
Guidance: Diversity in Broadcasting

Arrangements for the promotion of equal opportunities in the broadcast industry

About this document

Ofcom has a legal duty to promote equality of opportunity in the broadcasting sector.

Under the Communications Act 2003, Ofcom is required to take the steps it considers appropriate to promote equality of opportunity between men and women, people of different racial groups and for disabled people, in relation to employment and training by the television and radio broadcasters we regulate.

As a condition of their Ofcom licences, television and radio broadcasters are required to make arrangements to promote equality of opportunity in employment for people in these groups and to make arrangements for training¹.

This guidance sets out recommendations to help broadcasters make their arrangements to promote equal opportunities. Under the licence condition, broadcasters must have regard to this guidance in making and reviewing their arrangements. Ofcom reports on broadcasters' compliance with the licence condition in its annual Diversity and equal opportunities in broadcasting monitoring reports.

Ofcom wrote to the Secretary of State² to request an extension to our duty and the licence condition, to include additional characteristics such as age, religion or belief, and sexual orientation. The Secretary of State agreed that broadcasters should be providing this information. The recommendations in this guidance can be applied to help broadcasters develop broader equal opportunities arrangements.

¹ This obligation only applies to broadcasters (or groups of companies) who employ more than 20 people in connection with the provision of licensed broadcasting services and are authorised to broadcast for more than 31 days a year.

² We wrote to the then Secretary of State for Digital, Culture, Media and Sport (Rt Hon Karen Bradley MP) on 28 July 2017.

1. Introduction

- 1.1 This guidance is provided to help broadcasters make arrangements for promoting equal opportunities in employment between men and women, people of different racial groups and for disabled people as required by the Communications Act 2003 (“the Act”). Broadcasters must have regard to this guidance when making and reviewing the arrangements they are required to have in place in accordance with their licence obligations.
- 1.2 Equality of opportunity and diversity in the broadcasting industry are also important in terms of other protected characteristics in the Equality Act 2010. This guidance can be used to help broadcasters make arrangements to promote equal opportunities in employment in terms of age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment; and also with respect to social, educational and geographic background. These are all important considerations to ensure equal opportunities for people in all these groups to ensure that broadcasters are able to reflect their viewers and listeners.
- 1.3 Equal opportunities and their promotion can be successfully achieved in different ways by different organisations. However, it is good practice to have in place the following three key elements: a formal written equal opportunities policy statement; communication of that policy to employees and embedding it from the top down; and an effective monitoring system. Ofcom also expects to see broadcasters setting diversity targets and taking active steps to ensure fair recruitment practices.
- 1.4 In their written statements, it is important that companies define what equal opportunities means for their organisation. The statement should set out the company’s objectives and the policies that it will develop to meet them. These should be communicated to the company’s staff and other stakeholders as appropriate. This enables a standard to be set, against which a company’s progress can be judged.
- 1.5 An effective monitoring system is also a fundamental building block in the promotion of equal opportunities. It should be able to provide information on the impact that a broadcaster’s equal opportunities policy is having on the diversity of its organisation. In particular, it should be able to show the availability of equal opportunities in employment between different groups, including in relation to career development and promotion.
- 1.6 Section 337 of the Act requires Ofcom to include conditions in radio and television broadcasters’ licences obliging licensees to make arrangements to promote equal opportunities in employment on the basis of gender, racial group and disability.

“(1) The regulatory regime for every service to which this section applies includes the conditions that OFCOM consider appropriate for requiring the licence holder to make arrangements for promoting, in relation to employment with the licence holder, equality of opportunity-

 - a) between men and women; and

b) between persons of different racial groups.

(2) That regime includes conditions requiring the licence holder to make arrangements for promoting, in relation to employment with the licence holder, the equalisation of opportunities for disabled persons.”

1.7 Equivalent obligations apply to the BBC under paragraph 12 of Schedule 3 to the BBC Agreement.

1.8 Section 27 of the Act places a further duty on Ofcom to promote equal opportunities.

“(2) It shall be the duty of OFCOM to take all such steps as they consider appropriate for promoting equality of opportunity in relation to both-

(a) employment by those providing television and radio services; and

(b) the training and retraining of persons for such employment.

(3) It shall also be the duty of OFCOM, in relation to such employment, training and retraining, to take all such steps as they consider appropriate for promoting the equalisation of opportunities for disabled persons.”

1.9 UK licensed television and radio broadcasters³ must, as a condition of their licences, make arrangements for promoting equal opportunities and, in making and reviewing those arrangements, must have regard to any relevant guidance published by Ofcom.

³ This obligation only applies to broadcasters (or groups of companies) who employ more than 20 people in connection with the provision of licensed broadcasting services and are authorised to broadcast for more than 31 days a year.

2. Recommendations

- 2.1 Ofcom considers that, in order to meet their licence conditions, broadcasters' arrangements to promote equal opportunities in employment between men and women, between people of different racial groups and for disabled people should include the following:
- a written policy statement;
 - that broadcasters communicate their policy statement to their employees and embed diversity within their organisation from the top down; and
 - the collection of statistics to monitor the make-up of their employees.
- 2.2 Ofcom expects to see broadcasters go further in terms of promoting equal employment opportunities by:
- setting diversity targets;
 - taking active steps to ensure fair recruitment practices; and
 - including progression plans or schemes in their diversity strategies.
- 2.3 Ofcom will continue to collect and publish information on broadcasters' arrangements for promoting equal employment opportunities and the diversity of their employees in its annual *Diversity and equal opportunities in broadcasting* monitoring reports. Broadcasters will be asked to explain how they have had regard to the recommendations in this guidance. Ofcom will investigate any broadcaster who is unable to demonstrate that they have in place arrangements for promoting equal employment opportunities between men and women, between people of different racial groups and for disabled people, and that in making and reviewing those arrangements they have had regard to this guidance.
- 2.4 Although the licence condition currently only requires broadcasters to make arrangements relating to gender, racial group and disability, we consider that it is important to take into account the other 'relevant protected characteristics' in section 149 of the Equality Act 2010 (age, gender reassignment, pregnancy and maternity, religion or belief, and sexual orientation), and also social mobility/ social and economic, background. In our annual information request, Ofcom will ask broadcasters whether their arrangements cover these characteristics. We also encourage broadcasters to extend their arrangements, including their monitoring, to freelancers working for them as well as employees.
- 2.5 Ofcom wrote to the Secretary of State for Digital, Culture, Media and Sport to request an extension to the list of protected characteristics in sections 27 and 337 of the Act to include the other relevant protected characteristics in section 149 of the Equality Act 2010⁴. The Secretary of State agree broadcasters should be providing this information. We will continue to request information from broadcasters across all those characteristics, and in addition information relating to social mobility/social and economic background, on a mandatory basis where we have the powers to do so and otherwise on a voluntary basis.

⁴ We wrote to the then Secretary of State for Digital, Culture, Media and Sport (Rt Hon Karen Bradley MP) on 28 July 2017.

Written policy statement

- 2.6 The policy statement should include:
- a definition of what the organisation means by equal opportunities;
 - the organisation's equal opportunity policy objectives; and
 - information on how the objectives will be met.⁵
- 2.7 Under the licence condition, broadcasters must review their arrangements for promoting equal opportunities from time to time. Policy statements should be reviewed on a regular basis to ensure policies are relevant and up to date.
- 2.8 We strongly encourage broadcasters to go further than setting out simple objectives and how they will be met. Improving diversity should be part of a long-term strategy achieved through focused initiatives. While many broadcasters are undertaking various initiatives to tackle under-representation, many of these measures are short-term rather than being part of a long-term plan with regular assessment of overall impact. For example, as part of a long-term plan, a broadcaster could assess whether a diverse range of people is found in senior management and, if not, consider how the development of under-represented groups could be supported by putting appropriate measures in place and evaluating their impact over time.

Communicating with employees

- 2.9 Broadcasters should actively communicate their policy statement to their employees. Rather than communicating the policy as simply an obligation to be complied with, this can provide an opportunity to engage with staff and encourage them to see the benefits of having a diverse range of people and viewpoints within the organisation.
- 2.10 To ensure compliance with the licence condition, which requires broadcasters to take appropriate steps to make those affected by the arrangements aware of them, Ofcom will ask broadcasters how they have communicated their equal opportunities arrangements to their employees. Broadcasters will be expected to provide details of where the information has been shared; this could include, for example, on a staff intranet, in team meetings or a newsletter, with employee groups or networks.
- 2.11 This engagement with employees could be used as an opportunity to ask for their suggestions on what else the company should be including in its statement and how they can help the company to achieve its aims. Creating cultural change within an organisation must start with giving employees 'permission to discuss' diversity and inclusion, what it means, why it's important and the fact that it includes everyone.

⁵ See Ofcom's Diversity Hub for further suggestions on what to include: <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/diversity/diversity-guidance/getting-started>.

Encouragement of diversity must be embedded in organisations and led from the top

- 2.12 In order to lead from the top, companies should involve senior management in ensuring the delivery of diversity and inclusion strategies. Senior management should be involved in deciding the strategy and should receive regular updates on progress against its objectives (for example, through committees or steering groups where companies have these).
- 2.13 Larger companies should consider having a senior level diversity sponsor/champion leading the agenda within their organisation. This person can take responsibility to promote equal opportunities and share information for under-represented groups, as well as help raise awareness across the organisation.
- 2.14 To help ensure senior managers are engaged and that they know what is expected of them with regard to leading on diversity and inclusion, broadcasters should consider appraising all senior employees against diversity objectives. They could make different senior managers responsible for promoting equal opportunities for different groups, so that each has its own committed sponsor.

Collection of statistics to monitor employee characteristics

- 2.15 Regular monitoring of the characteristics of employees, such as gender, racial group and disability, is a means of checking whether unfair discrimination could be happening and whether the equal opportunities policy is being implemented effectively. Without accurate monitoring, it is unclear how broadcasters can identify any gaps, ensure the relevance of their equality and diversity policies and plan engagement with their employees.
- 2.16 Broadcasters need an appropriate system to achieve this and one that will suit their company. In a small company with a simple structure, it may be enough for managers to ask individuals to record their information in written form, while in a larger and more complex company, a more formal process or online system may be necessary. The important thing is to have an understanding of employee make-up in terms of the protected characteristics and know how well the organisation is doing in meeting the goals that it has set.
- 2.17 **Collecting comprehensive information:** the absolute minimum is to monitor the gender, racial group and disability of people employed by the organisation, however broadcasters should aim to monitor the other relevant protected characteristics in the Equality Act 2010. As mentioned, Ofcom will request information from broadcasters across all the relevant protected characteristics.
- 2.18 Ofcom also encourages broadcasters to collect data on social mobility/social and economic background of their employees and since 2019 has requested this information from broadcasters to help form a picture of how open and accessible the broadcasting industries

are.⁶ In addition some larger broadcasters monitor how different regions/areas of the UK are represented among their employees. This may help to further inform their equal opportunities policies. We will continue to publish details on the scope of information provided by each individual broadcaster.

- 2.19 **Communication of the monitoring system to staff:** this should be done in a positive way. Staff should be told how the information obtained through monitoring will be handled and used. This should include telling people that the broadcaster will share information with Ofcom for the purposes of its annual monitoring reports. One way to ensure staff support for the method chosen is to involve employees in the planning phase, allowing them to input on how and what information the company should be capturing. The monitoring system should ideally track the diversity of applicants in response to a recruitment advertisement from the earliest stage of the application process, through their employment and to their departure from the organisation.
- 2.20 We encourage broadcasters to share with staff what they have learnt on an annual basis to show them that the information they have provided is helping to further equal opportunities through new initiatives and an updated strategy.
- 2.21 **Ensuring that the information is up-to-date:** broadcasters should check at regular intervals that the information collected is up to date, or allow employees to update their information themselves. Broadcasters could set regular times in the year when employees are reminded of the benefits of ensuring their information is up to date and how they can do this. Broadcasters must comply with relevant data protection legislation in processing their employees' personal data.⁷
- 2.22 **Collecting complete information:** to obtain as complete a picture as possible, broadcasters should ensure they provide employees with the option to 'prefer not to say' so that this can be recorded separately from 'no data'. It is important to clearly distinguish between instances where employees have chosen not to disclose data and where they have not been given an opportunity to provide this data. This enables a broadcaster to understand if employees are feeling uncomfortable about sharing their information or if they were missed out of the monitoring process. It will also enable broadcasters to demonstrate that they have sought to obtain the data.
- 2.23 **Ensuring the right level of information is collected:** not only should broadcasters aim to monitor the breadth of characteristics referred to in paragraphs 1.1 and 1.2, but they should also consider the level of detail it is appropriate to collect⁸. For example, it may not be sufficient to collect data on racial group at the total level of employees who define themselves as white and those who define themselves as being from a minority ethnic

⁶ There are several questions that can be used to gather this information but the key measurement question for this characteristic asks the individual what their parental occupation was when they were 14.

⁷ Further information can be found on the Information Commissioner's Office website: <https://ico.org.uk/>

⁸ To understand the level of detail Ofcom considered it appropriate to collect in 2017, see https://www.ofcom.org.uk/data/assets/pdf_file/0018/106353/diversity-report-methodology.pdf which includes a copy of the monitoring questionnaire sent by Ofcom to broadcasters in 2017.

background. There is value in understanding the detailed racial group profile of employees as this information can help broadcasters better target their strategies and initiatives.⁹

- 2.24 **Asking all employees about their disability status:** when collecting data on disability, it is important that broadcasters ask all employees. Only recording employees with a disability status if they request a related workplace adjustment may fail to identify employees with non-physical disabilities or other conditions that may require support from an employer to ensure equal opportunity.
- 2.25 Disability is one of the most challenging characteristics on which to collect robust data, and continues to be the biggest gap in collected data. Disabled people must feel secure about disclosing their personal information and able to ask for support, where necessary, to enable them to continue working effectively. The purpose of this data collection should be to help achieve greater equality for disabled people. Disability is the only characteristic that can be supported by positive discrimination under the Equality Act 2010¹⁰, and we urge broadcasters to be mindful of this when considering how to improve representation of disabled people in their employment.
- 2.26 **Ensure monitoring captures the entire workforce, including all main job levels and job types:** monitoring is a useful way to identify where in the employment chain equal opportunities may be less supported and will help to indicate where certain groups may be disadvantaged. We strongly encourage broadcasters to monitor freelancers as well as employees. Monitoring information should be tracked across the following¹¹:
- for all job applicants;
 - joiners to the organisation;
 - leavers from the organisation;
 - across different job roles;
 - at different job levels in the organisation - this is particularly important at senior levels as it is at this level that employees are more likely to be decision makers, exerting particular influence;
 - those promoted within the organisation; and
 - those completing training Ofcom will continue to request monitoring data across all the categories mentioned above with respect to each protected characteristic.

⁹ Many research agencies and reports use the same ethnic categories as those in the census. This level of detail may be of particular value to broadcasters with a large number of staff, but less relevant for small to medium-sized broadcasters.

¹⁰ Certain positive action measures are allowed in relation to other protected characteristics. See the Equality and Human Rights Commission/Ofcom publication *Thinking outside the box*

(https://www.ofcom.org.uk/data/assets/pdf_file/0030/47496/increasing-diversity.pdf) for further information.

¹¹ See Ofcom questionnaire for detail on the categories requested in our 2017 information request (https://www.ofcom.org.uk/data/assets/pdf_file/0018/106353/diversity-report-methodology.pdf)

Setting diversity targets

- 2.27 Broadcasters should set clear targets on diversity to demonstrate commitment to ensuring that the make-up of their employees better reflects the society we live in. In seeking to meet those targets, broadcasters must comply with the Equality Act 2010.
- 2.28 Setting measurable and time-specific targets provides a quantifiable commitment to tackling under-representation, and we would expect chief executives to be accountable for delivery against such targets, demonstrating leadership and commitment from the top of the organisation.

Ensuring fair recruitment practices

- 2.29 Fair recruitment practices are essential to attract a wide pool of applicants and to ensure a company has the best talent for the role. This is the first engagement an individual has with a company and it could shape their opinion about the importance the company places on equal opportunities.
- 2.30 **Training for employees responsible for recruiting:** it is important to ensure the recruitment process is free from bias. We recommend all recruiting staff undertake unconscious bias and diversity training, to help ensure that recruiters are aware of how they can better promote equal opportunities, to ensure the best and brightest talent is always recruited.
- 2.31 **Measures to put in place:** There are a number of measures that can be put in place at the recruitment stage that may help to reduce the possibility of bias and better secure equal opportunities, including:
- removing names and other details on applications that could lead to unconscious bias;
 - being systematic when sifting applications, for example by using a scoring system;
 - before conducting interviews, checking that any 'reasonable adjustments' have been made to ensure all candidates are treated equally; and
 - using more than one interviewer and ensuring that all interviewers are appropriately trained.
- 2.32 If your company has an internship programme, it is important to consider potential barriers applicants may face when applying (such as economic circumstances) and ensure the programme is able to attract diverse talent. Companies should avoid unpaid or poorly paid internships that prevent potential applicants from applying for such opportunities.

Progression and opportunities

- 2.33 Broadcasters should ensure there are measures in place to promote diversity at all levels of their company, and ensure that broadcasters promote an inclusive culture in which all employees can thrive and succeed.
- 2.34 We recommend that broadcasters hold focused discussions with employees about progression and inclusion to inform action plans for a more diverse workforce, particularly

where employees with specific protected characteristics are under-represented at certain levels of the company.

- 2.35 Broadcasters should include in their overall diversity strategy a progression plan with a range of commitments alongside clear targets relating to increasing progression of employees with specific protected characteristics.

Further information

- 2.36 Additional information and templates for monitoring forms can be found in Ofcom's diversity resource (www.ofcom.org.uk/diversity). This resource includes further information on how to develop a policy statement, and links to organisations such as the Equality and Human Rights Commission and the Creative Diversity Network.
- 2.37 This guidance is effective from 10 May 2019. Broadcasters must have regard to the above recommendations in any new arrangements for promoting equal opportunities that are made after this date and/or in reviewing their existing arrangements and their application.