

**MINUTES OF THE TWO HUNDRED AND SEVENTY-SIXTH MEETING OF  
THE OFCOM BOARD HELD ON 21 OCTOBER 2020  
MEETING HELD VIRTUALLY VIA MICROSOFT TEAMS**

**Present**

Terry Burns	Chairman
Maggie Carver	Deputy Chair
Kevin Bakhurst	Executive Member and Group Director, Broadcasting & Online Content
Melanie Dawes	Executive Member and Chief Executive
Angela Dean	Non-Executive Member
Bob Downes	Non-Executive Member
David Jones	Non-Executive Member
Graham Mather	Non-Executive Member
Tim Suter	Non-Executive Member
Ben Verwaayen	Non-Executive Member

**In attendance**

Lindsey Fussell	Group Director, Networks & Communications
Martin Ballantyne	Interim General Counsel
Jacqui Gregory	Corporation Secretary
Jenny Leyland	Assistant Corporation Secretary

**Other Ofcom colleagues:**

- Siobhan Walsh (minutes 22-23)
- Kate Stirling (minutes 22-23)
- Melissa Tatton (minutes 22-23)
- Katie Pettifer (minutes 22-23)
- Kerri-Ann O’Neill (minutes 22-23)

**Declaration of Members’ Interests – oral**

1. No new declarations of interest were notified. Whilst not a declaration of interest, Tim Suter advised the Board that later that day Channel 4 would be broadcasting a documentary “Diana: The Truth Behind The Interview”, which would look at the circumstances surrounding the 1995 Panorama interview conducted by Martin Bashir. Tim Suter had been involved in an investigation which the BBC had conducted, some 25 years previously, into the use of faked documents. The Channel 4 documentary was likely to suggest that the documents were improperly used, and the subsequent investigation flawed. The BBC had issued a statement rejecting any allegations. The Board **NOTED** the disclosure provided by Tim Suter.

**Chair’s Introduction – oral**

2. The Chairman welcomed all to the meeting.

**Minutes of the meeting held on 22 September 2020 and Matters Arising – Board Minutes 275(20) and Note of Action Points**

3. The minutes of the Ofcom Board meeting held on 22 September 2020 were **APPROVED** for signature by the Chairman as an accurate record.
4. A summary of progress against action points had been circulated. Status updates against each of the actions were duly **NOTED**.

**Chief Executive’s Report – Board Paper 78(20)**

5. Melanie Dawes presented her report and provided an update on recent developments.
6. BT: BT half year results for 2020/21 would be announced on 29 October 2020.
7. Online Harms: The legislation giving Ofcom powers relating to Video Sharing Platforms (VSPs) had been laid and the regulations would come into force on 1 November 2020. On the day of this meeting Ofcom had published a guide to VSP regulation which set out what the regulations meant, and Ofcom’s approach in the early regulatory period.
8. Closer Working with the Competition Markets Authority (CMA) and the Information Commissioner: On 20 October 2020 a very constructive workshop had been held with the Information Commissioner and the Chief Executive of the CMA, the purpose of which was to discuss how the three organisations could work together more closely. A more detailed update would be provided to the Board once some further work had been done to consider how that new deeper level of engagement between the organisations would work.
9. Future of Public Service Broadcasting: In giving evidence to the House of Commons Culture Select Committee, the Secretary of State for Digital, Culture, Media and Sport had said that he would shortly be announcing the establishment of a panel to advise the Government on the future of Public Service Broadcasting.
10. The Board **NOTED** the report from the Chief Executive.

**Executive Director Updates – oral**

11. Kevin Bakhurst provided an update on recently concluded and ongoing content standards and licensing cases. He also reported on the “Small Screen: Big Debate” virtual conference hosted by Ofcom in the week commencing 5 October 2020 which had provided good material to input into Ofcom’s PSB review.
12. In her update to the Board, Lindsey Fussell referred to recent reports in the media generated by several companies giving their views on Ofcom’s approach to promoting fibre rollout.
13. The Board **NOTED** the oral reports provided by the Executives.

**Report from the Chair of the Risk and Audit Committee – oral**

14. Angela Dean, Chair of the Risk and Audit Committee, reported on matters discussed at the meeting held on 8 October 2020. The Committee had received the first four internal audit reports, produced by Deloitte, following their appointment as Ofcom's internal auditors. Angela Dean highlighted the main points raised by Deloitte in the medium assurance rated reports relating to Cyber Security and Organisational Resilience. The Board discussed Ofcom's approach to resourcing cyber security work and testing its effectiveness, including using red team testing.

15. The Board **NOTED** the oral update on the Risk and Audit Committee.

**Report from the Chairman of the Content Board – oral**

16. Tim Suter, Chairman of the Content Board, reported on matters discussed at the meeting held on 6 October 2020. The main topics covered had been progress developing Ofcom's online harms regime; work on the PSB review; and consideration of the Annual Report and Performance Report on the BBC. The paper submitted to the Ofcom Board for discussion at this meeting on the BBC report reflected the comments made by the Content Board.

17. The Board **NOTED** the oral update on the Content Board.

**Reports from Non-Executive Board Members – oral**

18. Following the decision taken at the last meeting to postpone the Board's planned visit to Belfast from November 2020 to November 2021 due to the COVID-19 pandemic, Bob Downes suggested that consideration be given to a sub-set of the Board hosting a virtual meeting with a selection of stakeholders in Northern Ireland to hear their current concerns.

19. David Jones updated the Board on a recent discussion with S4C about their future plans.

20. Graham Mather referred to concerns expressed to him about the time it was taking for BDUK to deliver the Government's £5bn investment in fibre rollout and how the money would be allocated. This topic was likely to be discussed at a meeting with the Secretary of State and the Chief Executives of all the major telecoms providers in the UK which Melanie Dawes and Lindsey Fussell were due to attend later that day.

21. The Board **NOTED** the oral updates provided by Non-Executive Board Members.

**Annual Report and Performance Report on the BBC – Board Paper 79(20)**

22. Ofcom was due to publish its third Annual Report and Performance Report on the BBC in November 2020. Board Paper 79(20) provided an overview of the proposed key findings and messages for inclusion in the combined report. The Board discussed the key messages, the appropriate tone to be struck in the report and the overall conclusion the reader should take away from it.

23. The Board **NOTED** that an advanced draft of the Report on the BBC would be circulated to Board Members for review. Final Board approval and sign off would be sought via Board written resolution, prior to publication (once this had been signed off by the Chief Executive and the Group Director, Broadcasting & Online Content).

**Diversity and Inclusion Strategy – Board Paper 80(20)**

24. In 2015, Ofcom had set five-year diversity targets as part of its original Strength to Strength programme of work. The targets were around gender and ethnicity and annual updates on progress had been published. The Board was updated on plans to publish a new five-year Diversity and Inclusion strategy for Ofcom, as outlined in Board Paper 80(20). During discussion comments were made about the importance of making it clear in the presentation of the strategy that diversity and inclusion was about making Ofcom more effective as an organisation rather than just being a social good. It was also considered that the strategy should focus on behaviours and inclusion alongside diversity. The Board expressed strong support for the proposed review of Ofcom's existing processes and for taking a more innovative approach to recruitment. The Board was supportive of gender, ethnicity and disability targets being published for the Content Board and statutory committees and panels. Comments were made about the Ofcom Board's responsibility to set the tone for behaviours and ambition across the organisation. The Board commended the contribution made by Ofcom's colleague networks and in particular the RACE network.

25. The Board:

- **NOTED** the progress made against the targets set in 2015 on diversity and inclusion. Ofcom had met the 40% senior<sup>1</sup> gender target (currently 43%) and the equal gender workforce target (50/50) but had failed to meet the 13% senior ethnicity target (currently 11%).
- **NOTED** the development of a new Diversity and Inclusion strategy and the framework to be used for that strategy (vision, data, systems, culture and leadership and governance).
- **AGREED** that new workforce diversity targets should be set for the period 2021 to 2025 in the priority areas of ethnicity at senior levels; gender balance at senior levels; and disability across Ofcom, noting that the targets set should be achievable.
- **AGREED** that gender, ethnicity and disability targets should be published for Ofcom's Content Board and statutory committees and panels (with the exception of the Ofcom Board and Ofcom Spectrum Advisory Board).
- **NOTED** that Ofcom would monitor and report on levels of LGB (lesbian, gay and bisexual), socio-economic background and other types of diversity within Ofcom, including all characteristics protected by law.
- **AGREED** to delegate final decisions on the level of targets, and final sign-off of the Diversity and Inclusion strategy, to the Chief Executive.
- **NOTED** that an update on performance against targets and strategy would be provided to the People Committee on an annual basis, ahead of public reporting.

**Appointments to the Content Board – Board Paper 81(20)**

26. Tim Suter reported on the recruitment process recently undertaken for the Content Board. Following discussion, the Board:

<sup>1</sup> Reference to senior levels in relation to targets is to Principal and SMS.

- **APPROVED** a temporary variation to the Content Board’s Terms of Reference to increase membership from 14 to 19 Members, in line with the anticipated expansion of the Content Board’s remit to include online harms. The Board **NOTED** that any change to the Content Board’s remit remained subject to the outcome of discussions with DCMS on the governance and accountability for online harms and whether this would be done on a statutory basis or otherwise.
  
- **APPROVED** the following individuals to be appointed to the Content Board for three-year terms commencing November 2020:
  - Dekan Apajee
  - Rachel Coldicutt
  - Anna-Sophie Harling
  - Peter Horrocks
  - Tobin Ireland
  - Kim Shillinglaw.

#### **Information Items**

27. The Board **NOTED** the following information items.

- Monthly Finance Report – Board Paper 82(20).
- Update on Openreach Monitoring - Board Paper 83(20).
- Board Work Programme/Forward Agendas – Board Paper 84(20).
- Minutes of the Communications Consumer Panel/ACOD (16 July 2020) and Content Board (catch-up session held on 8 September 2020).

#### **Any Other Business**

28. There were no additional matters raised at the meeting.

#### **Date of the Next Meeting**

29. The next scheduled Board meeting will be held on Wednesday, 18 November 2020.