what’s going on!”:
The Campaign for Broadcasting Equality CIO third response to Ofcom’s proposed plan
of work 2021/22

The Campaign for Broadcasting Equality CIO (CBE) welcomes 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.

1. Cross-industry data base

The latest Ofcom diversity report says:

“Development of a cross-industry database to help broadcasters and production companies find a diverse range of off-screen talent

We are supporting broadcasters in their efforts to identify and/or develop a talent database which gives them all easier access to potential employees from disabled and minority ethnic groups.”

This demonstrates:

- that Ofcom, despite its considerable resources and its regular cosy meetings with the broadcasters it regulates, knows less than CBE about cross-industry data bases (and CBE doesn’t know very much)
- that Ofcom, by involving only such a limited group, is practising the Exclusion which is addressed in the second CBE response to this consultation *
- that Ofcom has no clue on appropriate methodologies for researching diversity issues, which is also addressed in the first CBE response to this consultation. *

2. What the Campaign for Broadcasting Equality knows

What CBE knows was presented in a blog “BBC and Diversity: Why Tim Davie should seize the opportunity to do what is right on the 20th anniversary of the BBC’s CDN Diversity Action Plan” by Simon Albury

<https://cbesite.wordpress.com/2020/10/11/bbc-and-diversity-why-tim-davie-should-seize-the-opportunity-to-do-what-is-right-on-the-20th-anniversary-of-the-bbcs-cdn-diversity-action-plan-by-simon-albury/>

The BBC’s first diversity action plan was published at the launch of CDN on 12 October 2000.

<https://cbesite.wordpress.com/2018/12/31/bbc-cultural-diversity-network-action-plan-september-2000/>

The BBC Action plan in 2000 said:

“Talent – Objective

There is cross industry consensus that we need to establish a database of ethnic minority talent which will be an essential tool, a reference point and a way of taking away the excuse –

“I don’t know where to find the talent”. “

The CBE blog continued:

“This tool has been a “holy grail”, long sought but never found.

Last month I found the grail. A brilliant talent manager by “The Talent Manager”. It does all it says on the box and more:

A Diversity Search Engine – to find the right talent from a BAME or lower socio-economic background, or a person with a disability

Diversity Reporting – so that companies can monitor the make-up of production teams or talent networks in terms of protected characteristics and socio-economic background.

Unconscious Bias functionality – to give companies the choice to anonymise their recruitment

Functionality to facilitate Job Sharing and Flexible Working– something the industry has been crying out for years.

It works. It is open to all. It is free at the point of use.”

3. Ofcom: Need to know? Need to do?

CBE knew very little and Ofcom appeared to know nothing. If Ofcom did know anything, it wasn't saying.

CBE needed to ask: Is The Talent Manager the holy grail? What else is out there? What should Ofcom do?

CBE commissioned Dr Peter L. Block, with the following terms of reference:

“to develop a methodology which Ofcom might apply to addressing the matter of ‘Finding A Diverse Range of Off-screen Talent - challenges and solutions’. This work should present Ofcom an initial overview on the issues and some existing databases.”

Block set these questions:

- Where is the evidence that broadcasters and production companies cannot find a diverse range of off-screen talent? The reports, such as they are, appear anecdotal.
- What is the role of Ofcom in supporting or facilitating this recommendation?
- Is this about market failure or a failure by the industry to make effective use of the existing tools and services being offered?

Block found there was no shortage of databases and concluded, in summary:

***“A solution looking at the wrong problem.*”**

This short paper has presented an overview on the issues surrounding the use of media worker databases to assist potential employers in Finding A Diverse Range of Off-screen Talent. There are numerous sources. Of these sources, Talent Manager is a very effective tool for enabling access to a diverse population of production talent. Without the evidence to explain why employers cannot find diverse talent with the currently tools the rationale for another (albeit cross-industry) database as recommended by Ofcom is not made. More research is required.

*As to a methodology, to examine the underlying issues, Ofcom needs to conduct some qualitative research based on a sample of companies drawn from across the licence holders and their suppliers. This work should set out to address the three general questions posed at the start of this report. This new research will enable **Ofcom** to hold the broadcasters to task to demonstrate that they evaluate the impact of their actions to attract applications and recruit from under-represented groups.*

*In addition, as part of the annual reporting cycle to Ofcom, **broadcasters** need to show how they regularly report on their diversity and inclusion progress and make recommendations for priority areas for action to their senior decision-makers. They need to demonstrate significant improvements in attracting and recruiting a diverse workforce and are on track to reflect the diversity of their community and their audience. A qualitative evaluation process triangulated with Ofcom’s own research will go some way to identify the recruitment problems in the industry.*

Background notes

Diversity has been a key requirement of the UK’s PSBs for over a decade, as witnessed by the establishment and then dissolution of the BETR. In 2016 diversity was explicitly written into the BBC Charter. Ofcom has written several reports looking at diversity in the PSBs in the last three years.

In its 2019-20 report Ofcom set out its role in driving progress, “as we have done in previous years, Ofcom will engage – individually and/or collectively - with all broadcasters

who have submitted information, to follow up on those areas identified in this report as in greatest need of improvement. For most broadcasters this will require a targeted effort to recruit and retain disabled employees, and greater support for minority ethnic colleagues to progress to senior levels” (Ofcom, 2020b p37).

The perception remains that Ofcom has not been able to successfully regulate the broadcasters when it comes to diversity. Several writers and broadcasters such as Professor David Olusoga (2020), Sir Lenny Henry (2017), Afua Hirsch (2020), and Simon Albury (2020) have challenged the status quo. The general thrust of their argument is encapsulated by Marcus Ryder, who writes: “When an entire industry seems to be suffering from an issue it is not good enough to simply ask whether Channel 4 will be successful in implementing its anti-racist policy. Or whether the BBC will be able to start doing a better job with its £100m commitment. It is the very reason we have an industry regulator – to solve industry wide-issues and for it to put conditions within the broadcasters’ licences to rectify market failures” Marcus Ryder (2020)”.

Dr Block’s full report submitted to Ofcom as an Appendix as part of a CBE response to the consultation on Ofcom’s proposed plan of work 2021/22 and it will be published via the academic research platform ReseachGate.

4. Remedies and Actions

As part of Ofcom’s proposed plan of work 2021/22:

- **Ofcom should appoint a Director of Diversity Research to ensure it approaches diversity issues with sufficient knowledge to frame the appropriate questions that need to be asked and establish appropriate methodologies for answering them.**
- **Ofcom should consult effectively with external organisations with knowledge, insight and expertise and end its apparent dependence on regular cosy meetings with the broadcasters it regulates.**
- **Ofcom should adopt the proposals in the report and:**
 - **conduct qualitative research based on a sample of companies drawn from across the licence holders and their suppliers. This work should address the three general questions posed at the start of this report. This new research will enable Ofcom to hold the broadcasters to task to demonstrate that they evaluate the impact of their actions to attract applications and recruit from under-represented groups, and**
 - **require broadcasters, as part of the annual reporting cycle to Ofcom, to show how they regularly report on and measure their diversity and inclusion progress and make recommendations for priority areas for action to their senior decision-makers. Broadcasters need to demonstrate significant improvements in attracting and recruiting a diverse workforce and are on track to reflect the diversity of their community and their audience. A qualitative evaluation process triangulated with Ofcom’s own research will go some way to identify the recruitment problems in the industry.**

Appendix

Campaign for Broadcasting Equality Research

Accessing databases in the UK broadcast industry: implications for improving the diversity of the workforce

Project brief and scope of work

The Campaign for Broadcasting Equality (CBE) commissioned Dr Peter L. Block to develop a methodology which Ofcom might apply to addressing the matter of “*Finding A Diverse Range of Off-screen Talent - challenges and solutions*”. This work should present Ofcom an initial overview on the issues and some existing databases. Via desk research, it should indicate the extent to which the Talent Manager might be the holy grail, or just one holy grail and where it fits in the diverse database ecology.

The impetus for this research has been prompted by the recommendation made in the Ofcom 2020 Report on diversity in the UK Broadcast Industry, where amongst other recommendations it is suggests: “*Development of a cross-industry database to help broadcasters and production companies find a diverse range of off-screen talent We are supporting broadcasters in their efforts to identify and/or develop a talent database which gives them all easier access to potential employees from disabled and minority ethnic groups*”.

In considering this matter three general questions emerge:

First: where is the evidence that broadcasters and production companies cannot find a diverse range of off-screen talent? The reports, such as they are, appear anecdotal.

Second: what is the role of Ofcom in supporting or facilitating this recommendation?

Third: is this about market failure or a failure by the industry to make effective use of the existing tools and services being offered?

Four specific research questions were examined through desk based research and raised in discussion with knowledgeable industry stakeholders: -

1. Is this a good idea?
2. Will it help resolve the issue of the lack of diversity and inclusion in the industry?
3. Is there an underlying issue that goes beyond the lack of sources and do recruiters have a: - “*a woeful ignorance of databases that already exist to help broadcasters and production companies find a diverse range of off-screen talent.*”?
4. What might Ofcom do to enable “*...them (broadcasters and production companies) all easier access to potential employees from disabled and minority ethnic groups*”

Considering each question in turn:

1. Is this a good idea?

In the first instance it must be asked why is this necessary? In conducting the analysis for this research, 20 plus websites (and counting – see list of sources accompanying this document extracted from research spreadsheet) offer recruitment services and access to their databases for employer and employee were examined. They range from website aggregators such as **TV watercooler**, full-service agencies such as **Production Base**, social enterprise organisations such as **Creative Access** whose “*mission is to help under-represented communities*” get into the industry. There are also niche players such as **Searchlight**, who focus on senior appointments. Then there are job boards associated with the **TV Collective** or the informal networking services provided through **Women in Film & Television UK**. Finally, there is the **Talent Manager** that offers an enhanced recruitment service with “*diversity filters*” to enable the recruiter to take positive action in their selection choices. Given the diversity of sources, Ofcom needs to expand on the factors that the current tools in its opinion inhibit the potential employer from being more inclusive in shortlisting; and therefore enabling them to recruit a more diverse team of project-based workers. There is no evidence from Ofcom that another database would solve this problem. On the face of it, there is no reason why an employer cannot seek to recruit from a diverse pool given the abundance of sources cited above.

Across the industry there is a perception that this matter predominately relates to contract and freelance staff. Ofcom needs to investigate where the problem resides in the employment lifecycle. Where are the gaps in the process? In any one company, is there consistency across the recruitment process for all modes of employment? For each company, how do they set targets, monitor, report, and evaluate their processes? The attitudes of management, recruiters and human resources are pivotal – do they check how projects are staffed? Is the issue the same for recruiting full-time staff, contractors, and freelancers? How do companies seek new talent? Using formal channels takes time, whatever the source. Given the pressures on time, research suggests that once a production has the green light it is easier and quicker to use informal processes such as closed Facebook Groups, the recruiter’s social network, or recommendations from trusted colleagues than work through formal channels. Is this the critical step in the employment process that needs to be addressed?

For some there is an expectation that a new diversity database, similar to the efforts of Ava Duvernay in the USA, will put an end to the excuses from recruiters that they cannot find available talent. But this will not get to the heart of the matter, if the current sources are not being used effectively, a separate database will not solve the issue. Further qualitative research by Ofcom is needed before another irrational initiative is set in motion.

2. Will it help resolve the issue of diversity and inclusion?

Probably not, if we accept that there are numerous sources by which recruiters could seek talent, another database, however well-intentioned will not resolve this matter. Ofcom needs to examine how broadcasters actively seek out applications from groups that are under-represented in the occupations and levels for which they are recruiting. The broadcasters and their suppliers need to demonstrate how they recruit fairly in attracting and appointing the best talent from a diverse pool.

3. Is there an underlying issue that goes beyond lack of sources and suggests that recruiters have a: - “a woeful ignorance of databases that already exist to help broadcasters and production companies find a diverse range of off-screen talent.”?

There is an opinion from stakeholders that there are several structural issues yet to resolve. The debate on this matter goes far beyond the scope of this short piece of research. It speaks to social capital and matters of informal networks that drive freelance and contract employment in the broadcast industry. The “*can I work with them?*” is a paramount concern.

Ofcom needs to be satisfied that their licence holders have a clear strategy for creating a diverse and inclusive workplace supported by clear policies in place to support the necessary resources to realize that strategy. No database will resolve the recruitment issues if a strategy is not in place, no database will resolve informal recruitment practices within a relatively small employment world. Beyond people on the ‘studio floor’ people within the key employment groups know each other. It is reported that proportionately more BAME workers have left the industry than any other group. Ofcom’s own data shows that the number of BAME workers in senior roles has not changed in the last 15 years. These systemic issues will not be resolved by a new database.

To tackle these matters Ofcom should ask employers to report on how they ensure that everyone involved in the recruitment and selection process are able to avoid bias and discrimination. The employers should only use agencies and consultants that can demonstrate they are well-skilled in recruiting the best talent from a range of backgrounds. Ofcom could act as an honest broker and review the various agencies and websites. The website **TV watercooler** does precisely this, it’s “*a resource run by freelancers for freelancers*”. As a first step Ofcom could build the equivalent of the TV watercooler site into their resource hub – a switchboard for data sources. It seems untenable that there really is “*a woeful ignorance of databases that already exist*”.

4. What might Ofcom do to enable “...them all easier access to potential employees from disabled and minority ethnic groups”

Creating a new diversity database and establishing rules that must be used by broadcasters and production companies in seeking new talent appears an attractive solution. However, as the discussion above indicates it will not address the fundamentals of employment practices in the industry. In addition, the many providers identified in this study, will, quite understandably, cry foul. Unlike Spotlight for actors there is no history of a one stop shop for production workers. Ofcom would face a barrage of complaints from these already existing commercial organisations. This market intervention would have the incumbents notifying the Competition and Markets Authority (CMA) claiming that there is a problem in the sector and that competition law has been broken.

To support the recommendation of an additional database Ofcom needs to demonstrate that there has been market failure, as opposed to failure by the industry to make effective use of the existing tools and services. This research suggests that to date that case has not been made.

In summary

A solution looking at the wrong problem.

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