
Ofcom's Diversity and Inclusion Programme 2018-2022

Annex 1: Consultation submissions and our responses

STATEMENT

Publication Date: 29 March 2018

A1. Key findings from our consultation and our responses to them

A1.1 Our consultation on our diversity and inclusion programme ran from 23 January 2018 to 23 February 2018. We received 17 responses¹ from a range of groups including broadcasters, campaign groups, industry bodies, advisory bodies, stakeholder groups and Ofcom affiliated groups². We also received two responses from people representing themselves.

A1.2 We have considered all submissions in finalising our Diversity and Inclusion Action Plan and have published all non-confidential responses in full on our website³. Below we provide a summary of the feedback we received and our responses to key points raised (in italics).

A1.3 We asked three questions in our consultation:

1. What are your views on Ofcom's Diversity and Inclusion Programme?
2. To what extent do you believe that our approach will promote diversity and inclusion within Ofcom and in the sectors we regulate?
3. Are there any additional objectives that you feel Ofcom should include in its Diversity and Inclusion Programme?

A1.4 We received many positive responses to questions 1 and 2. Many thought that our proposed diversity and inclusion objectives were comprehensive, wide-ranging and stretching and that our approach would go a long way to promote diversity and inclusion within Ofcom and in the sectors we regulate. Aspects of strength were highlighted but also areas we could do more on. The most comprehensive responses were to question 3.

A1.5 Some of the key topics to emerge related to our **diversity in broadcasting** work including our workforce monitoring of TV and radio broadcasters, a review of made out of London programme-making guidance, BBC and representation and our objectives around **protecting vulnerable consumers**.

A1.6 As an employer, key themes included **leadership accountability** for diversity and inclusion, workforce **diversity targets, recruitment, disability** initiatives and **LGBT** inclusiveness.

A1.7 Several submissions recommended objectives that were already included in our proposed action plan. These include: a returnships programme; inclusive leadership; diversity objectives and accountability for line managers and leaders; refresher unconscious bias

¹ We received responses from Campaign for Broadcasting Equality CIO, British Film Institute (BFI), Pact, Broadcasting Entertainment Communications & Theatre Union (BECTU), Directors UK, RT ANO-Novosti, Sky UK Limited, Campaign to Retain Payphones (CARP), UK Council on Deafness (UKCoD) Deaf Access to Communications (DAC), Business Disability Forum, Business in The Community, Stonewall, Post Office Limited, Communications Consumer Panel (CCP) and Advisory Committee for Older and Disabled People (ACOD) and Advisory Committee Scotland.

² These are the CCP ACOD and Advisory Committee Scotland.

³ <https://www.ofcom.org.uk/consultations-and-statements/category-3/diversity-inclusion-programme-2018-2022>

training during recruitment; appraisals and talent management processes; accessible Information Communications Technology (ICT); and participating in the Business Disability Forum's Disability Standard benchmarking.

Ofcom as an employer

Building a diverse and inclusive workforce

Diversity targets

- A1.8 **The Communications Consumer Panel (CCP) and the Advisory Committee for Older and Disabled People (ACOD)** highlighted the absence of objectives on older workers' recruitment and progression. An anonymous respondent suggested that we should consider the age spread of employees at all levels as it is a protected characteristic and to have an objective to counter conscious and unconscious ageism.

We take the issue of age seriously. We have a group director champion and a senior sponsor, both of whom look at all our diversity work through the lens of age. We publish an annual report⁴ on our workforce diversity profile, including age. This includes looking at age in terms of recruitment and progression. In our 2017 report, we noted that our colleague profile was broadly similar to the previous year. We regularly monitor, review and report on our diversity profile internally and look for areas of concern relating to the age profile of colleagues. We also analyse our annual colleague survey to understand attitudes in relation to opportunities, progression and job satisfaction. As part of this process, we cross-analysed age with gender. Our analysis showed that there were relatively few concerns in relation to age although we are certainly not complacent.

Our internal communications team also publish articles on subjects that counter ageism and help us think about the needs of older people. Recent examples include pieces on the International Day of Older People and Alzheimer's-friendly guidelines.

We have mandatory unconscious bias training for all hiring managers and people managers, which covers bias in relation to all the protected characteristics, including age.

- A1.9 A person representing themselves, **McLawton, S**, raised several points around the setting of diversity targets. These include its effectiveness and the negative impact it might have, such as alienating employees and the perception that targets prevail over merit in recruitment or progression. McLawton, S suggested that targets might lead to discriminatory practices such as positive discrimination and that we should consider ranges of targets i.e. between x % and x % to avoid this.

⁴ Our annual Diversity and Inclusion reports looks at the diversity profile of our organisation by the protected characteristics of age, disability, gender, ethnicity, religion or belief and sexual identity (called sexual orientation in the report). We do not have sufficient information to publish reliable data for gender identity and marriage and civil partnership. Our reports analyse these diversity groups and their representation through our recruitment processes, training and development courses attended, performance ratings in appraisal, job levels, levels of promotion and grievances raised. Our sixth report was published in September 2107
https://www.ofcom.org.uk/data/assets/pdf_file/0023/106664/diversity-report-2017.pdf

The data we have collected, and the analysis undertaken on the diversity of our workforce, indicates that certain groups are underrepresented within Ofcom⁴. None of the measures we are proposing to take or the objectives we are putting in place amount to positive discrimination. We believe that these measures and objectives, including diversity targets, are a proportionate and appropriate way of addressing under-representation and meeting our legal duties to promote diversity and equality of opportunity in the workplace.

- A1.10 **CCP ACOD** sought clarity on whether our proposal to capture more data around disability before considering whether to set targets was in the form of external consumer research or more data on our colleagues.

The data that we seek to capture is on the disability (and other characteristics such as sexual orientation) profile of our colleagues. We have launched an internal communications campaign to explain why collecting diversity data is important and to encourage colleagues to fill in all of their diversity information.

Ensuring diversity and inclusion are central to our work practices

Disability and inclusion and wellbeing objectives

- A1.11 **CCP ACOD** thought we could go even further in promoting diversity and inclusion within Ofcom and the sectors that we regulate and recommended a wide-ranging list of objectives for consideration. These include: consolidating our Listening Network in a wider initiative and including a senior sponsor for mental health and wellbeing; sharing the results of our disability and wellbeing review with ACOD and colleagues; reviewing our recruitment process to take into account the barriers disabled people might face, including where disabled people might look for jobs and how easy they find it to apply for jobs at Ofcom; and to review our procurement processes to make sure we ask the right questions in the right ways about accessibility.

CCP ACOD also sought clarity on what we mean by building ‘diversity checks’ into performance discussions and moderation.

We welcome CCP ACOD’s recommendations. As part of our disability and wellbeing review working with the Business Disability Forum, we will engage with ACOD and provide an update on any additional key changes that we will make. We will also share the review’s findings and proposed changes internally with colleagues.

As part of our review of our recruitment processes, which includes a commitment to using specialist channels such as websites to reach diverse groups, we will embark on a review of our online recruitment platform for accessibility and ease of use both for external candidates applying for jobs with us and for colleagues who use the system to process the applications. We will build in further recommendations from the disability and wellbeing review.

Our Listening Network is sponsored by Kevin Bakhurst, Ofcom’s Content Group Director. We see merit in the suggestions made about consolidating our Listening Network into a wider initiative and about our procurement processes and will review these internally.

Our diversity checks during appraisal and moderation means taking steps to guard against unconscious bias. An HR representative will review the spread of proposed performance ratings across diversity groups by inputting the data live during the management meeting as a check and balance to help moderate the ratings.

- A1.12 **Business Disability Forum (BDF)** submitted a number of recommendations. They include: the need to have a robust reasonable adjustments process for disabled colleagues and that HR and line managers are trained and confident in its usage; that we undertake a full equality analysis of our performance and appraisal policy and procedure with input from disabled staff; that our building accessibility review also considers the working environment from the perspective of people with a diverse range of non-visible conditions such as autism; that we extend the role-modelling scheme to support women at Ofcom, to disabled colleagues; and encouraging us to think about how senior leaders will be equipped to understand inclusive leadership in the context of colleagues with disabilities and long-term conditions. BDF shared with us a range of resources that may help us in our disability related objectives. They recommend using the language of ‘learning disability’ rather than ‘special needs’ in our document.

We welcome BDF’s submission as part of other key points that they have raised with us in our ongoing work with them as outlined in our full action plan. We take on board their advice and recommendations and will review these as part of our overall disability and inclusion objectives.

The UK Council on Deafness (UKCoD) Deaf Access to Communications (DAC) submitted that they were disappointed that our diversity measures fail to address deafness including the absence of setting ourselves a benchmark to employ deaf people or the number of deaf people employed by us. They submit that we should include deaf people as a distinct diversity group in our plan to 2022. They also propose that we ensure that barriers of communication be lessened so that deaf people see Ofcom as a place of priority employment.

We welcome UKCoD DAC’s submission to our diversity and inclusion programme. As set out in our action plan we monitor and report on our colleague profile including on disability. We are currently a (level 2) Disability Confident⁵ Employer and commit to being a (level 3) Disability Confident Leader employer. We will sign up to the Business Disability Forum’s Accessible Technology Charter in 2018/19. The charter sets out ten commitments to good practice on ICT accessibility as part of an organisation’s ICT strategy, including executive sponsorship, and developing and buying accessible ICT systems. We don’t currently ask colleagues to declare on type of disability in our diversity reporting. We will keep this under review.

⁵ The Disability Confident scheme was developed by employers and disabled people’s representatives. The three levels are: Disability Confident Committed (level 1); Disability Confident Employer (level 2) and Disability Confident Leader (level 3). The scheme is voluntary and is run by the government <https://www.gov.uk/government/publications/disability-confident-guidance-for-levels-1-2-and-3>

LGBT inclusion

A1.13 **Stonewall** submitted that we should develop and implement initiatives that specifically cater for LGBT people at Ofcom. They also put forward a range of measures in this area including: monitoring specific identities within LGB communities when looking at sexual orientation, rather than as a single group; including trans and non-binary in monitoring exercises; that our champion and sponsors for sexual orientation champion the full spectrum of the LGBT community, lead on trans and non-binary inclusion and are supported with training resources to understand the issues this group faces; and to consider the diversity of all Ofcom's Board members.

We welcome Stonewall's submission and we will continue to work with them to further advance LGBT inclusion at Ofcom.

We already collect data on whether someone identifies as a gay man, a lesbian, bisexual or other, as well as whether someone is transgender. We do not currently report on these individual LGBT demographics because the numbers are low and small changes to the data cause big changes when reported as a percentage of all Ofcom employees. We are also focused on capturing full data on the sexual orientation of colleagues at Ofcom generally.

We have a senior sponsor and champion for LGBT diversity in the organisation and there are members on our Corporate Responsibility Steering Group that lead on LGB and trans issues and inclusiveness. Our colleague-led Affinity Network also plays an active role in raising awareness of LGBT issues.

Our draft diversity and inclusion action plan already included the objectives to review and monitor the diversity profile of the executive and non-executive members of our boards, panels and committees, and to widen the base from which we recruit members. We also provide them with opportunities to be involved in our diversity events, including those focused on LGBT issues⁶.

We take on board Stonewall's feedback to include initiatives that specifically target LGBT colleagues and on the monitoring of trans and non-binary colleagues. In response, we have created a new umbrella action of 'promoting LGBT inclusion'. Most of the initiatives are already part of our existing inclusiveness objectives specifically, to:

- conduct regular reviews of HR policies to ensure these do not inadvertently discriminate based on sexual orientation or gender identity, taking into account best practice advice from other organisations or advisory groups where appropriate;*
- introduce specific policies to support transgender colleagues at work, including on transitioning at work;*
- revisit existing coverage of LGBT issues in mandatory diversity training and unconscious bias training; and*
- follow best practice in monitoring trans and non-binary colleagues.*

⁶ We have added this objective under our action to 'Support and nurture our colleague diversity networks'.

Strengthening accountability for diversity and inclusion

- A1.14 **The Post Office Limited** proposed that we introduce a diversity and inclusion network and/or steering committee with representation from each of the existing Ofcom diversity networks. The network can share best practice but also act as a focus group for specific business issues so that a range of diverse perspectives are sought before introducing new initiatives.

We welcome the Post Office's submission. As well as raising awareness and championing inclusiveness, our colleague diversity networks also provide a challenge function to the organisation. They are invited to attend and contribute to our Corporate Responsibility Steering Group to discuss diversity and inclusion policies and have contributed to our Diversity and Inclusion Programme. In addition, the HR Director and other senior colleagues meet with network members on a monthly basis to discuss issues, share ideas and agree ways in which all parties can collaborate on new initiatives.

Ofcom as a regulator

Strengthening diversity and inclusion in broadcasting

Diversity in broadcasting monitoring programme

- A1.15 Our first annual report of the diversity in broadcasting monitoring programme looked at how well TV broadcasters that we regulate are promoting equality of opportunity, diversity and inclusion in employment. We required broadcasters to provide data on the three diversity characteristics where we have powers to do so: gender, ethnicity, and disability. We also requested information on other protected characteristics in the Equality Act 2010: age, sexual orientation, religion or belief, pregnancy and maternity, and gender reassignment. Our report, Diversity and Equal Opportunities in TV, focused on the main five UK broadcasters: the BBC, Channel 4, ITV, Sky and Viacom⁷. The report examines diversity across job roles, job levels, completion of training and development, promotions, joiners and leavers. Ofcom has requested similar information from radio broadcasters and we aim to deliver our first report into diversity in the radio industry in late Spring.

- A1.16 **Campaign for Broadcasting Equality CIO, Directors UK, Broadcasting Entertainment Communications & Theatre Union (BECTU) and Advisory Committee for Scotland (ACS)** all made submissions on the need for the scope of our diversity monitoring programme to be extended beyond the broadcasters to the independent production sector or freelance staff working for broadcasters. They also proposed that we consider how our powers might be extended in this area. Our response to these specific points is immediately below. Details of their other submissions are captured further below and contain our responses to other points raised.

Ofcom's statutory powers under the Communications Act 2003 relate to promotion of equality of opportunity in employment by those providing television and radio services. We

⁷ Viacom owns Channel 5.

don't consider that they give us a basis to require licensees to provide diversity data about the employees of independent production companies or those working on a freelance basis. Where broadcasters employ production staff directly, they will be included in our report. Nevertheless, many areas of our work are likely to help influence how production companies can be truly involved in this area. We understand that the industry's own diversity reporting tool 'Diamond', which has been set up by the Creative Diversity Network⁸, will capture this element of the broadcasting industry.

With regard to the BBC we have required the BBC, under the operating licence for its UK public services, to establish and comply with a diversity code of practice by 1 April 2018. The code must be approved by Ofcom and set out the steps the BBC will take when commissioning content to ensure that such content accurately represents, authentically portrays and reflects the diverse communities of the whole of the UK across all their UK public services.

- A1.17 **Directors UK** submitted that we have specified our responsibility to regulate the BBC and to review Channel 4's delivery of its diversity obligations, but not other broadcasters, which might allow other broadcasters to deliver diversity to a lesser standard. They suggest that we seek powers from the Government to include diversity reporting obligations from all major broadcasters, and that diversity reporting should be a clause of licencing agreements. **ACS** said that all UK broadcasters, regardless of size, should be required to provide a full set of statistics, covering all aspects of diversity and **BECTU** urged us to cover all qualifying broadcasters rather than the five largest, in our next reports.

The Communications Act 2003 gives Ofcom duties to:

- take all such steps as it considers appropriate to promote equal opportunities on the basis of gender, race and disability in relation to employment by those providing television and radio services and the training of people for this employment (section 27); and

- include conditions in broadcasting licences that require qualifying broadcasters to make arrangements to promote equal opportunities in employment on the basis of gender, race and disability and to make arrangements for the training of employees (section 337).

All qualifying licensees⁹ are required to provide Ofcom with equal opportunities information for our reporting purposes under a condition of their licences. Our diversity guidance¹⁰ document sets out recommendations to help broadcasters make their arrangements to promote equal opportunities and recommends monitoring. Under the licence condition, broadcasters must have regard to this guidance in making and reviewing their arrangements.

⁸ Diamond is an industry diversity monitoring initiative which was developed by the Creative Diversity Network (CDN), which brings together organisations across the UK television industry including BBC, ITV, Channel 4, Sky, Pact and Creative Skillset.

⁹ The BBC and broadcasters licensed by Ofcom, authorised to broadcast for more than 31 days per year and with more than 20 employees are required to respond with data on their employees. Broadcasters who do not meet this threshold are not required to respond with data.

¹⁰ <https://www.ofcom.org.uk/tv-radio-and-on-demand/information-for-industry/guidance/diversity/diversity-guidance>

Following the publication of the first report into diversity in the television industry, we are engaging with all broadcasters on their equal opportunities arrangements. The report focused on the main five broadcasters as they account for 81% of UK-based employees and exert the most influence on the culture of the television industry. Broadcasters beyond the main five, who met the statutory threshold, were included in our report annex. We will consider how they can be given greater prominence in the second report, as we are keen to ensure that all broadcasters are taking steps to promote equal opportunities as required, although there will still be a focus on the largest employers with the largest audiences, as they have a key role to play in changing the wider industry.

- A1.18 **BECTU** submitted that it is supportive of our diversity and inclusion programme but that it could have greater impact. It urged us to make a number of changes to our second report on the UK TV industry and first report on radio. These are: to extend equality monitoring not only by broadcaster but by licence; to insist that that Project Diamond monitoring data is published at qualifying programme level; that we insist action is taken to enable mature, experienced ethnic minority professionals to progress in their careers in our discussions with broadcasters; and to include commercial radio in our diversity and inclusion plans. Other points raised include: the need to account for freelancers; for us to require the independent production companies that are used by broadcasters to adopt the same diversity strategies as the broadcasters; and for us to include all qualifying broadcasters other than the five largest in our next report on the TV industry and first report on radio. Our response to these specific proposals is covered in A1.16 and A1.17

We are reviewing the information collected on an ongoing basis to gain greater insights into the diversity of the industry and identify areas for improvement. We acknowledge BECTU's comments in relation to publishing data on a licence-by-licence basis, which we have considered carefully. However, at this stage, we have decided that we will gain greater insight by focusing on improving data collection at broadcaster level and improving the job types reported on to distinguish between non-creative and creative roles. We will continue to review the most effective ways to request and publish the data.

In our most recent meetings with broadcasters following the publication of our first television report, we have focused on discussing their planned initiatives to tackle some of the gaps identified within their organisations and across the wider industry. We continue to encourage broadcasters to improve progression for all under-represented groups and will feature relevant initiatives in our second television and first radio reports.

Our role is to help ensure that equal opportunities are promoted across both television and radio. We are in the process of producing the first Diversity and Equal Opportunities in Radio report and our guidance published in November 2017 applies to both industries.

- A1.19 **Business in the Community** suggested that we should go beyond encouraging broadcasters to promote equality of opportunity, diversity and inclusion in employment and consider setting targets to which they should be held to account.

Our diversity in broadcasting guidance, published in November 2017, suggests that broadcasters should consider setting clear diversity targets to demonstrate their commitment to ensuring the make-up of their employees better reflects society. We

suggest that broadcasters themselves should be responsible for setting targets which are relevant to tackling specific under-representation within their own organisations and that chief executives demonstrate leadership and commitment to such targets by being accountable for delivery against them.

- A1.20 **Directors UK** submitted that we should understand the entire ecosystem of production through more detailed reporting from all major broadcasters, so we can suggest practical measures to deepen the pool of talent making shows through recruitment and selection and training initiatives.

Last year Ofcom published its first Diversity and Equal Opportunities in Television monitoring report which looked in detail at all the major UK broadcasters, including the BBC. As part of this report we asked all TV broadcasters to send us their equal opportunities strategies and to tell us how they are promoting inclusion among their employees. We assessed each broadcaster's arrangements and wrote to them highlighting where we had concerns and making it clear that we will be assessing their arrangements annually against the recommendations in our diversity guidance, which was updated in November 2017.

While the main focus of these reports is to look at the diversity of the broadcasters' employees and the arrangements broadcasters have in place to promote equal opportunities, we were able to get an indication of the diversity of their employees who work in creative roles and production, and our aim is to encourage broadcasters to think about the diversity of all their workforce, whether employees or freelancers.

Over the past year we have been working closely with broadcasters and other relevant stakeholders to promote more action in this area both off screen and on screen. We have also worked with the Creative Diversity Network (CDN) and Pact¹¹ to develop an online diversity toolkit which provides our stakeholders with a range of resources to develop a diversity strategy. Previously we worked in partnership with the Equality and Human Rights Commission to produce a brochure¹² which provides guidance for broadcasters on what actions can lawfully be taken to increase diversity in the industry.

- A1.21 **ANO TV-Novosti (RT)** submitted that Ofcom should avoid imposing obligations that are unduly burdensome or impractical for broadcasters operating in jurisdictions other than the UK, such as the Equality Act 2010 or criteria based on it and should assess the impact of proposals likely to have a significant impact on non-UK broadcasters.

All broadcasters who hold a UK licence are obliged to comply with the equality of opportunity condition imposed in accordance with section 337 of the Communications Act 2003. This is about the equal opportunities and training arrangements that licensees must put in place. It applies in relation to all employees of the licensee, whether based in the UK or not.

¹¹ CDN share, discuss and profile the work that the UK broadcasters are doing around the diversity agenda. All of the UK broadcasters and other stakeholders are members of CDN. Pact is the trade association representing the commercial interests of UK independent television, film, digital, children's and animation media companies.

¹² https://www.ofcom.org.uk/__data/assets/pdf_file/0030/47496/increasing-diversity.pdf

We are in discussions with the Department for Digital, Culture, Media and Sport (DCMS) regarding an extension of our duty to promote equal opportunities in broadcasting to cover a broader range of characteristics. Ofcom considers that all the relevant protected characteristics in the Equality Act 2010 are of equal importance and broadcasters should promote equal opportunities for people with those characteristics.

Review of made outside London programme-making guidance

- A1.22 **Pact** said it has fed into the initial stakeholder consultation meetings and is in the process of gathering evidence and consulting with members before the likely formal Ofcom consultation in Q1 2018. It submits that it has received feedback from companies in the nations and regions which suggests that the guidance isn't delivering on the original purpose of the definition and that we could tighten up the way we monitor and audit broadcaster compliance.

Ofcom welcomes Pact's support of our diversity and inclusion programme and the contribution it has made to the initial stakeholder meetings we have held. We are working with broadcasters to improve equal opportunities progression to ensure there is diversity and inclusion across the industry including at senior levels in the industry. Ofcom intends to review the made out of London guidance for production outside of London and we welcome the contribution Pact has made to our initial stakeholder meetings on this. Part of our review is to see how the guidance is working. In relation to this, we will publish a call for evidence at the end of March 2018.

- A1.23 The **ACS** welcomed Ofcom's proposed review of its made outside London programme-making guidance, which has led to some questions from stakeholders in relation to Scottish production quotas.

Ofcom welcomes ACS's support of our diversity and inclusion programme and intends to review the made out of London guidance for production outside of London.

Monitor appropriate conditions for requiring the BBC to promote the fourth public purpose

- A1.24 **ACS** proposed that consideration must be given to reflecting the UK's nations and regions to each other, as well as to themselves. ACS suggests that the final sentence in row 12 of table A2 in our consultation should be modified from:

'Conduct a thematic review of the BBC, centred on how the BBC represents and portrays the diverse communities of the whole of the UK' to

'Conduct a thematic review of the BBC, centred on how the BBC represents and portrays the diverse communities of the whole of the UK to all the communities in the UK'

We have begun our first thematic review of the BBC with regards to representation and portrayal. It will enable us to understand, in greater detail, what audiences across the whole of the UK expect from the BBC, and whether they feel it authentically reflects and

portrays their lives. We published our terms of reference¹³ for the review on 28 February, on which we are seeking views by 29 March.

Other diversity in broadcasting topics

- A1.25 The **British Film Institute (BFI)** said it sees real value in collaborating with Ofcom to make real change in the diversity and inclusion of broadcasting. It suggests sharing with us its work around improving the diversity and inclusion in the screen sector, offering insight in developing policy, sharing best practice and sharing its consumer industry research. It states that it welcomes the opportunity to discuss these with Ofcom in detail.

Ofcom recognises the work that the BFI is leading on, regarding diversity and inclusion in the screen sector. We welcome its offer to work together to share learnings and best practice in this policy area. Ofcom will seek to meet with the BFI to discuss how we can collaborate, in order to promote equality of opportunity across both the screen and broadcasting industries.

- A1.26 **ACS** raised a number of points relating to the data collection and methodology of the Project Diamond Programme which we mention in our first diversity in TV monitoring report.

Project Diamond is an industry diversity monitoring initiative which was developed by the Creative Diversity Network (CDN), which brings together organisations across the UK television industry including BBC, ITV, Channel 4, Sky, Pact and Creative Skillset. It is not led by Ofcom. We referred to Project Diamond in our first ‘Diversity and Equal Opportunities in Television’ report to highlight that there may be a reporting overlap in the freelancers captured in our data and those reported on in Project Diamond.

A1.20 details the work that we are doing on diversity in broadcasting including data collection and monitoring, working with CDN and Pact to develop an online diversity toolkit to provide our stakeholders with resources to develop a diversity strategy, and our partnership with the Equality and Human Rights Commission to produce guidance for broadcasters on what actions can lawfully be taken to increase diversity in the industry.

- A1.27 **ACS** highlighted that we rightly commended Channel 4’s achievements in our first diversity in TV monitoring report. However, the ACS’ view is that Project Diamond’s first report, The First Cut, also shows how diversity and inclusion can distort reality. Examples given include on-screen over-representation of ethnic minority and lesbian, gay and bisexual (LGB) people, relative to national populations whether UK or Scottish. They also argue that disability is poorly represented and would be an interesting focus for any detailed Ofcom research.

Ofcom has a duty to promote equality of opportunity in relation to employment and training in broadcasting, regardless of gender, disability or ethnic background. Ofcom’s Diversity and Equal Opportunities in Television monitoring report examined the diversity make up of broadcaster workforces and did not include on-screen talent therefore we are

¹³ <https://www.ofcom.org.uk/consultations-and-statements/category-3/bbc-thematic-review-representation-portrayal>

unable to comment directly regarding the point about potential on-screen over-representation of ethnic minority and LGB people.

Ofcom does not have a specific role in oversight of broadcasters' individual diversity targets either on screen or off screen.

- A1.28 **ACS** submitted that the new BBC Scotland digital channel is an opportunity for Ofcom to influence diversity and inclusion from the outset, through both the current broadcasting competition assessment and the ultimate provisions within the final Ofcom licence. This includes both on-screen and off-screen portrayal of Scotland's many diverse communities through new, engaging content.

As part of ongoing competition assessment, we are reviewing the public value created by the BBC's proposed Scotland channel, including its contribution to the BBC's obligation to reflect, represent and serve the diverse communities of all of the UK's nations and regions. If approved, we will consider the implications of the new Channel on the obligations set out in the current operating licence and make any adjustments necessary.

Accessibility of communications

- A1.29 **UKCoD DAC**, in relation to our objective to promote the availability of easy to use technology, suggested that we should proactively seek out providers to discuss what is needed to improve ease of use. They also said that we could do more to engage with organisations representing deaf people.

We have engaged with industry on the availability of easy to use technology, for example helping the Mobile & Wireless Forum (previously the Mobile Manufacturers' Forum) to improve its website listing the accessibility features of equipment such as mobile phones.

We have also carried out research and held conferences and seminars involving telecoms providers and hardware manufacturers. We will continue to engage with all these groups to promote the availability of easy to use technology.

Ofcom has an extensive programme of engagement with organisations representing deaf people. We also carry out public consultation on any changes to the regulatory framework. We consult on and set quality of service standards for accessible services. To use the example of text relay, approved relay providers are also required to report publicly against the criteria and KPIs.

- A1.30 **UKCoD DAC** submitted that it sees the development of 5G as an opportunity to resource and finance the advancement of accessible communication through a range of telephone relay services, and that this should be reflected in our objectives.

It appears that DAC is suggesting that additional relay services could be funded through money raised from spectrum auctions. Although Ofcom runs the auctions, the money raised goes to Government. Any request for money to be set aside for this purpose would therefore need to be made to Government.

Other issues

- A1.31 **Campaign for Broadcasting Equality CIO** suggested that we should establish a BAME (black, Asian, minority ethnic) Advisory Committee, alongside our Advisory Committee on Older and Disabled People (ACOD).

The Communications Act 2003 contains a specific obligation on Ofcom to establish an advisory committee on elderly and disabled people. Similar specific statutory underpinning exists for the Communications Consumer Panel, advisory committees for the nations and the Content Board. The legislation does not contain an equivalent provision requiring the creation of a committee dedicated to advising on matters related to ethnicity.

- A1.32 **Campaign for Broadcasting Equality CIO** submitted that to fulfil our commitment to ensure that diversity groups know of our work and know how to engage with us, we should hold an annual diversity stakeholder event to explain what we are doing and to obtain feedback on our work.

We are considering the best way to engage with external stakeholders to update them on our diversity and inclusion objectives and progress against our plan.

- A1.33 **ACS** recognised that Ofcom has no responsibility for the regulation of social media. But it submitted that it is now an integral part of society and can be used both negatively and positively in the portrayal of certain groups. It recommended that social media should be included in Ofcom research in this area.

Our ongoing market research programme covers different aspects of people's use of various media and platforms, including social media. Our media literacy research in particular explores these areas.

- A1.34 **The Campaign to Retain Payphones (CARP)** submitted that we should consider phone box users, who they regard as a vulnerable group. They stated that telephone or payphone users are vulnerable because of excessive charges for calls made to mobile phones and 0845 and 0870 telephone numbers; because directory enquiries are not available from 'no coin' payphones; that coin boxes from most rural payphones mean users have to use debit or credit cards which incur a surcharge, and because there is inadequate printed information in phone boxes and that the small type is illegible to partially sighted people.

A public call box which BT is obligated¹⁴ to provide under specific circumstances, is a public pay telephone which is permanently installed on public land and to which the public has access at all times. This excludes many public pay telephones in locations such as transport stations and hospitals.

¹⁴ Under Universal Service Obligations set by Ofcom, BT must provide public call boxes to meet the reasonable needs of users based on geographical coverage, the number of available public call boxes and the quality of call box services. BT's own criteria for not removing phone boxes are: there is no mobile coverage (from any provider); the area is a suicide hotspot; accident blackspot or coastal location. It also has further reasonable needs criteria which are: the public call box in question is the only one within 800 metres; there are at least 500 households within 1 kilometre and at least 12 calls have been made from the public call box within the previous 12 months.

Mobile take-up and coverage are both high; 93% of adults personally use a mobile phone and 98% of premises have 3G/4G coverage.

Research for Ofcom in 2014¹⁵ found that for most consumers public payphones were not essential in most circumstances, especially given the use of mobile phones. Public payphones were seen as essential for some in emergencies, but in the rarest of circumstances. Most could not see the need, given the widespread use of mobile phones.

Mobile roaming for emergency calls has been in place since 2009, meaning that where a caller has no signal from their provider, the emergency call will be switched automatically to another provider's network if there is one available. It is also free.

¹⁵ https://www.ofcom.org.uk/data/assets/pdf_file/0010/40231/affordability_report.pdf