

**MINUTES OF THE ONE HUNDRED AND SEVENTY-THIRD MEETING OF THE OFCOM
CONTENT BOARD HELD AS A HYBRID MEETING AT RIVERSIDE HOUSE, LONDON
AND VIRTUALLY VIA MICROSOFT TEAMS ON TUESDAY 30 NOVEMBER 2021**

Members Present:

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| David Jones | Member, (chairing the meeting) |
| Dekan Apajee | Member |
| Jonathan Baker | Member |
| Kevin Bakhurst | Executive Member |
| Rachel Coldicott | Member |
| Maggie Cunningham | Member |
| Aled Eirug | Member |
| Robin Foster | Member |
| Peter Horrocks | Member |
| Tobin Ireland | Member |
| Ali Marsden | Executive Member |
| Stephen Nuttall | Member |
| Kim Shillinglaw | Member |

Apologies:

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| Bob Downes | Interim Chairman |
| Monisha Shah | Member |

In Attendance:

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| Adam Baxter | Director, Standards and Audience Protection |
| David Edwards | Assistant Corporation Secretary |
| Ian Milburn | Operations Executive, Broadcast Licensing & Programme Operations |

Other colleagues attending for specific items

Introduction & Welcome

- David Jones, chairing in the absence of Bob Downes, welcomed all present to the one hundred and seventy-third meeting of the Content Board.

Members' interests

- Tobin Ireland reported that he had joined the Board of Cyan Forensics.

Minutes of the Content Board Meeting held 5 October 2021 – CB Minutes 172(21), Actions List and Matters Arising

- The minutes of the Content Board meeting held on 5 October 2021 were agreed as a true and accurate record for signature by the Chairman.
- The offline due impartiality teach-in and discussion had been scheduled take place on 18 January, for those able to attend, and to precede a due impartiality agenda item at the 25 January 2022 meeting. The teach-in presentation slides would be shared with all members.
- There were no other matters arising.

Chairman's update

- David Jones reported on recent discussions of the Ofcom Board and focussed on the main areas of work. These had included work related to the Draft Online Safety Bill and discussion of Ofcom's Online Safety strategy. The position of Ofcom Chairman had been re-advertised by DCMS, and the

process to fill another Board vacancy was ongoing.

Broadcast & Online Content Group Policy updates – CB 30(21)

7. Members had received a paper providing an update on key policy and project areas in the Broadcast and Online Content Group.
8. Members were updated further on a wide range of topics, including:
 - Online Safety (OS); the three main strands of work continued; members noted ongoing Ofcom parliamentary engagement; separately Ofcom was developing its OS strategy and recruiting more colleagues to its OS team.
 - Video Sharing Platforms (VSPs); recruitment for a VSP Director was ongoing; the outcome of the consultation on the advertising specific aspects of the VSP regime was due to be published before the end of the year.
 - Diversity; members noted the success of the virtual *All In: Diversity in Broadcasting 2021* event.
 - Access services; letters were issued to Channel 4 requesting information about its inability to air any access services (subtitles, audio description or signing) following an incident at Red Bee's centre on 25 September and discussions about possible next steps were ongoing with Ofcom Legal colleagues. A review would be conducted to consider what actions could and should be taken to ensure the resilience of access services were a similar event to occur in the future. Members discussed questions around addressing audience expectations concerning access services. Members would be kept informed of developments. On a related matter on access to TV, work continued by the Spectrum Group concerning the Bilsdale TV Transmitter Mast in North Yorkshire (where a fire took place in August).
 - Standards and Audience Protection; complaint volumes remained high and driven by a range of factors, with a steady number about Coronavirus-related broadcast content.
 - Various areas of work were highlighted, including: streamlining the team's complaints work process; using analytics to analyse what drove complaints; exploring new modes of researching audience expectations to reflect the faster-changing attitudes and expectations of audiences; developing faster audience research responses to check new issues arising in complaints; the findings would be published, to help make Decisions more robust and help inform broadcasters when making their own compliance decisions; as part of Ofcom's programme of work on the BBC Periodic Review, the Standards Team was leading a workstream to review the 'BBC First' complaints system, as well as using the opportunity of the Periodic Review to undertake further research on audience perceptions of due impartiality in BBC content. Developments would be fed back to the Content Board.
 - Other matters touched on included sanctions levied against CGTN and RT.
 - BBC work areas; On 25 November Ofcom had published its fourth Annual Report on the BBC; its statement in response to stakeholder concerns arising from the BBC Three consultation; and its statement on its consideration of the market position and impact of BBC Sounds, from which no evidence was found to require a further review.
 - Work on the interaction between the Public Service and BBC Studios was ongoing, as part of the Review of BBC Studios.

- Tracking of BBC Three's performance would tie in with Ofcom's work to review the BBC Operating Licence ahead of a full consultation on a new Operating Licence in Spring 2022.
- It was noted that the Chairman and Director-General of the BBC would be meeting the Ofcom Board in December.
- PSB and general media related work areas; Ofcom had continued to engage with, and provide support to DCMS officials as they developed their thinking for a White Paper. It was noted that officials remained committed to the introduction of a Media Bill and to ensure its passage before the next General Election.
- Ofcom's statement following the media ownership rules review was published on 17 November. Work on media plurality was ongoing.
- Small-scale DAB was starting to roll out, bringing small, low cost radio services to communities around UK, beginning in the north east of England.

6-month progress update on key themes / lessons from Content Board's Editorial Standards Work – CB 31(21)

9. Members had received a paper providing the latest in a series of six-monthly updates on themes in editorial standards, which were provided by the Content Board to the Ofcom Board. The paper provided an update on developments under the four themes (offence, harm, due impartiality and diverging approaches to content standards regulation on different platforms) that had been included in the previous update that went to the June 2021 meeting of the Ofcom Board.
10. A demonstration was provided of how Ofcom's existing software and data collection tools (Power BI) were being used to analyse patterns to show when Ofcom received complaints relative to when a programme was broadcast. The expectation was that such analysis would help the Standards and Audience Protection ("SAP") Team allocate resources and handle complaints more effectively in future.
11. Arising from the update paper and the demonstration it was noted that:
 - An AI tool was being developed to deliver automated first drafts of translations in several languages such as Urdu.
 - Discussions were being held with Legal colleagues about possible changes to the Fairness and Privacy ("F&P") Entertainment process to ensure that Ofcom's resources were effectively targeted when assessing F&P complaints.
 - Social media could be a factor triggering significant volumes of complaints while many of the most serious breaches were recorded on services that attracted few complaints to Ofcom. This raised considerations about resourcing, in particular for complaints about offence.
 - Ofcom's recent research on audience expectations of minority ethnic communities revealed that although some of the most serious breaches were recorded on services aimed at minority ethnic audiences, the audiences for those services had very low awareness of Ofcom and some people did not wish to complain to Ofcom. This issue had already begun to be addressed by a targeted engagement campaign (eg the production of Punjabi and Urdu language social media content about Ofcom's standards work which had reached over 60,000 people in just over a week).
12. Other issues raised or discussed by members included how the SAP team prioritised assessments and investigations; messaging around the rationale

- informing broadcast standards Decisions; and the extent to which more personalised data might be collected about complainants.
13. It was agreed that the full discussion would be reflected in the update to be submitted to the December 2021 meeting of the Ofcom Board.

BBC Periodic Review – CB 32 (21)

14. Members had received a paper and annex about Ofcom's approach to the Review, the positions of stakeholders and the plan for a series of publications as part of the Review and questions from members were invited.
15. Issues raised or discussed by members included the comments from stakeholders who had expressed concerns about reducing BBC quotas; concern from the BBC that Ofcom's approach to competition assessments was slow; clarifying the roles of Ofcom and the BBC; and whistleblowing provisions.
16. Recommendations would be brought to the Content Board in Spring 2022. In advance of that, it was proposed that emerging thinking on some of the areas of detail would be discussed with a sub-set of Content Board Members and members with an interest were encouraged to get in touch with the project team.

BBC Studios review – CB 33 (21)

17. Members had received a paper and an annex that set out details of the project team's proposed findings from Ofcom's review of the interaction between the BBC Public Service and BBC Studios which was planned to be published in Q4 2021/22. Members' views in relation to the proposed findings were invited.
18. Ofcom had written to the BBC to set out its concerns in relation to specific issues identified in its review. Ofcom had received an initial response from the BBC, and was waiting for the substantive response before determining next steps.
19. Issues raised or discussed by members included: the principles of operation of BBC Studios; the BBC governance's arrangements; the commissioning relationship between the Public Service and the BBC's commercial arm, and the possibility of further work to explore concerns raised about this point by stakeholders. Members agreed that the report identified issues surrounding the overall implementation of the Rules, governance, the BBC's principles of operation in relation to secondary content sales, and noted the sample of transactions that had been reviewed by Ofcom. Members suggested that consideration be given to whether concerns about the commissioning relationship could require further work.

Online safety regulatory strategy – CB 34 (21)

20. Members had received a paper and annexes that explained Ofcom's overarching strategic approach to carry out its proposed responsibilities as Online Safety regulator, and the reasons why that approach had been proposed. Members' consideration of the strategic approach and decision-making frameworks at this stage was invited, as well as any concerns or questions.
21. Ofcom continued to engage with DCMS regarding the Draft Online Safety Bill; Ofcom had given oral evidence to the parliamentary Draft Online Safety Bill Joint Committee; and letters had been written to the Committee on various issues, clarifying Ofcom's position.

22. Issues raised or discussed by members included potential complaints and enforcement; quantifying of harms; explaining Ofcom's rationale behind its choice of prioritisation of certain specific types of harm; future plans for describing and measuring Ofcom's impact; the role of the regulator in stimulating investment in technologies; reputational risk and management of expectations; the extent to which Ofcom's work was future-focused; what would trigger enforcement; and definitions of scope and harm.

Information items

23. The following items were noted:
- Diversity in Broadcasting update – CB 35(21)
 - Ofcom Board Minutes (15 September and 20 October 2021); and
 - Communications Consumer Panel Minutes (16 September and 21 October 2021).

Any Other Business

24. David Jones noted that it was the final meeting for Aled Eirug and Robin Foster and thanked them both for their valuable contributions to the work of Ofcom and to the Content Board.

Date of the Next Meeting

25. The next meeting of the Content Board was scheduled to take place on 25 January 2022.