
Changes to our framework for assessing the BBC's performance

[Welsh version available](#)

CONSULTATION:

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1. Overview

What we are proposing

The existing performance measurement framework (PMF), which was put in place in 2017, sets out the performance measures, metrics and main data sources used for our monitoring and performance assessment of the BBC. We consider that the framework of four performance measures that make up the PMF remain effective, but the underlying detail requires some updating.

We are consulting on the following changes to the PMF:

- Future-proofing the PMF by removing references to specific data sources to ensure the document does not become outdated and removing the concept of a 'minimum set of evidence' for each Public Purpose, to be replaced with a broader range of examples of the breadth of metrics we use across all Public Purposes.
- Expanding the scope of our approach to measuring impact.

We are seeking views on our proposals to update the PMF by 23 June 2023.

2. Background to the consultation

- 2.1 Under the Royal Charter for the continuance of the British Broadcasting Corporation (the Charter),¹ the BBC is tasked with establishing a framework to assess its performance in delivering its strategies and creative remit,² and obligations under the Charter and the Agreement between the Secretary of State for Culture, Media and Sport, and the BBC (the Agreement).³ This includes performance measures (and targets for those measures where appropriate) to monitor the performance of the UK public services in fulfilling the Mission and promoting the Public Purposes.⁴
- 2.2 Ofcom is also able to determine its own measures, further to the BBC's measures, that we consider appropriate to assess the performance of the UK public services in fulfilling the Mission and promoting the Public Purposes.⁵ They are a key component of how Ofcom holds the BBC to account for the delivery of its public services, by providing an evidence base to monitor BBC performance over time. Ofcom sets an Operating Licence for the BBC that contains enforceable regulatory conditions, however, unlike those conditions, the performance measures are not themselves enforceable.
- 2.3 Our performance measures are used in the following ways:
- to measure annually the BBC's performance in delivering the Public Purposes;
 - to alert us to potential areas of concern which may require further investigation, and may indicate where additional regulatory conditions might be appropriate in future; and
 - to provide a robust evidence base for any reviews we undertake.

Legal background for performance measurement

- 2.4 Ofcom's power to regulate the BBC is derived from the Communications Act 2003, which sets out that for the purposes of the carrying out regulation of the BBC, we will have such powers and duties as may be conferred on us by or under the Charter and Agreement. Our general duties under section 3 of the Communications Act 2003 apply to the exercise of our functions in relation to the BBC. Ofcom's section 3 duties include its principal duty to

¹ [Charter](#).

² Article 20(3)(d) of the Charter.

³ [Agreement](#).

⁴ Article 46(4) of the Charter.

⁵ In setting and amending the Licence, the Charter sets out that our role is limited to the UK public services. In practice, the UK public services are not the means by which the BBC fulfils the fifth public purpose: "to reflect the UK, its culture and values to the world". However, in carrying out our periodic reviews we must have regard to the performance of the World Service in contributing to the fulfilment of the mission and the promotion of the public purposes. The BBC is required to set a framework for assessing the performance of the World Service (article 20 of the Charter) and to publish information about the performance of the World Service in its annual report, and carry out reviews of the performance of the World Service at least every five years (clause 35 of the Agreement). We intend to make use of this information, and any further relevant information we may require from the BBC, in fulfilling this responsibility.

further the interests of citizens in relation to communications matters, and to further the interests of consumers in relevant markets, where appropriate by promoting competition.⁶

- 2.5 Article 45(2) of the Charter provides that Ofcom must have regard, in carrying out its functions, to such of the following as appear to us to be relevant in the circumstances:
- the object of the BBC to fulfil its Mission and to promote the Public Purposes;
 - the desirability of protecting fair and effective competition in the United Kingdom;
 - the requirement for the BBC to comply with its duties under the Charter, including its general duties.
- 2.6 Article 46 of the Charter sets out that Ofcom may determine measures (further to those determined by the BBC) that Ofcom considers appropriate to assess the performance of the UK Public Services in fulfilling the Mission and promoting the Public Purposes.
- 2.7 Ofcom is required to publish an operating framework.⁷ The operating framework for BBC regulation includes the "Procedures for setting and amending the Performance Measures" ('the Procedures').⁸ This consultation follows the Procedures (and applies the considerations it lists) together with Ofcom's consultation principles.

The new Operating Licence

- 2.8 Since the first Operating Licence and PMF were set in 2017 there have been a number of developments in the BBC's output, including the launch of BBC Sounds, and investment in its digital offering in line with its '[digital-first strategy](#)'. The changes are set against the backdrop of diversified listening and viewing habits and increased competition from international commercial players.
- 2.9 In our recent statement on [Modernising the BBC's Operating Licence](#), we noted that for the BBC to meet these challenges and continue delivering on its remit, it must transform and modernise.
- 2.10 The new Operating Licence recognises the need for more comprehensive regulation of the BBC's online services against the backdrop of digital transformation. These new conditions include requirements to ensure that the BBC's online services – the website, apps, BBC iPlayer and BBC Sounds – are distinctive and that a breadth of content is easily discoverable on such services.
- 2.11 The Licence also provides the BBC with greater flexibility to shape its services and output to meet audiences' changing needs. While quotas remain a key feature of the Licence, some quotas were amended or removed to allow the BBC to progress with the evolution of its output and continue to deliver for audiences. To hold the BBC to account for delivering this change and its remit, we embedded greater transparency into the Licence by setting more

⁶ Ofcom's section 3 duties also include a requirement on Ofcom to have regard, in all cases, to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed and any other principles appearing to Ofcom to represent the best regulatory practice.

⁷ Article 46(2) of the Charter and Clause 5(1) of the Agreement.

⁸ Ofcom, 2017. [Holding the BBC to account for delivering for audiences: Performance measures](#).

requirements for the BBC to report on its activities and output. The licence imposes specific and detailed requirements specifying what the BBC needs to report, and when. These require the BBC to set out extensive information, with its Annual Plan, about how it will deliver for audiences, including total broadcast hours and hours of new content, by genre. The BBC must then evaluate whether it has delivered on those plans, with its Annual Report. This information will be critical in allowing Ofcom to hold the BBC to account in those areas of its delivery not subject to quotas.

Monitoring BBC performance

- 2.12 We assess compliance with the requirements set in the Operating Licence and in addition we have a comprehensive programme of performance monitoring and oversight to ensure that we can effectively scrutinise the BBC's performance and quickly identify any areas of potential concern throughout the year.
- 2.13 This monitoring programme relies on several information sources. We make use of the data and information the BBC provides in its Annual Plan and Annual Report, as well as from other BBC reports such as its Commissioning Supply Report. We also collect other information from the BBC.⁹
- 2.14 We conduct our own market research and analysis, including the annual BBC Performance Tracker, the Public Service Media Tracker and the News Consumption Survey.¹⁰ We also conduct regular surveys focused on the broader audio and video-on-demand sectors. We are able to adapt and change these as required, and where necessary, we commission additional research.
- 2.15 We also use a broad set of independent data sources. For example, we make use of industry data provided by BARB and RAJAR, as well as other third-party sources, which currently include Ampere Analysis and IPA TouchPoints. Many of these sources have historically focused on broadcast TV and radio services, but now also include information and data about online usage and the availability of on-demand content. We expect to make greater use of online performance information over the course of the Charter period.
- 2.16 The PMF, which sets out the framework of measures and metrics used to measure the BBC's performance, underpins our approach to the assessments we make in this monitoring and oversight work.

The BBC's own performance measurement

- 2.17 The BBC Board must ensure that the BBC fulfils its Mission and promotes the Public Purposes. It sets a framework to assess the performance of the BBC in delivering its

⁹ This includes the annual compliance information request we send out ahead of Ofcom's annual report on the BBC, in addition to annual data returns we collect which contribute to [official statistics](#), including oversight on programming hours and spend. Much of this is also set out in our [interactive performance report](#) we publish alongside our annual report.

¹⁰ Information on the sources we use to assess the BBC's performance can be found in the [interactive performance report](#) we publish alongside our annual report on the BBC.

strategies and creative remit, and obligations under the Charter and the Agreement. This includes measures to assess the performance of the UK Public Services in fulfilling the Mission and promoting the Public Purposes.¹¹

2.18 The BBC sets out its own performance measurement framework each year in its Annual Plan and assesses its performance for its Mission and each of its Public Purposes. The BBC has stated that its framework will:¹²

- assess how well the BBC is delivering value to audiences; and
- set targets to ensure delivery of value to audiences overall, to maintain focus on key audience challenges, and to accelerate activity that is central to continued and future delivery of value to audiences.

2.19 The BBC tracks and assesses its performance with audiences using two key metrics: people's experienced value, i.e. their usage of the BBC's offer, and people's perceived value, i.e. their appraisal of the BBC's offer.¹³

2.20 The latest information on the metrics the BBC use to assess performance with audiences can be found in Annex 1 of its [2023-24 Annual Plan](#). The BBC reports on this audience data and data on its output in its [Annual Report and Accounts](#).

Overview of the existing PMF

2.21 In addition to the BBC's performance measures, Ofcom's own performance measurement provides a comprehensive assessment of the BBC's delivery of its Mission and promotion of the Public Purposes using a broad range of metrics and data sources.¹⁴

2.22 The PMF sets out the framework with which we measure the BBC's performance and is separate from compliance with the Operating Licence. We are not required to set performance measures but have chosen to do so to ensure we are able to effectively hold the BBC to account. This existing PMF specifies the performance measures and a range of underlying metrics and data sources.

2.23 The four performance measures as set out in the existing PMF are:

- **Availability:** describing the nature, type, quantity, and range of content available across the BBC as well as its spend on this content.
- **Consumption:** monitoring the extent to which audiences watch, use and listen to the content provided by the BBC.
- **Impact:** examining what audiences think about the BBC's services and output, including their satisfaction with various aspects of the BBC's promotion of the Public Purposes.
- **Contextual factors:** There are aspects of each Public Purpose that cannot be measured solely by the measures above. For example, an assessment of the BBC's record in taking

¹¹ Article 20(3)(d) of the Charter.

¹² [2023-24 Annual Plan](#), page 45.

¹³ [2023-24 Annual Plan](#), page 45.

¹⁴ In determining our own performance measures within the PMF further to those determined by the BBC, we must have regard to the performance measures set out by the BBC.

creative risks and delivering innovative content would benefit from consideration of additional analysis provided by the BBC, or opinions from industry stakeholders.

- 2.24 We use a combination of these measures to assess performance against each Public Purpose.
- 2.25 The work we do assessing the BBC's performance using the PMF feeds directly into a range of outputs, including the Ofcom Annual Report on the BBC and our ongoing monitoring work. For example, within our monitoring programme of work we might look at a potential concern, such as a significant change in the BBC's output in a particular genre. To assess this, we might produce an assessment comparing the volume of this output to a prior period to measure the **availability** of the output to UK audiences. We may also assess the reach of the output amongst particular audience groups to assess how the change affects **consumption** in these groups. In addition, we might look at audience perceptions of whether the output still feels relevant to them, to assess the potential **impact** of the change.
- 2.26 We have an increasing range of data sources and audience surveys and therefore metrics available and our understanding of how to best assess performance against certain conditions has, and will continue to, develop. For example, we now have annual audio and video on demand surveys to help us understand the BBC's online provision in the wider sector context and have expanded the BBC Performance Tracker to include children. We will continue to review and include new data sources as they evolve, to measure online platforms as well as commissioning work to understand audience perceptions of online services.

What we are consulting on

- 2.27 We consider that Ofcom's overall framework of four performance measures remains appropriate for our latest thinking on performance measurement, and we therefore intend to retain it.
- 2.28 In our view these measures continue to provide a robust and holistic view of what content is available to audiences, the ways in which they consume it, and how they perceive it. We believe the concepts of availability, consumption and impact are platform neutral – as shown by how we have already evolved and continue to develop our evidence base to incorporate online delivery of content. In addition, the 'contextual factors' measure is broadly defined and gives us the flexibility to assess the BBC's performance in the context of the wider market.
- 2.29 To ensure it remains appropriate, we are making the following changes to the PMF:
- Ensuring the PMF remains fit for the future by:
 - removing references to specific data sources to ensure the document does not become outdated; and

- removing the concept of a 'minimum set of evidence' for each Public Purpose, to be replaced with examples of the range of metrics we use across all Public Purposes.
 - Expanding the scope of our approach to measuring impact.
- 2.30 We are seeking views on our proposals to update the PMF.
- 2.31 We will also update the PMF to reference specific BBC online services to reflect the more comprehensive inclusion of online services into the new Operating Licence.
- 2.32 We will update the descriptions of the principles we use when creating the PMF. The principles themselves will stay the same but we will make some small changes to ensure the descriptions reflect our evolved approach to performance measurement and the new Operating Licence.

3. Proposals for consultation

- 3.1 Under the procedures for setting and amending performance measures we are required to consult on any changes to the measures. We plan to make one small change to the impact measure, detailed below. There is no requirement to consult on other changes the wider performance measurement framework set in 2017, including changes to the metrics and data sources, but we think it would be helpful to seek views on our proposed changes.

Future proofing the PMF

Removing reference to specific data sources

- 3.2 The existing PMF describes the measures and then provides a summary of the main data sources that we planned to use within each measure to monitor the BBC's delivery of the Mission and promotion of the Public Purposes.
- 3.3 However, since its publication in 2017, we have updated and expanded the metrics and data sources which underly each performance measure. As a result, and as set out, many of the data sources included are now out of date and no longer in use. We also expect these metrics and sources to continue to evolve as the BBC's output changes, the market develops, audience behaviours change, and new and better data sources become available.

Figure 1: example of the data sources set out in the 2017 PMF

	Data source	Further information
Consumption measure	BARB (broadcast television industry data)	Audience groups covered include a range of age, gender, socioeconomic group (SEG), national/regional, ethnicity and disability groups. In addition, we expect to include findings from BARB project Dovetail, which includes measurement of BBC iPlayer, over the Charter period.
	RAJAR (radio industry data)	Audience groups covered include a range of age, gender, SEG, national/regional, ethnicity and disability groups.
	comScore (online industry measurement)	Audience groups covered include a range of age, gender and SEG groups, as well as some regional/nations measurement.
	BBC server data (consumption of BBC iPlayer and BBC website)	Information is browser-based at present, which means no analysis by audience group is possible. Analysis by audience group should become available over the Charter period.

	Data source	Further information
	BBC cross media measurement	This data source exists but is in development. It will cover a broad range of audience groups.

- 3.4 Figure 1 is an excerpt from a table that lists data sources for all four measures, as an example of the issue that affects all of our measures. The figure contains references to a number of sources that are now outdated, for example comScore and the BBC cross media measurement. In addition, there are some key data sources we now use that do not feature, such as IPA Touchpoints.
- 3.5 The PMF notes that this list of sources is not exhaustive and may evolve over time, but we think it is appropriate to take the opportunity to update the PMF to ensure it does not contain outdated information.
- 3.6 We still plan to set out the type of sources we use within the PMF, details of which are set out in paragraphs 2.13 to 2.15. In addition, all of our data sources are referenced throughout the Ofcom Annual Report on the BBC and the breadth of data used is demonstrated in the yearly [interactive data report](#) that supports the Ofcom Annual Report.

Reformatting the presentation of metrics

- 3.7 The PMF currently sets out a 'minimum set of evidence' we commit to collecting. This evidence takes the form of specific metrics that are set out by Public Purpose, see Figure 2 for an example.

Figure 2: example of 'minimum evidence' for Public Purpose 1 from 2017 PMF

Availability	Hours of programming available on the BBC. <ul style="list-style-type: none"> Covers all BBC television and radio services and BBC Three. Focus on first-run UK originated content.
	Spend on output across BBC television, radio and online services
Consumption	Reach of, and time spent on, news and current affairs output across the BBC
Impact	Audience attitudes to the BBC's delivery of news, including the importance of impartial news and information
	Audience attitudes to BBC delivery within the wider market context of news consumption

- 3.8 We consider that the 'minimum set of evidence' is no longer fit for purpose, as in some cases the minimum number of metrics set out in 2017 are not considered comprehensive compared to the range of metrics we draw on today to assess the BBC's performance. As such, we think it would be more useful to set out in the PMF examples of the range of

metrics we draw on in our assessment of performance, rather than detail a minimum level of evidence.

3.9 We therefore propose removing the 'minimum set of evidence', and in its place, setting out a greater number of example metrics under each measure.

3.10 In addition, we propose collating these metrics together rather than setting them out by Public Purpose. Many of the metrics currently listed repeat across the Public Purposes, as they can be repurposed to assess performance of a range of conditions.

Rescoping the impact performance measure

3.11 The current 'impact' performance measure focuses on examining what audiences think of the BBC's output. This is a crucial measure for helping us assess the BBC's performance and is an area where we provide unique data through our bespoke audience research trackers. This data can be particularly useful in cases where quantitative measures may not provide a complete picture – for example, when thinking about the distinctiveness of content, which is a complex concept to which both availability and impact metrics are relevant.

3.12 How audiences perceive BBC output will remain the central pillar of the 'impact' measure. However, we think there may be other metrics in the future, including metrics that would potentially help us measure the direct, rather than perceived, impact of content on audiences, that could help us inform our assessments.

3.13 This small change will give us flexibility as our knowledge and work in assessing the impact of the public value the BBC provides evolves. This assessment will be limited to the BBC's performance in delivering its Mission and promoting the Public Purposes.

3.14 Our proposed revision to the wording of the 'impact' performance measure is detailed below:

- **Existing description:** examining what audiences think about the BBC's services and output, including their satisfaction with various aspects of the BBC's promotion of the Public Purposes.
- **Proposed description:** examining what audiences think about the BBC's services and output *and examining the impact these services and outputs have on audiences*,¹⁵ including their satisfaction with various aspects of the BBC's promotion of the Public Purposes.

Other updates to the PMF

3.15 The 2017 consultation on the performance measures set out the principles the team took into account in developing the specific performance measures.¹⁵ These are:

- Flexibility
- Proportionality

¹⁵ [Consultation: Holding the BBC to account for the delivery of its mission and public purposes](#), pages 51-52.

- Practicality
- Transparency
- Reliability/Robustness
- Comparability

3.16 These same principles are set out in the existing PMF. We are proposing to retain the six principles and have applied them to our latest thinking. However, in the new PMF, we plan to make small amendments to the descriptions of these principles to reflect our latest thinking and the new Operating Licence. For example, under 'practicability' the existing PMF states that, "we will consider alternative, qualitative ways on an ad hoc basis to understand performance in those instances where it is particularly difficult to reduce to a quantifiable metric." We now use qualitative metrics consistently in our assessment, not just on an ad hoc basis. They are key to the more comprehensive approach we have developed since 2017 and are crucial in understanding more about the impact on audiences. They are also increasingly important in light of some of the new conditions included in the new Operating Licence, for example asking the BBC to describe the steps it will take to make content easily discoverable on its online services. As such, we will amend this description to reflect these changes.

Consultation questions

Question 1: Do you agree with our proposed changes to the PMF? If not, please provide reasoning.

Question 2: Do you agree with our proposed Welsh language impact assessment in Annex 5? If you do not agree, please give reasons.

A1. Proposed performance measurement framework

A1.1 The [proposed performance measurement framework](#) has been published separately.

A2. Responding to this consultation

How to respond

- A2.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 23 June 2023.
- A2.2 You can download a response form from <https://www.ofcom.org.uk/consultations-and-statements/category-3/changes-to-bbc-performance-measurement-framework>. You can return this by email or post to the address provided in the response form.
- A2.3 If your response is a large file, or has supporting charts, tables or other data, please email it to natalie.fox@ofcom.org.uk, as an attachment in Microsoft Word format, together with the [cover sheet](#).
- A2.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- Nat Fox
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A2.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files; or
 - upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A2.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A2.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt of a response submitted to us by email.
- A2.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A2.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex 6. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A2.10 If you want to discuss the issues and questions raised in this consultation, please contact natalie.fox@ofcom.org.uk.

Confidentiality

- A2.11 Consultations are more effective if we publish the responses before the consultation period closes. In particular, this can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish responses on [the Ofcom website](#) at regular intervals during and after the consultation period.
- A2.12 If you think your response should be kept confidential, please specify which part(s) this applies to, and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A2.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A2.14 To fulfil our pre-disclosure duty, we may share a copy of your response with the relevant government department before we publish it on our website. This is the Department for Business, Energy and Industrial Strategy (BEIS) for postal matters, and the Department for Culture, Media and Sport (DCMS) for all other matters.
- A2.15 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our [Terms of Use](#).

Next steps

- A2.16 Following this consultation period, Ofcom plans to publish a statement in July 2023.
- A2.17 If you wish, you can [register to receive mail updates](#) alerting you to new Ofcom publications.

Ofcom's consultation processes

- A2.18 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 3.
- A2.19 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A2.20 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:

Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A3. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

- A3.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

- A3.2 We will be clear about whom we are consulting, why, on what questions and for how long.
- A3.3 We will make the consultation document as short and simple as possible, with an overview of no more than two pages. We will try to make it as easy as possible for people to give us a written response.
- A3.4 We will consult for up to ten weeks, depending on the potential impact of our proposals.
- A3.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.
- A3.6 If we are not able to follow any of these seven principles, we will explain why.

After the consultation

- A3.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish the responses on our website at regular intervals during and after the consultation period. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A4. Consultation coversheet

BASIC DETAILS

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

CONFIDENTIALITY

Please tick below what part of your response you consider is confidential, giving your reasons why

Nothing ☐

Name/contact details/job title ☐

Whole response ☐

Organisation ☐

Part of the response ☐

If there is no separate annex, which parts? _____

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

DECLARATION

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom aims to publish responses at regular intervals during and after the consultation period. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

A5. Impact assessments

Impact assessment

- A5.1 The analysis set out in this document includes an impact assessment for the purposes of the relevant duties imposed on Ofcom. We consider that our proposed changes to the PMF are proportionate and will enable us to better hold the BBC to account for its delivery of its Mission and promotion of the Public Purposes.

Equality Impact assessment

- A5.2 Section 149 of the Equality Act 2010 (the “2010 Act”) imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.
- A5.3 Section 75 of the Northern Ireland Act 1998 (the “1998 Act”) also imposes a duty on Ofcom, when carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations across a range of categories outlined in the 1998 Act. Ofcom’s Revised Northern Ireland Equality Scheme explains how we comply with our statutory duties under the 1998 Act.
- A5.4 To help us comply with our duties under the 2010 Act and the 1998 Act, we assess the impact of our proposals on persons sharing protected characteristics and in particular whether they may discriminate against such persons or impact on equality of opportunity or good relations.
- A5.5 We do not consider that our proposals have equality implications under the 2010 Act or the 1998 Act because the changes set out in this in consultation are mainly intended to future proof the PMF.
- A5.6 We do not consider that our proposals will have any adverse impacts on any of the Northern Ireland equality categories. Therefore, our initial conclusion is that the approach outlined in this document does not require a more detailed Equality Impact Assessment in relation to Northern Ireland.

Welsh Language Impacts

- A5.7 The Welsh Language (Wales) Measure 2011 (“the Measure”) established a legal framework to impose duties on certain organisations to comply with standards in relation to the

Welsh language.¹⁶ We have considered our proposals under the Welsh Language Policy Making Standards.¹⁷ We consider that the proposed changes to the PMF will not have any adverse impacts, but may instead have positive impacts, on opportunities for persons to use the Welsh language, or on treating the Welsh language no less favourably than the English Language. This is because we consider that future proofing the PMF and making one small change to the impact measure will enable us to better hold the BBC to account for delivery of its mission and promotion of the Public Purposes.¹⁸ We welcome stakeholders' views on our proposed Welsh language impact assessment.

¹⁶Section 67 of the Measure states that the Measure does not require, and does not authorise a person to require, a person to comply with a standard if, and to the extent that, the standard relates to broadcasting.

¹⁷ As set out in: [Hysbysiad-Cydymffurfio44-Y-Swyddfa-Gyfathrebiadau-cy.pdf \(ofcom.org.uk\)](#) and [Hysbysiad-Cydymffurfio44-Y-Swyddfa-Gyfathrebiadau-en.pdf \(ofcom.org.uk\)](#)

¹⁸ We note for example that Public Purpose 4 states that the BBC should, among other things, ensure that it provides output and services that meet the needs of the United Kingdom's nations, regions and communities.

A6. Consultation questions

Question 1: Do you agree with our proposed changes to the PMF? If not, please provide reasoning.

Question 2: Do you agree with our proposed Welsh language impact assessment? If you do not agree, please give reasons.