



BBC response to Ofcom's Children's Content Review

January 2018

Executive Summary

The BBC welcomes the opportunity to respond to Ofcom's Children's Content Review.

British Children's TV content plays an important role in nourishing the development, learning and enjoyment of children across the breadth of the UK – and the BBC is proud to have always been the cornerstone of the sector and an innovator in meeting the needs of such a fast-changing audience.

Within this response we provide evidence from our experience from serving UK children and parents, and make three key points:

1. The BBC prioritises its role to serve the UK public's demand for 'a wide range of high quality and UK made programmes for children' and is proud of its record in doing so – acting as the primary investor in distinctive British children's TV content that informs, educates and entertains while making substantial investments in its online offer;
2. British children's content needs not just to be made but to be easily *found and consumed*. In this, Ofcom has a critical role to play and should recommend a modernisation of the PSB prominence regime to safeguard the crucial societal role played by PSB children's content on TV and online; and
3. While the BBC is the biggest investor with range, impact and a trusted brand for UK parents, there is increasing provision for UK children from multichannel and online providers. Policy interventions should not work against such trends, and so proposals such as the Government's pilot of a contestable fund focused on Children's would need to ensure public money is not substitutional for commercial funding. Interventions must also look to maintain and grow overall levels of investment, and thus mitigate the risk Ofcom itself has previously identified to overall investment in UK content should funding be diverted from BBC licence fee funding in future.

We explore these in further detail throughout the response, but a summary of each point is as below:

1. *The BBC prioritises its role to serve the UK public's demand for 'a wide range of high quality and UK made programmes for children' and is proud of its record in doing so*

The BBC is proud to be the primary investor in UK first-run children's content, commissioning a distinctively broad range of genres, with *Newsround* for example being the only TV news show for kids. In doing so, the BBC has helped sustain high levels of per capita investment into UK children's content by global standards, which stands at x1.7 greater than the North American average and x2.9 greater than Europe¹ – and helped ensure that 9 in 10 parents agree that PSB 'provides a wide range of high quality and UK made programmes for children' – up from 6 in 10 in 2011 and the highest performing PSB category.²

This investment delivers a brand that is trusted by parents and the most loved by our youngest audience, and content that recognises a duty in our Charter to inform and educate as well as to entertain.

CBeebies for example leads by more than 3 to 2 against the next closest brand both on being 'Fun' and 'Making me think about new things' (ahead of YouTube and Lego).³

¹ Investment figures from IHS (TV programming intelligence service 2016), per capita calculation based on World Bank population estimates.

² Ofcom PSB Review 2017

³ Ipsos Mori, Kids 0-6, Summer 2017, brands include TV/on-demand/entertainment (Lego, Disney Junior, CITV, Tiny Pop, Nick Jr, Pop, Milkshake, CBeebies, Google, Wii, Lego, YouTube, Netflix)

As part of our Annual Plan, we announced that we will renew our commitment to children's PSB with an additional £34m investment into Children's across 3 years in our Annual Plan. Our youngest audience will join us as pioneers for a range of new technologies as we explore the potential of voice, chatbots, AI, apps and immersive media to inform, educate and entertain them in new and delightful ways.

This additional investment will see the BBC's budget for children's programming reach £124.4m by 2019-20.

2. *British children's content needs not just to be made but to be easily found and consumed.*

The consultation asks about parents' expectations of platforms. On this, parents are clear: they continue to attach a high importance to the prominence of Children's PSB. Recent research demonstrates that a majority of parents expect CBeebies and CBBC to be at the top of the children's TV menu – more than two and a half times over the next nearest channel. When asked why, they cite trust and their children's favourite programmes as the leading drivers.⁴

However, the regulatory regime has lagged the audience and market changes. This is particularly the case in relation to PSB prominence which has played a critical role in ensuring British children's TV is not just made, but is enjoyed by as many British children as possible. The PSB prominence regime does not cover for any of the new digital investment described above - with particular consequences for the children's audience contrary to parents' expectations, and has some specific shortfalls with regard to multichannels. CBeebies/CBBC are listed behind 12 US cartoon channels on the UK's leading pay TV platform, with a direct and measurable impact on audiences and the public service outcomes we seek to fulfil.

We welcome the fact that Ofcom is reviewing prominence in line with its statutory responsibilities under the Digital Economy Act 2017. However, we would also encourage Ofcom to ensure that this present review's consideration of the role of platforms in relation to the wants *and* needs of UK children and parents reflects the powerful public interest and citizenship case for securing better prominence of PSB content and services for children. This review should therefore commit this to this being a priority in Ofcom's later and wider review of prominence.

3. *While the BBC is and will remain the biggest investor with range, impact and a trusted brand for UK parents, Children's is a genre where market evolution is already driving an increasing provision from multichannel and online providers.*

We note that the invitation to contribute raises the Government's contestable fund which 'will be considered as part of the landscape, along with any responses from stakeholders published alongside'. We include our response to the Government's consultation on the pilot proposal as an annex. This provides further evidence of trends in the supply and demand for UK children's content. It also outlines our concern that, were such a fund to be financed from licence fee revenues in the future, it would result in reduced impact from the investment both for the sector and the licence fee payer. We remain of the view that the pilot should be subject to robust evaluation for its impact, reach, value for money and additionality – this can be done using common industry metrics and our expectation remains that it should be by an independent body from the scheme.

⁴ 58% choose CBeebies or CBBC, compared to the next nearest channel, TinyBop, at 23%; Trust and my children's favourite programmes were the two top choices out of 14 indicators, MTM November 2017

Response to Questions

Audience behaviour and preferences

- 1) *What characteristics do (i) children and (ii) parents/carers most value about content aimed at children? How does this vary depending on the age of the child?*
- 2) *Are there certain genres within children's (e.g. live action, animation) that children or parents/carers particularly value and watch, and if so why?*
- 3) *Do children or parents/carers have different expectations in terms of quality or other characteristics depending on the format (e.g. long-form vs. short-form/broadcast vs. online), or the provider/brand (e.g. BBC/ITV vs. Netflix vs. YouTube etc). Do they value content in these different formats or from these different providers differently? Do these different formats or providers meet different needs for children?*
- 4) *When and why do children and parents/carers choose online or streaming services (for instance iPlayer, Netflix, YouTube) instead of watching TV on a TV set? Is this for particular sorts of programmes? Do you have any evidence in support of your view?*
- 5) *How do children discover programmes and decide what to watch? What role do broadcasters, platforms, parents, and friends play, and does this change as children get older?*

In striving to serve all UK children and parents with high-quality British content, the BBC has developed its relationship with its audience and is always seeking to improve its understanding of audience needs further. Our response to this section draws on our experience and research, focusing on how audiences value the BBC's offer to children, and how that informs their expectations on platforms and ease of discovery of BBC services for children.

Ofcom's research demonstrates that children of all ages place a high premium on content that is entertaining – and that can drive their principal choices of preferred content on platforms such as YouTube. The number one criterion for how 12-15 year olds choose content online is 'makes me laugh', also the most popular reason for 12-15 year olds turning to YouTube.⁵

However, for the BBC, it is critical that we pursue a higher ambition: producing content that can be both entertaining, but also educational at the same time – reaching the widest possible audience to achieve the maximum public benefit on the licence fee payers' investment. It's also fundamental to the BBC's mission that we strive to reflect the whole of the country to itself; reflect as many different voices as we can - and give a voice to those who might not otherwise be heard.

Our audience agrees: uniquely among countries in a recent survey, the British public cite TV and their national public service broadcaster as one of the top things that people in their country should be proud of.⁶ Even as the media world around us becomes ever more competitive - with new, big global players offering us ever more choice from across the world - British people want to see original, British content.

Telling the story of our youngest audience is reflected by commissioning programmes such as Newsround, the only TV news service for kids. Following the Ariana Grande concert attack last year, the programme played a unique role for our youngest audience: with a surge on Twitter referrals driving one of CBBC's highest webpage click-throughs last Summer for Newsround's 'advice if you've been upset by the news'. The benefit concert, to raise money for the victims and their families, was brought by the BBC to a UK TV audience close to 12 million, and globally as host broadcaster to 100m.

⁵ Ofcom, Children's Media Use and Attitudes 2017

⁶ Reflecting a Changing Britain in a Changing World, Ipsos MORI, November 2017

It is also reflected in how we represent our audiences, showing content that reflects ‘kids like them’ but also helps them understand the challenges other kids in their community may face: *The Dumping Ground* is one of our biggest programmes, but happens to be about kids in care, while *Hank Zipzer* stars characters with learning difficulties and *Pablo* is the very first animated TV series to star an autistic character and the first with an all-autistic core cast too.

And how we combine our commitment to educate and entertain children is reflected in commissioning programmes such as *Numberblocks* – an animated show about mathematics, but rated the most ‘Fun’ by children last Summer – and *Did You Know?* – our highest performing programme for being the most ‘Talkable’, but also the top for ‘Learning’, by exploring the inner modern inventions from the toilet to helicopters, and popcorn to pasta.⁷

The success of this approach can be measured by our audience. CBeebies is the brand 0-6 year olds ‘love the most’, and leads by more than 3 to 2 against the next nearest brand both on being ‘Fun’ and ‘Making me think about new things’ (ahead of YouTube and Lego).⁸

For parents, particular importance is placed on the BBC’s brand and the service as a whole – providing a safe, trusted space for their children. Our research identifies a need – particularly in the early years when many parents play the gatekeeper to media consumption - for the reassurance of a trusted curator and a reliable routine. To them, CBeebies and CBBC is valued as a powerful navigation tool, standing for high values, and ‘nourishing’ entertainment. It needs to be quickly and easily accessible.

That is reflected in their expectations on the role of platforms: a majority of parents expect CBeebies and CBBC to be at the top of the children’s TV menu – more than two and a half times over the next nearest channel. When asked why, they cite trust and their children’s favourite programmes as the leading drivers.⁹

The regime that is supposed to protect those expectations though has not kept pace with recent technological and market developments. The shortfall in practice includes but extends beyond EPG listings, increasingly being circumvented by demotion of the EPG itself, contrary to audience expectations. The developments that current protection has not kept pace with includes:

- The growth of multichannel TV consumption: for example, the BBC’s children’s channels, CBeebies and CBBC, are listed behind 12 US cartoon networks in the channel listings of the UK’s leading pay TV platform, Sky. This has a measurable impact on the reach and usage of children’s public services. In a comparison of like-for-like channels on the two platforms (accounting for the greater choice of Children’s content on Sky), average weekly reach of 15+ minutes for CBBC’s target audience is 17% on Virgin versus 12% on Sky¹⁰.
- That the regime accounts for live PSB services, but not on-demand PSB services: A growing number of existing and future services are outside the scope of the current framework, from BBC iPlayer to the BBC’s online-only youth service BBC Three, BBC iPlayer kids’ and a number of planned BBC internet-first services. This gap is especially acute for our youngest audience: nine out of ten young people consume the BBC in a given week, but only half do so live. Again, it is contrary to audience expectation: the majority expects prominence for PSB on-demand services as strongly as linear – six

⁷ Ipsos Mori, Kids 0-6, Summer 2017

⁸ Ipsos Mori, Kids 0-6, Summer 2017, brands include TV/on-demand/entertainment (Lego, Disney Junior, CITV, Tiny Pop, Nick Jr, Pop, Milkshake, CBeebies, Google, Wii, Lego, YouTube, Netflix)

⁹ 58% choose CBeebies or CBBC, compared to the next nearest channel, TinyPop, at 23%; Trust and my children’s favourite programmes were the two top choices out of 14 indicators, MTM November 2017

¹⁰ BARB 2015/16, For CBeebies: housewives and children aged 0-3 and children aged 4-6; CBBC: children aged 6-12 (BARB). Reach on Sky defined as: viewing via the Digital Satellite platform (Sky=Yes; Freesat=No), among the channel target audience in Sky homes. Reach on Virgin defined as: viewing via the Digital Cable platform (Virgin=Yes), among the channel target audience in Digital Cable homes

times as many as disagree. At 7 out of 10, the level of support is the same across all age demographics and just as strong as when last measured in 2012.¹¹

- Different user interfaces that act as portals for linear, catch-up and on-demand content. Equally, out of scope are the growing number of new gateways and user interfaces to access TV content. We expect, for example, the number of connected set-top box households in the UK to nearly quadruple between 2015 and 2020, from 1.8m to 6.9m. The gap creates the opportunity for platforms to prioritise services which pay for prominence or favour their own premium content over ‘free’ PSB services.

The rising power of gatekeepers to our services online: When iPlayer first launched, 0% of its use was gate-kept – this has now increased to over 80%.¹² However, the on-demand areas that audiences are being pushed towards are not subject to the current prominence regime and do not offer easy access to PSB.

The regulatory regime has lagged the audience and market changes, but PSB prominence can play a critical role in ensuring British children’s TV is not just made, but is enjoyed by as many British children as possible, particularly in mind of the benefits to UK society that we set out further above, about education, community and social inclusion.

We therefore welcome the fact that Ofcom is reviewing prominence in line with its statutory responsibilities under the Digital Economy Act 2017, and are encouraged by Ofcom’s historical support for modernisation.¹³ However, we would also urge Ofcom to ensure that this present review’s consideration of the role of platforms in relation to the wants *and* needs of UK children and parents reflects the powerful public interest and citizenship case for securing better prominence of PSB content and services for children. This review should therefore commit this to this being a priority in Ofcom’s later and wider review of prominence.

Availability of children’s content

6) Are there specific genres within children’s content (on any platform) where demand or audience need is not currently matched by supply from PSBs, commercial channels, or on-demand and streaming services, or a combination of the former? What supports your view on this?

Audiences continue to be well served with a wide range of PSB programming – the BBC has been crucial in sustaining that situation.

For example, parental agreement that PSB ‘provides a wide range of high quality and UK made programmes for children’ has risen from 61% in 2011 to 87% by 2017 – by far the highest performing PSB category.¹⁴

Per capita investment on UK children’s content is also high by international standards: x1.7 greater than the North American average and x2.9 greater than in Europe.¹⁵

¹¹ Survey of 2,004 representative UK respondents, MTM, November 2016.

¹² Measured by unique browsers. ‘Gate-kept’ is defined as anything that isn’t delivered over the open internet (i.e via a web browser, whether on a computer, mobile, tablet etc) is gate-kept. Put another way, a gatekeeper platform is where we need an agreement with the third-party to get our content onto the platform, and the platform has the *capability* to act as an intermediary between us and our audiences.

¹³ “Catch-up players for all PSB channels should benefit from appropriate prominence and access to all major platforms”, Ofcom PSB Review 2015

¹⁴ PSB Annual Report 2017, Ofcom

¹⁵ Investment figures from IHS (TV programming intelligence service 2016), per capita calculation based on World Bank population estimates.

This UK success has been achieved despite the decline in investment in UK children's content by the commercial PSBs of 97% from 1998 to 2011¹⁶ - a period of time which also saw the removal of quotas and the introduction of HFSS restrictions.

The BBC invests in a distinctively broad range of children's sub-genres compared to its competitors – as comparison between the schedules demonstrates. Animation accounts for less than 5% of spend of BBC Children's commissioning budget- with a broader range of commissions for kids including news, factual, drama and education.

7) What is the role and importance of first-run UK-originated programming for audiences? For broadcasters? Does this vary by sub-genres or by age group?

Whilst market incentives are shifting towards higher investment into first-run programming, the BBC remains the primary investor in the UK market – accounting for over four-fifths of investment in recent years.

We have announced how we will double-down on our commitment to the children's audience with an additional £34m invested across three years, as announced in our last Annual Plan. We also hold an obligation to this audience in the new Operating Licence for the BBC – providing for 500 hours of first-run UK originations across CBeebies and CBBC.

For the BBC, delivering UK-originated programming is of paramount importance to how we serve our youngest audiences and fulfil our commitment to universality, because it reflects the locale, values and culture that they are growing up in. Licence Fee payers agree: 9 in 10 parents say it is important that PSB 'provides a wide range of high quality, UK-made programmes for children'.¹⁷

In addition to this public service fulfilment, our experience is that original content is also popular with the audience. The appetite is there for it across all genres and at every age, although there is closer parental engagement with content in the early years which drives up awareness and expectations around it.

For broadcasters, premiered first-run originations can be channel-defining content and of prime importance in gaining audience attraction and retention. For producers who are working with a broadcaster, our experience is that it can be beneficial for them to have a serious UK partner in the form of a first-run origination – the BBC for example helped attract £15.5m of additional funding for children's content in 2015/16 by leveraging its brand overseas¹⁸. The weight attached to that acts as a balance to the needs of other investors who may have a more global or US-focus, and so it helps the producer to maintain their British creative vision.

Incentives and disincentives to produce children's content

8) How are on-demand and streaming services changing the nature of competition in children's content? Is this impacting on the range or quality of content available to UK audiences?

9) How have funding models and investment in children's content changed over the last five to ten years? Do you have evidence you can share with this to support your view?

10) If certain genres within children's content (for instance news, factual, or drama) are becoming increasingly difficult to obtain funding for, what are the reasons for this? Are certain genres more difficult to generate financial returns from, and if so, why?

11) Are there other incentives and disincentives you think we should consider as part of the review?

¹⁶ Ofcom, 2013

¹⁷ PSB Annual Report 2017, Ofcom

¹⁸ BBC figures for 2015-16. NB. while the BBC leverages in external sources like co-production funding wherever appropriate, it is still the case that more than two-thirds of commissions were fully funded by the licence fee in the same year. It is *not* the BBC's practice to require producers to majority fund productions.

In our view, there are a number of signs that the commercial incentives to invest in children's content are beginning to strengthen – driven by how the market is evolving in light of on-demand and streaming competition.

Firstly, the heightened competition among younger audiences presents a risk to future audiences for all providers. If not providing for and engaging with young audiences now, there is a risk around consumption and attribution in the longer term. Memorability shapes the value of brands in later years and willingness to pay, but those memories are concentrated in youth.

Similarly, there is an incentive amongst all the on-demand subscription services to have children's content as a strategic and churn-reducing part of their offer to consumers, which has in turn impacted on the general visibility of kids media as well as SVOD's buying power in the production sector.

Netflix for example has made a 10-fold increase on investment into children's originations between 2013-16 to 160 hours, and are now localising their services both with originals (*Free Rein*, *Watership Down*) and acquisitions (*Thunderbirds*, *Danger Mouse*). Amazon too has more than doubled the share of originations that are Children's in the past few years, standing at one third in 2017,¹⁹ while Apple's recent hiring of Amazon's head of Children's programming should be indicative of their ambitions as well in this space.

All in all, the effect of these new digital entrants means that IHS suggests that more than half of producers originated some children's programming in 2017 for primary distribution. Some 13% said that more than 50% of their originated programming was made for primary online distribution.²⁰

That is catalysing a response from UK multichannels, at risk from cord-cutting. Again, this is demonstrated by an increased commitment to UK children's originations from the international 'Big Three' (up 12% between 2012-2014), and Sky's entry into the market for children's commissions in 2016, with programmes ranging from education (such as the Natural History programme *Big Cats*), factual entertainment (*Duck Quacks Don't Echo*), drama (e.g David Williams' *The Ratcatcher*), and short-form including nursery rhymes and poems for children.

Within this context of a growing global market for commissions, the UK tax credits have played a significant role. The data from HMRC that Ofcom draws upon indicates an increase in number of claims rising from 25 in the animation tax credits' first year to 60 in its second, with the financial amount claimed rising x2.3-fold.²¹ In light of the increasingly global nature of the market, we would encourage the tax credits to be subject to periodic review to ensure they remain competitive at international level.

We note that the invitation to contribute raises the Government's contestable fund which 'will be considered as part of the landscape, along with any responses from stakeholders published alongside'. We include our response to the Government's consultation on the pilot proposal as an annex. This provides further evidence of trends in the supply and demand for UK children's content. It also outlines our concern that, were such a fund to be financed from licence fee revenues in the future, it would result in reduced impact from the investment both for the sector and the licence fee payer. We remain of the view that the pilot should be subject to robust evaluation for its impact, reach, value for money and additionality – this can be done using common industry metrics and our expectation remains that it should be by an independent body from the scheme.

ENDS.

¹⁹ The funding landscape for children's content in the UK, Tim Westcott, IHS November 2017

²⁰ Online and on-demand children's content, IHS Global Survey, July 2017

²¹ Creative Industries tax relief statistics, HMRC, July 2017



**BBC response to PSB Contestable Fund
Consultation**

February 2017

Executive Summary

The BBC welcomes this opportunity to respond to the Government's consultation on the contestable fund pilot.

Our response builds on our submission to the Green Paper on the future of the BBC¹, as well as the Frontier Economics report on licence fee contestable funding that we published with Pact in Autumn 2016².

We welcome the Government's subsequent decision that the fund should not be created by fragmenting the licence fee funding to be received by the BBC. This type of zero-sum exercise would simply weaken the BBC's ability to deliver its mission and public purposes, and erode its independence, without any guaranteed benefit to audiences.

The context for this consultation is one in which investment in the UK audiovisual sector is strong, and we welcome the consultation document's assessment that 'the UK's broadcasting system is an international success story'. The UK is a world leader in per capita investment, quality and exports. This is founded on a model based on 'competition for quality' between the publicly-funded BBC and commercially-funded broadcasters, rather than competition for funding streams. There remains a strong clarity of purpose which is achieved through institutional funding and clear accountability of commissioners who are close to the audiences they serve.

The Government's proposal for a contestable broadcasting fund raises a number of fundamental questions that require further detailed consideration. There is a significant risk that the fund is a premature intervention in markets that are changing rapidly on both the demand and supply-sides and, as such, it may well not deliver the desired policy outcomes.

Correctly identifying the 'problem'

First, it is important to correctly identify the problem the fund is designed to solve. We remain concerned that DCMS has not undertaken market analysis to properly assess the extent to which the fund will lead to additional activity, relying instead on stakeholder statements and Ofcom's Public Service Broadcasting Reviews which are not designed to give a total market view. To this end, we have commissioned analysis by Mediatique on the level of provision, consumption and investment in so-called 'challenged' genres and the trends in these, which we submit as an annex to this response.

Its headline conclusion is that DCMS's document under-estimates the current extent and plurality of provision in "challenged" genres by non-PSBs and online actors in particular, and that the trends look more positive in future.

Among the findings are:

- Non-PSB first-run hours in "challenged" TV genres were up 24% from 2014 to 2016.
- In Children's, from 2014 to 2016 the contribution of non-PSBs to total first-run hours increased markedly from 9% to 15%.
- Non-PSBs share of Children's commissions also doubled from c.10% to 20%³ from 2014 to 2016. While the BBC commissions from a diverse range of producers (83% from outside London), the growth in non-PSBs commissions means the BBC has a declining share of the total number of suppliers used in the market (68% of total in 2016 vs. 76% in 2014).

¹ http://downloads.bbc.co.uk/aboutthebbc/insidethebbc/reports/pdf/bbc_charter_review_dcmsreview_october2015.pdf

² <http://www.pact.co.uk/news-detail.html?id=new-pact-bbc-report-looks-at-benefits-and-risks-of-contestable-funding>

³ Overall, external commissions in "challenged" genres by non-PSBs rose from 17% of the total in 2014 to 21% in 2016

- A broad range of suppliers are being used in "challenged" genres: between 2014 and 2016, 20-30 different suppliers were used by non-PSBs⁴.
- Online, audience demand for "challenged" genres is growing and new entrants are increasingly serving that demand. Netflix alone reports 21 original programmes in Children's for 2017 while for Amazon, Children's represents around one-third of originations, more than doubled the proportion the genre represented a few years ago.
- Radio provision in "challenged" areas was recently expanded by the launch of Sound Digital in March 2016 offering additional stations for speech, religion, Children's and the relaunched Jazz FM. Overall, radio is operating in an increasingly broad market for audio – iTunes offers access to 265,000 podcast strands in English the vast majority of which are free. Podcast use is growing, with weekly use increasing from 4 million to 4.5 million people between spring 2015 and autumn 2016. The majority of podcast listeners are listening to speech content, and it is a younger and more diverse audience than the traditional radio audience.⁵ Supply-side competition is also likely to increase significantly between now and 2022 as the BBC opens up c.60% of eligible hours to competition with independent producers (vs. up to 20% now).

As new data shows the BBC is not the "sole buyer and broadcaster" in "challenged" genres. The evidence suggests it will be rare for producers, as the consultation document states, to "have nowhere else to get content made if they do not find favour with the commissioners of the BBC". While some of the trends above in part result in content being made available only to pay-TV or online subscribers, these represent a growing proportion of the UK public (c.70%), and subscription-funded investments still support the health and plurality of the production sector.

Overall, our conclusion is that DCMS has drawn an overly pessimistic view of market developments based on the historic decline in PSB input metrics (e.g. genre hours/spend). Some of this decline has been the result of greater efficiencies and wider funding streams such as co-production. Also playing a part has been the regulatory interventions affecting commercial PSBs (e.g. restrictions on HFSS advertising and the reductions in PSB quotas to respond to the declining value of PSB benefits like gifted spectrum and linear-only EPG prominence). However, the biggest cause has been the real terms decline in licence fee funding received by the BBC. As Ofcom concluded in its 2015 PSB Review, "the BBC remains the single most important driver of the PSB system's overall health [...] as licence fee income has fallen in real terms, the last few years have seen the BBC reduce its investment in programmes in some key PSB genres."⁶

DCMS's consultation also does not give sufficient attention to the outputs and outcomes such as audience satisfaction. For example, agreement that PSB collectively 'provides a wide range of high quality and UK made programmes for children' has been rising in recent years, from 61% in 2011 to 85% in 2015 – the highest performing category of all PSB purposes measured by Ofcom⁷.

Identifying a solution which works with the grain of the market

Second, it is important to consider how the solution that the fund represents can work with the grain of existing market trends and regulatory interventions. Overseas attempts to create contestable funding pots have demonstrated the potential for public funding to crowd out private investment and to work against the grain of the market. A contestable fund should deliver a significant return on public investment. To do this, the activity that it supports must be *additional*.

⁴ 80-120 were used by PSBs

⁵ RAJAR MIDAS, Q3 2016. Almost one in four (23%) podcast listeners are aged 15-24, compared to just over one in ten (12%) BBC Radio listeners and 16% of commercial radio listeners; 13% of podcast listeners are non-white, compared to 9% of BBC Radio listeners and 12% of commercial radio listeners.

⁶ Ofcom, *Public Service Broadcasting in the Internet Age*, 2 July 2015 Statement, paragraphs 6.6 – 6.7.

⁷ Ofcom, *PSB Annual Research Report 2016*, 11 July 2016

Otherwise, the impact of the fund would be duplicative – it would substitute public funding for commercial funding, with a resultant loss in economic efficiency and value for money. Existing regulatory interventions such as tax breaks for Children’s content were introduced as a means of “counteracting a decline in investment in Children’s TV in the last decade”⁸ and been successful. The competitive dynamics between digital platforms like Netflix and Amazon and pay TV operators like Sky is seeing both sides competing to invest in kids’ content to the benefit of all. Some providers such as Nickelodeon are making their content available online free at the point of us. Given the growth and competitive role of digital, any contestable PSB fund should be open to online-only distribution.

Conditions for funding

Third, the conditions for funding will be critical if it is to prove an effective use of public money. We accept Government’s proposal that any bids be required to demonstrate appropriate reach and be free at the point of use as a necessary condition to ensure all taxpayers could access the content they pay for. We note Government’s proposals in relation to conditions such as match funding, recoupment to the fund or grants as equity investment. Each mechanism could support essential efforts to ensure the funding remains ‘additional’ to what the market would provide but none is sufficient on its own.

Upfront criteria for success and agreed measurement, with robust ex-post assessment

Beyond the minimum conditions for bidding, it is also critical that DCMS agree upfront criteria for success and put in place a mechanism to measure delivery against these from day one. We outline, below, how such an evaluation may be made annually, based on common industry metrics and the outcomes the Government has identified as desirable. As a broad range of broadcasting stakeholders have noted in recent years, including Ofcom, the PSBs and pay-TV providers, receipt of public funding should bring with it certain clear responsibilities. These include ensuring quality, value for money, audience impact and distinctiveness. Distinctiveness is another key tool to ensure “additionality”. Following Government guidance and best practice in public sector commissioning more widely, the evaluation framework needs to be planned and agreed prior to launch.

Setting clear criteria and measurement upfront will allow for ex-post assessment. The decision about whether to stop or continue with the fund after the 2-3 trial period must be based on a comprehensive, rigorous and transparent analysis of effectiveness, within the context of how the market is evolving. It is a matter of public interest and critical to enable informed decisions are made about any trade-offs in the future uses of public funds. We recommend that an independent body such as Ofcom conduct such a review given its existing experience and statutory responsibilities in a periodic review of Public Service Broadcasting.

Market & Audience Context

Measured against what Government has described as desirable outcomes in its consultation document – including levels of net investment, opportunities for independent production companies, quality and value for money – the current UK audio-visual sector has performed very well.

We welcome the consultation document’s assessment that ‘the UK’s broadcasting system is an international success story’. The sector attracts among the world’s highest per capita levels of investment, and is a demonstrable leader in quality. This is evident in research that places UK

⁸ HM Treasury, ‘Twelve things you should know’, Autumn Statement 2014

channels at the top amongst 14 leading markets for perceived quality by audiences, and is demonstrated by its performance in the global export market.⁹

The UK's success is driven by a model where broadcasters have competed intensely over quality, not revenues, described by ITV as “a unique feature of the UK television market”. That competition has only intensified in recent years. In 1984, the BBC had two out of eleven channels but, thirty years later, it has nine out of 536. In recent years, new VOD and online entrants such as Netflix, and Amazon have increased pressure on multi-channels and subscription services to invest in original content.

We welcome the recognition in the consultation document that the BBC is “at the heart of public service broadcasting” and that the new Charter helps it adapt to the changing digital world and to serve the whole UK.

The BBC has embraced a model of contestability that works.

As far as we know, no public service has a greater element of competition for its outputs than the BBC. The 46 million people who use the BBC every day already have the right to ‘exit’ BBC programming via the remote control. Commissioners know which programmes are being consumed—getting audience sizes overnight and, within two days, detailed audience appreciation ratings, demographics and qualitative feedback such as verbatims. That has a powerful role in driving up standards, giving commissioners a good mix of incentives to universality and quality. Commissioning within an overall public service strategy amplifies the impact of each individual programme, being marketed, distributed and scheduled to maximise that effect. For example, the CBeebies Proms has used the breadth of the BBC's portfolio to introduce pre-school children to classical music and widened the Proms' reach by 1 million.

On the input side, the BBC has created a competitive marketplace for licence-fee funded commissions that is in robust health. Independent suppliers accounted for 23% of BBC programmes in 2000, rising to 44% in 2014. Over the next Charter period, the BBC will open-up the vast majority of its TV commissioning spend (outside of News) to competition. The BBC commissions from a wide range of external suppliers across the UK, with new players regularly winning commissions with fresh ideas. In Children's, 83% of BBC spend is outside London.¹⁰ This is a genre in which the BBC is the majority investor in UK content.

The BBC's model of contestability results in significant reach – to 99% of households each week; while wider ‘competition for quality’ among PSBs leads to audience satisfaction with PSB programming overall and in “challenged” genres such as Children's (in which satisfaction has risen from 61% in 2011 to 85% in 2015 – the highest of all PSB purposes measured by Ofcom)¹¹.

In the above context, we welcome the Government's decision last year that a new contestable fund should not be created by fragmenting the licence fee funding to be received by the BBC. This type of zero-sum exercise would simply weaken the BBC's ability to deliver its mission and public purposes, and erode its independence, without any guaranteed benefit to audiences.

We recognise that while per capita spend on UK content remains internationally high, in recent years there has been a decline in investment in UK-originated content. Some of this decline has been the result of greater efficiencies and wider funding streams such as co-production. Also playing a part has been the regulatory interventions affecting commercial PSBs (e.g. restrictions on HFSS

⁹ [International Perceptions of TV Quality](#), Populus for BBC, 2013

¹⁰ BBC figures for 2015/16

¹¹ Ofcom, *PSB Annual Research Report 2016*, 11 July 2016

advertising and the reductions in PSB quotas to respond to the declining value of PSB benefits like gifted spectrum and linear-only EPG prominence). However, the biggest cause has been the real terms decline in licence fee funding received by the BBC. As Ofcom concluded in its 2015 PSB Review, “the BBC remains the single most important driver of the PSB system’s overall health [...] as licence fee income has fallen in real terms, the last few years have seen the BBC reduce its investment in programmes in some key PSB genres.”¹²

We support public policy interventions to support investment, build on the success of the current model and work with the grain of the market. Examples of such interventions across the sector would include:

- For commercial PSBs: modernising the prominence regime for licensed PSBs and for the BBC. This in our view the single most important reform to renew the PSB compact and sustain overall content investment, as recommended by Ofcom in its last PSB review.
- For independent producers: the BBC and its Charter commitments to significantly expand competition for BBC-commissioned content through deregulation of in-house guarantees, the creation of BBC Studios and separating commissioning from production.
- For all channels: tax credits, such as the recent Children’s tax credits. These are attracting overseas investment from the ‘Big Three’¹³ and led to an 11% boost in animation in its first year, following a sustained period of decline.¹⁴ The most recent tax credit (live action) was introduced only in 2015 so it is still too soon to observe the full benefits of this intervention.

¹² Ofcom, *Public Service Broadcasting in the Internet Age*, 2 July 2015 Statement, paragraphs 6.6 – 6.7.

¹³ Disney, Viacom and Time Warner

¹⁴ Economic Contribution of the UK’s Film, High-End TV, Video Game, and Animation Programming Sectors, <http://www.nordicity.com/media/2015225acmcjdvvn.pdf>, Olsberg SPI with Nordicity,

Response to Consultation questions

1) (i) Should the fund be broadly or narrowly focused? (ii) On which genres and audiences should the fund be focused?

2) (i) Should the fund extend to radio as well as TV? (ii) If so, how should the proportion of the fund available for radio content be capped?

3) With regards to ensuring that content is free-to-access and made widely available, what platforms should be available to content funded by the contestable pot?

We understand DCMS has cast its consultation widely in order to seek the best ideas across a breadth of possible uses of a fund. This approach has some merits. However, we remain concerned that DCMS has not undertaken market analysis to properly assess the extent to which the fund will lead to additional activity, relying instead on stakeholder statements and Ofcom's Public Service Broadcasting Reviews which are not designed to give a total market view.

The potential genres requiring public money have been expanded, without a clear rationale based on market analysis. The Green Paper on the future of the BBC gave Children's as the only concrete example, though noted other providers were making available content with public service characteristics, such as UK originated news, drama, documentaries, arts, and children's programming. The subsequent White Paper expanded the list to cover the genres Ofcom had identified as under-served including religion and ethics, formal education, and arts and classical music. Under-served audiences were also added, including nations and regions, and diverse audiences/BAME and groups with protected characteristics. The current consultation has suggested adding to the list still further – proposing radio for consideration.

We would encourage any decisions taken on the focus of the fund to be based on a robust analysis of the areas of under-provision now and in future, with a particular focus on audience expectations and needs.

To this end, we have commissioned analysis by Mediatique on the level of provision, consumption and investment in so-called 'challenged' genres and the trends in these, which we submit as an annex to this response.

Its headline conclusion is that DCMS's document under-estimates the current extent and plurality of provision in "challenged" genres by non-PSBs and online actors in particular, and that the trends look more positive in future.

It indicates that some genre like religion/ethics are very unlikely to be commercially viable at scale, though it is notable that a level of provision exists by pay providers (Discovery) and digital new entrants (Netflix and Amazon). In such genres, there is likely to be a clear trade-off between the potential for contestable funding to promote plurality and the cost-effectiveness of that provision.

In other genres, the overall evidence base suggests much more existing and expected future commercial investment than identified in the consultation document.

In Children's, UK per capita investment into original children's programming remains particularly high compared to other developed markets: x1.7 greater than the North American average and x2.9 greater than in Europe. Overseas investment by the 'Big Three' (Disney, Viacom, Turner) into UK originations increased 12% between 2012 and 2014.¹⁵ This trend is continuing. Mediatique found

¹⁵ Investment figures from IHS (TV programming intelligence service 2016), per capita calculation based on World Bank population estimates.

that from 2014 to 2016 the contribution of non-PSBs to total first-run hours increased markedly from 9% to 15%, while their share of commissions doubled from c.10% to 20%¹⁶. This share of total hours of UK first-run originations is an important indicator of the contribution of non-PSBs. As Mediatique note, it is more meaningful than the 0.08% DCMS cite as the proportion of broadcast hours on non-PSB children's channels that are first-run UK originations. Indeed, Mediatique's own estimates show a significantly higher percentage of first-run UK originated content on non-PSB children's channels in 2016 than the DCMS reported for 2013.

As illustrated in Figure I below, the outlook ahead is positive too. Sky has described the return of *Morph* as "just the start of what we hope will be a long run of original commissions"¹⁷.

Figure I: 2016/17 investment in UK Children's commissions beyond PSBs

| | |
|--|---|
| <p>NETFLIX Netflix is now investing in UK children's programmes that will first premiere on UK public service broadcasters. . .</p> <p>The Worst Witch: CBBC Productions and Germany's ZDF Enterprises are co-producing this 10 x 30 minute drama adaptation of the famous books. Investment has been secured from Netflix in return for international rights outside the UK/Germany. It premieres on CBBC in 2017</p> <p>CITV Robozana: Netflix has invested to secure global rights in this animated series from ITV Studios, the adventures of an orphaned boy Ariston and his robot Mangle, premiering on CITV in 2017</p> <p>. . . and Netflix has begun to commission its own UK-made kids content for UK and global audiences . . .</p> <p>Untitled 'Black Beauty-esque' drama: All3Media-owned Lime Pictures (<i>Hollyoaks</i>) is producing this new 10 x 30 minute drama for Netflix, filming now across the North West & Wales, the adventures of an American teen who spends her summer in the English countryside and meets a mysterious horse, airing on Netflix in 2017.</p> <p>Hilda: London-based <i>Octonauts</i>-producer Silver Gate Media has secured this commission for a new animated series, to air on Netflix in 2017, one of a dozen animation commissions from Netflix in recent weeks.</p> | <p>sky KIDS Sky is also upping their UK originated programming for children and not just animation. . .</p> <p>Morph: an initial 15-episode run of this animated series has been commissioned from Bristol-based Aardman Animations</p> <p>magnum media Duck Quacks Don't Echo: this kids version of the factual entertainment panel show from London-based Magnum Media will see children test curious facts</p> <p>Big Cats: another kids version of an existing show, this educational natural history series has been commissioned from Bristol-based Offspring Films</p> <p>DISNEY CHANNEL . . . while Disney has recently increased its commitment to UK-made kids drama . . .</p> <p>The EverMoor Chronicles: a live-action fantasy from Liverpool's Lime Pictures</p> <p>The Lodge: a new music-themed kids drama from London-based Zodiak Kids Studios</p> <p>amazon . . . and Amazon has also revealed plans to invest in UK kids content.</p> |
|--|---|

The evidence above illustrates a growing number of providers moving into UK Children's commissioning – driven by the emergence of new online entrants and new areas of demand. New providers are meeting clear audience demand. Children are moving faster than older demographics towards online consumption. Ofcom's data also shows that children spend a greater proportion of their watching time consuming content on demand (16%) than adults (12%), in particular SVOD (10% compared to 6%).¹⁸

The Children's market could therefore be characterised as fast-moving and innovative, with growing supply and new areas of demand, supported by existing interventions such as tax breaks.

Radio and the genre-specific public value content DCMS identifies - documentaries, social impact content, drama, arts and culture – are also seeing a number of positive signs. The case for traditional radio stations to invest commercially in many speech genres has typically not been strong. Nonetheless, plurality can be under-estimated. In its 2015 PSB Review, Ofcom noted that commercial radio played a role in the provision of genres including classical music, news and current affairs, sport and leisure and religion. Local and community stations also play a role in delivering PSB

¹⁶Overall, external commissions in "challenged" genres by non-PSBs rose from 17% of the total in 2014 to 21% in 2016

¹⁷ *Broadcast*, 1 April 2016

¹⁸ Ofcom, *Digital Day 2016: Results from the children's diary study*, November 2016 (data refers to children 6-15 in 2016)

objectives. Moreover, provision in “challenged” areas was recently expanded by the launch of Sound Digital in March 2016 offering additional stations for speech, religion, Children’s and the relaunched Jazz FM. Demand for radio overall has also demonstrated resilience, with the latest RAJARs showing weekly reach – at 48.7m adults – the second highest since RAJAR launched. And average hours per listener is stable at 21 hrs 32mins (and overall listening thus at over 1bn hours of live radio per week). Ofcom has followed a broadly deregulatory approach to commercial radio over the past decade, and the sector has maintained growth¹⁹. Last autumn, Government pledged to consult on further deregulation to sustain this growth and the ability of radio to investment commercially in content.²⁰

It is also far from clear whether audience priorities match those identified by DCMS. Ofcom research on listener perspectives, undertaken following changes to localness regulations for commercial radio, found that the primary attributes that listeners looks for in radio were music, followed by presenters, news and local content. In local radio, specifically, these attributes include music, local news, weather, traffic, travel and entertaining presenters. “Public service” genres such as drama, documentary, arts and culture do not feature among audience priorities.²¹ While independent radio producers have signalled an appetite to provide more public service programming, they will have the opportunity to do so through increasingly competitive BBC commissioning. Between now and 2022, the BBC will open up c.60% of eligible hours to competition with independent producers (vs. up to 20% now).

Furthermore, as in Children’s, DCMS’s focus on broadcast media and legacy providers seems to underestimate the digital transition, which is occurring faster for share of listening than for share of viewing. Radio is operating in an increasingly broad market for audio – iTunes offers access to 265,000 podcast strands in English the vast majority of which are free. Podcast use is growing, with weekly use increasing from 4 million to 4.5 million people between spring 2015 and autumn 2016. The majority of podcast listeners are listening to speech content, and it is a younger and more diverse audience than the traditional radio audience.²²

Given the growth and competitive role of digital – as exemplified by Children’s and Radio – in our view, any contestable PSB fund should be open to online-only distribution.

5) (i) To what extent do you agree with the pilot administration model? (ii) If not what other options should be considered?

In our view, prior examples of contestability suggest a number of important principles in relation to fund administration.

First, it is important to ensure steps are taken to ensure the public knows what their money is funding. The use of licence fee funds for the roll-out of rural broadband raised accountability and transparency concerns, and the BBC welcomed Government’s decision to phase it out. Yet while 91% know the licence fee funds the BBC, only 5% know it funded contestable bids to roll-out rural broadband infrastructure.²³ Government should give due consideration to how the public will know what the pilot is being used to fund and how the public can assess whether its use has been effective.

¹⁹ Letter from CEO of Ofcom to Minister for Culture, Communications and Creative Industries on Radio Deregulation, 26 February 2016.

²⁰ Speech by Minister for Digital and Culture, The Radio Festival (26 September 2016)

²¹ *Radio: The Listeners' Perspective – A research report for Ofcom*, prepared by Essential Research (April 2013)

²² RAJAR MIDAS, Q3 2016. Almost one in four (23%) podcast listeners are aged 15-24, compared to just over one in ten (12%) BBC Radio listeners and 16% of commercial radio listeners; 13% of podcast listeners are non-white, compared to 9% of BBC Radio listeners and 12% of commercial radio listeners.

²³ 91% for all BBC, 5% for broadband; Ipsos MORI for the BBC, 27 Feb-11 March 2015, 1,038 adults 15+, Face to face sample

Second, it is important that the fund administration is efficient. There is a risk of the ‘bureaucratic premium’ cost – the duplication of costs in commissioning decisions and overheads between the broadcaster and review body.

7) Which of the following conditions do you think should be placed on successful funding awards? a) The fund should require matched funding from broadcaster/ platform or other commercial partners; b) The fund should be able to recoup up to the amount granted to a successful programme; c) The fund should grant money by way of an equity investment; d) Other, please specify.

We note Government’s proposals in relation to conditions such as match funding, recoupment to the fund or grants as equity investment. Each mechanism could support essential efforts to ensure the funding remains ‘additional’ to what the market would provide but none is sufficient on its own.

There is a particularly strong case for a mechanism such as recoupment to the fund so commercial media providers do not achieve inappropriate levels of profit deriving from the public purse. For example, the over-provision of licence fee funds for broadband roll-out provides a cautionary tale about the difficulty of judging levels of market failure. While the publicly-funded assets will be owned by the ISPs in perpetuity, a clawback mechanism has ensured that there has been some check on the level of that public funding.

8) Which of the following criteria should the fund consider in respect of judging bids for funding? a) Quality b) Innovation c) Additionality d) Nations and Regions e) Diversity f) New Voices g) Other, please specify.

9) How can “additionality” (i.e. ensuring the funding is not replicating funding that would otherwise have been available) best be assessed?

Our observations at this stage focus on the need for an annual comprehensive, robust and transparent ex-post review of the pilot.

Given that its purpose is to inform an assessment about whether to close, maintain or grow the scheme, we believe that assessment must be made on the strongest possible evidence base and based on outcomes. To ensure that is the case, it should be planned and agreed prior to launch. This is in line with the Government’s own guidance and best practice in public service commissioning.

This states that:

“The ability to judge how effectively government resources have been expanded is essential to their strategic long-term management. *Planning for this evaluation should be considered at the time of appraisal.*²⁴ [i.e as part of the decision on whether or not to start the project].

A recent analysis of best practice by the think tank Reform emphasises the importance of measuring outcomes, rather than inputs (paying for services) and outputs (activities).²⁵

²⁴ HM Treasury, The Green Book: Appraisal and Evaluation in Central Government

²⁵ [Reform](#), January 2017

Reflecting the consultation document’s identification of quality and value for money as desirable outcomes, there are four common industry metrics that could be applied and published:

- **Quality** (e.g. Appreciation Index scores)
- **Value for Money** (e.g. cost per user hour)
- **Impact** among different audiences groups (e.g. reach and usage). This has notably been a criticism of prior contestable funds. The £40m of licence fee funding made available as part of the 2010 settlement to local TV licencees led the CMS Select Committee to conclude: “So far these services do not appear to have had any significant impact among audiences nor have they made a meaningful contribution to the provision of local news and content and as such their viability remains in doubt”²⁶
- **Distinctiveness** – whether the funded content overall is distinct from the output the individual provider and wider market already produce, or might be expected to produce.

The last criterion is a key tool to ensure “additionality”. It can complement other tools such as recoupment to the fund which may not always be easy to implement.

International experience has highlighted the risks to additionality presented by “deadweight” costs. Following three decades of the scheme in New Zealand, Ofcom’s observed that “the system encourages ‘games playing’ by the broadcasters, who aim to get public funding, even for programmes they would have made anyway”.²⁷

Additionality might be challenged if the fund fails to produce a diverse range of content. In Ireland, analysis of sub-genre commissioning shows that over three quarters of Sound & Vision spend on children’s TV in 2015-16 was on its most commercially attractive sub-genre, animation.²⁸ This compares to 2-3% of the BBC Children’s budget being spent on animation – with a broader range of commissions for kids including news, factual, drama and education.

Setting clear criteria and measurement upfront will allow for robust ex-post assessment. The decision about whether to stop or continue with the fund after the 2-3 trial period must be based on a comprehensive, rigorous and transparent analysis of effectiveness, within the context of how the market is evolving. It is a matter of public interest and critical to enable informed decisions are made about any trade-offs in the future uses of public funds. We recommend that an independent body such as Ofcom conduct such a review given its existing experience and statutory responsibilities for a periodic review of Public Service Broadcasting.

ENDS.

²⁶ CMS Select Committee report on Future of the BBC, 2015

²⁷ Ofcom, *Review of public service broadcasting, Phase 2 – Meeting the digital challenge* (2004), Box 5.1: Contestable funding of PSB in New Zealand.

²⁸ Analysis of Sound & Vision funded programmes