

Community Media Association

Review of the approach to community radio Key Commitments

The Community Media Association would broadly support a proposal to streamline and simplify the approach to community radio Key Commitments in order to make the process easier for community stations to manage.

Undoubtedly the Key Commitments arrangement as currently implemented is unworkable and no longer fit for purpose given that there are now more than 260 community radio stations broadcasting and fewer resources available to the Community Radio Team at Ofcom.

It was unfortunate that in November 2014 more than 50 community radio stations were under investigation by Ofcom with regard to the potential breach of their Key Commitments with eventually Ofcom finding that only 3 stations required any further sanction¹. This situation certainly arose as a result of the Key Commitments reporting procedures being ill-adapted to the contemporary community radio ecology – and very little to do with those stations not fulfilling the terms of their licences.

Ofcom states that a new approach to the Key Commitments “will free up community radio stations, enabling them to focus on serving their target communities, adapt better to the changing needs of those communities, and deliver social gain”.

Whilst Ofcom’s aspirations are indeed to be welcomed it is the view of the Community Media Association that the proposed changes would indeed reduce Ofcom's workload but would unfortunately increase the workload significantly on individual stations.

The proposed Key Commitments template is undeniably simplified but reduces much of the community radio reporting to a ‘box ticking exercise’ with regard to some quantitative statements about the number of original hours and the number of hours of locally-produced content broadcast.

It is noted that Ofcom has provided a definition of original output and locally-produced output (Page 11 of the proposal – footnotes) - original output being output that is first produced for and transmitted by the service, and excludes output that was transmitted elsewhere before. Original output can be live or voice-tracked. Repeat broadcasts of original output do not count towards the minimum requirement. And locally-produced output is output made and broadcast from a studio located within the service’s licensed coverage area.

These definitions of original output and locally produced output are somewhat similar to the definitions given to the local digital television network earlier this year and we

¹ http://stakeholders.ofcom.org.uk/binaries/enforcement/broadcast-bulletins/obb282/Issue_282.pdf

would take issue with original output defined as never “transmitted elsewhere before”. We believe that it is overly restrictive and inappropriate to define original output as “transmitted elsewhere before” as this would reduce the range and diversity of syndicated content that community radio stations were able to access. Furthermore defining locally-produced output as output made and broadcast from a studio located within the service’s licensed coverage area would exclude content made about a particular area that had been created in a location outside of a service’s licensed coverage area. It would also be rather difficult for Ofcom to be able to enforce this definition.

The proposed new Key Commitments template places a lot of emphasis on quantitative data - and, unfortunately, replacing qualitative outcomes with quantitative information is not the best method of recording social gain objectives. In fact the Key Commitments template reduces explicit reporting on social gain to a mere three check boxes:

- the facilitation of discussion and the expression of opinion,
- the provision (whether by means of programmes included in the service or otherwise) of education or training to individuals not employed by the person providing the service, and
- the better understanding of the particular community and the strengthening of links within it.

The original draft proposals for the definition of community radio and the provision of social gain gave equal importance to the definition of social gain criteria. However the final Community Radio Order 2004 created a ‘two-tier’ definition of social gain objectives as follows:

In relation to a community radio service, “social gain” means the achievement, in respect of individuals or groups of individuals in the community that the service is intended to serve, or in respect of other members of the public, of the following objectives:

- the provision of sound broadcasting services to individuals who are otherwise underserved by such services,
- the facilitation of discussion and the expression of opinion,
- the provision (whether by means of programmes included in the service or otherwise) of education or training to individuals not employed by the person providing the service, and
- the better understanding of the particular community and the strengthening of links within it.

Social gain “**may** [our emphasis] also include the achievement of other objectives of a social nature and, in particular”:

- the delivery of services provided by local authorities and other services of a social nature and the increasing, and wider dissemination, of knowledge about those services and about local amenities;
- the promotion of economic development and of social enterprises;
- the promotion of employment;
- the provision of opportunities for the gaining of work experience;
- the promotion of social inclusion;
- the promotion of cultural and linguistic diversity;
- the promotion of civic participation and volunteering.

The last seven criteria were framed by the Community Radio Order 2004 as being 'optional' – "social gain **may** also include the achievement of other objectives of a social nature". Yet these specific criteria of social gain delivery contain some of the most important aspects of the social benefits that community radio is best placed to deliver.

The proposed Key Commitments template makes no reference to the above seven criteria and, as mentioned above, relegates delivery of social gain to a mere three elements of the original Community Radio Order 2004:

- the facilitation of discussion and the expression of opinion,
- the provision (whether by means of programmes included in the service or otherwise) of education or training to individuals not employed by the person providing the service, and
- the better understanding of the particular community and the strengthening of links within it.

It is the view of the Community Media Association that the delivery of social gain objectives make community radio unique and distinct as a broadcast platform in the UK and any attempt to reduce the importance of these distinct criteria would be wholly unwelcome and could potentially be an unwarranted step towards deregulation and the eventual commercialisation of the sector by the back door.

The Community Media Association would therefore request that the emphasis of the proposed Key Commitments template is reoriented towards the measurement and recording of social gain outcomes with reference to the full 11 criteria definitions of social gain as published in the Community Radio Order 2004.

The proposed changes will also require community radio stations to liaise with Ofcom to vary their existing licence placing an additional administrative burden on station personnel (3.11):

If this proposed approach is adopted, our proposal is to vary all existing community radio licences accordingly. We would do this in discussion with each licensee. It is our view that we would not be changing the character of each individual service or adding obligations to the licence, but that instead we would be expressing the character of service differently in a more succinct and relevant way.

Furthermore, the proposed Key Commitments reporting template will place a greater onus on community radio stations to record their social gain outputs - from Section 3.13 of the proposal:

Under our proposed new approach to Key Commitments, each station would need to take **greater responsibility** [our emphasis] for planning its own social gain, participation and accountability activities.

It is our view that the proposed new form of reporting is going to make it difficult for stations to know the level of detail they would need to go into to record their activities and it is likely that some stations will end up over-documenting their activities and, indeed, there is the possibility that some stations might under-report.

Stations will have to take responsibility for privately and locally recording their delivery of social inclusion, promotion of employment, cultural and linguistic diversity, and so on. This will make peer comparison and review across the sector very difficult to do without the intervention of a central coordinating body such as the Community Media Association to ensure the dissemination of best practice and common standards between individual community radio stations. Without such a facility it is likely that standards of record keeping and reporting will vary considerably between stations and across the sector.

Community radio stations are already over-stretched in terms of personnel available to undertake additional record keeping and Ofcom states in the proposal (3.14): “In the event of a complaint or if we wish to understand how a station is delivering its Key Commitments, we would continue to ask for an explanation and evidence of what it is doing, when and how”. Further:

Community radio licensees would also be expected to continue to keep on file a record of their activities in relation to the provision of social gain, participation in the service and accountability. This will help ensure that the station can justify its activities by ensuring that it holds **a complete record of the work** [our emphasis] it has undertaken towards the achievement of its licence obligations.

It is not at all clear what a “complete record of the work” a station has undertaken with regard to the achievement of its licence obligations would actually mean in reality. “What data should be recorded exactly and in how much detail?” will be two questions that will place an almost insupportable burden on the average community radio station in complying with Ofcom’s demands. Ofcom attempts to answer these questions as follows (3.15):

- Social gain: what community benefits does the station provide? What opportunities are there for discussion and expressing opinions? What training or educational opportunities are there? How does the station strengthen community links?
- Access and participation: How can members of the target community get involved? How can they contribute to both the operation of the service, and to its management?
- Accountability: how is the station accountable to its target community? How can people feedback their views on the service

However the above definitions do not provide sufficient detail as to what information should specifically be recorded by stations. Section 3.15 appears to suggest that a more narrative approach to reporting will be required “meaning that we will spend longer preparing reports, collating and evidence and proving our worth. Ofcom may want to look at this” (from a CMA member and community radio licence holder).

To remedy this potential problem the Community Media Association invites collaboration with Ofcom to disseminate best practice and develop a number of training and education workshops around the new requirements for Key Commitments reporting. The CMA also proposes a partnership with Ofcom to co-host an online directory of community radio services and their publically available Key Commitments in order to standardise Key Commitments reporting across the sector.

Lastly, Ofcom’s proposal does not make clear the relationship between the Key Commitments template and the Annual Reporting process. The Annual Reporting process provides an invaluable snapshot of the health of the sector – though the level of detail in Ofcom’s annual Communications Market Report concerning the community radio sector has unfortunately been considerably reduced since 2011. From the proposal it is not clear how stations will report on social gain outcomes of access and participation, accountability to the target community, volunteer inputs, significant achievements and difficulties, audience research and so on when the proposal appears to state that Ofcom will only ask for this information “in the event of a complaint or if we wish to understand how a station is delivering its Key Commitments” (3.14).

In the light of our observations above and other submissions from the community radio sector, in summary the Community Media Association requests that Ofcom reviews its proposal to amend its approach to the Key Commitments and reduces the workload and administrative burden on community radio stations, deploys training and education resources working with the Community Media Association to share best practice and record keeping standards, and re-emphasises the importance of social gain objectives to community radio broadcasting as central to defining Key Commitments and essential to the Annual Reports process.