

# Changes to our framework for assessing the BBC's performance

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Statement

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# 1. Overview

We consulted between 25 May and 23 June 2023 on proposed changes to the performance measurement framework (“PMF”). The PMF sets out the measures and metrics we use to monitor and assess the BBC’s performance in promoting its Public Purposes and fulfilling its Mission.

In the consultation we said that the four measures that form the PMF remain robust and fit for purpose, but that small changes should be made to ensure the PMF remains appropriate for the future.

In reaching our decisions we have carefully considered all consultation responses. We have decided to proceed with our proposed changes to the PMF.

The [PMF has been published](#) on the Ofcom website. The procedures for amending the PMF have been reissued unchanged in a separate document alongside the publication of this statement and the new PMF.

## 2. Background to the statement

- 2.1 Under the Royal Charter for the continuance of the British Broadcasting Corporation (the Charter),<sup>1</sup> the BBC is tasked with establishing a framework to assess its performance in delivering its strategies and creative remit,<sup>2</sup> and obligations under the Charter and the Agreement between the Secretary of State for Culture, Media and Sport, and the BBC (the Agreement).<sup>3</sup> 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.<sup>4</sup>
- 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.<sup>5</sup> 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

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- 2.4 Ofcom's power to regulate the BBC is derived from the Communications Act 2003, which sets out that for the purposes for regulating 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 further the interests of

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<sup>1</sup> [Charter](#).

<sup>2</sup> Article 20(3)(d) of the Charter.

<sup>3</sup> [Agreement](#).

<sup>4</sup> Article 46(4) of the Charter.

<sup>5</sup> 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.

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

- 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.<sup>7</sup> The operating framework for BBC regulation includes the “Procedures for setting and amending the Performance Measures” (‘the Procedures’).<sup>8</sup> We have followed the Procedures (and applied the considerations it lists) together with Ofcom’s consultation principles.

## Background to the changes to the Performance Measurement Framework

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### The new Operating Licence

- 2.8 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.
- 2.9 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 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.

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<sup>6</sup> 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.

<sup>7</sup> Article 46(2) of the Charter and Clause 5(1) of the Agreement.

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

## Monitoring oversight

- 2.10 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.
- 2.11 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.

## Overview of performance measurement

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### The BBC's own performance measurement

- 2.12 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 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.<sup>9</sup>
- 2.13 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.
- 2.14 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](#).

### Ofcom's Performance Measurement Framework

- 2.15 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.<sup>10</sup>
- 2.16 The PMF sets out the framework with which we measure the BBC's performance in fulfilling its Mission and promoting its Public Purposes and is separate from compliance with the Operating Licence, which is a separate process run each year. The PMF sets out *how* we will approach measurement of the BBC's performance, it does not detail all the information we will use to carry out that process. 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 PMF specifies the performance measures and a range of underlying metrics.
- 2.17 The four performance measures as set out in the new PMF are:
  - a) **Availability:** describing the nature, type, quantity, and range of content available across the BBC as well as its spend on this content.
  - b) **Consumption:** monitoring the extent to which audiences watch, use and listen to the content provided by the BBC.

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<sup>9</sup> Article 20(3)(d) of the Charter.

<sup>10</sup> 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.

- c) **Impact:** examining what audiences think about the BBC's services and output and examining the impact these services and outputs have on audiences, including their satisfaction with various aspects of the BBC's promotion of the Public Purposes.
- d) **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 creative risks and delivering innovative content would benefit from consideration of additional analysis provided by the BBC, or opinions from industry stakeholders.

2.18 We use a combination of these measures to assess performance against each Public Purpose. 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.

2.19 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. 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.

## 3. Changes to the Performance Measurement Framework

- 3.1 In the consultation we said that we considered Ofcom’s overall framework of four performance measures remains appropriate for our latest thinking on performance measurement, and we therefore intend to retain it. To ensure it remains appropriate, we proposed making a few small changes.
- 3.2 We received four responses to the consultation from Better Media, Radiocentre, Sandford St Martin Trust and Screen Scotland.

### General comments on the consultation

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- 3.3 Most respondents were broadly in agreement with the intentions we set out in our consultation document but there were concerns that our proposals amounted to a reduction in the level of publicly available detail on how we monitor the BBC’s performance. We are confident that the changes we have made to the PMF will enable us to better hold the BBC to account by ensuring it is up to date, flexible and appropriate. We are committed to transparency where possible; as such any references that are being removed from the PMF will still be publicly available through our annual reporting on the BBC alongside a wide range of other evidence we use.
- 3.4 Radiocentre agreed that the **four performance measures** remain appropriate. Other stakeholders did not comment directly on the appropriateness of these four measures but suggest other measures for inclusion.
- 3.5 Sandford St Martin Trust said we should develop a **framework to measure discoverability**. We discussed discoverability in our recent [Statement](#) and imposed new conditions in the Operating Licence. We are currently developing our thinking further in this area, but consider that the four measures provide us with sufficient flexibility to measure performance against these obligations. We also expect to outline further details on our approach in our next Ofcom Annual Report on the BBC.
- 3.6 Better Media called for **performance indicators related to the Equality Act**, which could include measures of diversity and representation in the BBC’s content and workforce, as well as measures of audience satisfaction among different demographic groups. In our ongoing market research, we ask a broad range of audiences about their satisfaction with the BBC’s delivery across its Public Purposes and this includes questions about on-screen representation. Ofcom also runs an annual Equity, Diversity and Inclusion (“EDI”) in Broadcasting monitoring process that assesses the diversity of the BBC’s workforce and [reports](#) on the findings. In addition, the BBC has further EDI obligations within the Operating Licence; this includes a requirement to produce and report against a code of practice that sets out the steps the BBC will take when commissioning content across all genres to ensure that such content accurately represents, authentically portrays and reflects the diverse communities of the whole of the United Kingdom. We consider that the measures set out in the PMF, plus the additional monitoring work in this area, are effective for assessing the BBC’s performance in promoting Public Purpose 4 and delivering its wider EDI obligations.



- 3.7 Better Media also raised a concern that **Ofcom’s approach to the PMF consultation** was not appropriate for a public audience to engage with and suggested other methods of public engagement. It also suggested that there was insufficient information published on BBC performance and that there had been a lack of engagement on the BBC’s purposes. We agree that public consultation is important and we will continue to look at new ways we can further engage with audiences. We regularly undertake audience surveys and focus groups, as well as engaging regularly with stakeholders, including those who represent audiences. We also publicly consult on proposed changes to regulation; for example we consulted three times on the BBC Operating Licence before publishing our statement in March. Each year we also publish our Annual Report on the BBC and associated performance data. Under our new Operating Licence for the BBC, the BBC is subject to new requirements to report more information with its Annual Plan and to publish more information with its Annual Report.
- 3.8 We received no consultation responses regarding our Welsh language impact assessment.
- 3.9 Responses to our specific proposals are dealt with below. We have also summarised the suggestions that we consider to be out of scope of this consultation, with our reasoning, from paragraph 3.44.

## Removing references to specific data sources

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### What we said

- 3.10 The previous 2017 PMF describes the four performance 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.
- 3.11 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.
- 3.12 The 2017 PMF noted that this list of sources is not exhaustive and may evolve over time, but in our consultation, we said we think it is appropriate to take the opportunity to update the PMF, following the recent publication of the new BBC Operating Licence, to ensure it does not contain outdated information.
- 3.13 We said we would set out the type of sources we use within the new PMF. In addition, we noted that 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.

### Stakeholder responses

- 3.14 Radiocentre recognise the rationale for our proposal, but they suggest we do not need to remove all references to data sources, but instead remove the outdated sources. They are particularly concerned that removing reference to some core industry data sources, such as RAJAR and BARB, could undermine the integrity of our performance measurement work.
- 3.15 Screen Scotland call for transparency on the data sources we use and note that they appreciate the ability to compare the range of data sources used over time. They suggest the

use of a regularly updated and robust technical report or similar could be used to reference current and previous sources where needed.

## Our decision

- 3.16 We have decided to proceed with the proposed change to remove references to specific data sources within the new PMF.
- 3.17 We use the most relevant and appropriate data sources available to us when assessing the BBC's performance, which includes those sources that are central to industry measurement, including RAJAR and BARB. Removing explicit reference to these sources within the new PMF will not impact their use in our performance measurement programme of work.
- 3.18 As set out in the consultation, all data sources used in our assessment of the BBC's performance are set out alongside the data within the annual [interactive data report](#) and throughout the Ofcom Annual Report on the BBC. These provide stakeholders with a more comprehensive and accurate view of the data we use, compared with an indicative list set out in the new PMF. Our website also contains all previous interactive data reports. We agree that being able to compare data year on year is important, but note that we also need the flexibility to change our data sources where appropriate as new sources become available.
- 3.19 To ensure stakeholders have complete transparency as to the data sources we use to monitor BBC performance and which feed into our Annual Report on the BBC, we plan to include a new annex in our Annual Report which sets out all the data sources we have used for our assessment alongside the four performance measures of the PMF.

## Reformatting the presentation of metrics

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### What we said

- 3.20 The 2017 PMF set out a 'minimum set of evidence' we committed to collecting. This evidence took the form of specific metrics that are set out by Public Purpose.
- 3.21 We proposed that the 'minimum set of evidence' was 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 said it would be more useful to set out in the new PMF, examples of the range of metrics we draw on in our assessment of performance, rather than detail a minimum level of evidence.
- 3.22 We therefore proposed removing the 'minimum set of evidence', and in its place, setting out a greater number of example metrics under each measure.
- 3.23 In addition, we proposed collating these metrics together rather than setting them out by Public Purpose. We said many of the metrics listed were repeated across the Public Purposes and could be repurposed to assess performance of a range of conditions.

### Stakeholder responses

- 3.24 Radiocentre said that they understood Ofcom's desire to provide a more comprehensive range of metrics but suggest the proposals remove detail. They also note that there was no

example in the consultation document of what the new presentation would look like, making it difficult to assess the proposal.

- 3.25 Screen Scotland agreed with the proposal in principle but also hoped to see examples of the range of metrics that will be published in the PMF account for regional and national audiences more prominently.

## Our decision

- 3.26 We have decided to proceed with the proposed change to the presentation of metrics in the new PMF.
- 3.27 We set out the proposed presentation of measures and metrics in the annex to our consultation and have provided it below. We consider that this new presentation of metrics provides a more comprehensive view of the kinds of information and data that will be used than the previous ‘minimum set of evidence’ provided for each public purpose as set out in the 2017 PMF. As explained above, we will also publish a new annex in our Annual Report which sets out all the data sources we have used for our assessment in the future. This will help provide stakeholders with a more complete view of the range of metrics we use each year.

**Figure 1: the new presentation of metrics**

	Metric
<b>Availability</b>	BBC output: including, for example, hours by service, genre, time of day, and source (whether content is original or acquired, first-run or repeated).
	BBC content spend: including, for example, overall spend by platform (TV, radio, online), and TV programme spend by genre, channel, and source (first-run originations, acquisitions, and repeated content).
<b>Consumption</b>	TV viewing: including, for example, by genre and services, usually provided in minutes.
	Viewing on BBC iPlayer: including, for example, comparisons to other SVoD and BVoD platforms.
	Radio listening: including, for example, reach of stations, audience profiles of different stations and share of overall radio listening.
	Listening on BBC Sounds: including, for example, reach amongst podcast listeners, use of BBC Sounds for news content and audience profile by age.
	Consumption of content on the BBC website: including, for example, unique browsers to BBC news sites and reach by demographic.
<b>Impact</b>	Audience perceptions: including, for example, ratings of BBC services, perceptions of distinctiveness, opinions of content relevance and representation.
	Direct impact on audience: including, for example, developing metrics that help us evaluate the impact content has had on audiences.
<b>Contextual Factors</b>	Contextual factors are a broad measure, that could include a range of metrics, including, for example, understanding the BBC’s output in the context of wider market trends and data.

3.28 The BBC’s performance in relation to the provision of content for audiences in the nations and regions is a key part of our assessment of the BBC’s performance in promoting its Public Purposes and delivering its Mission. Most of the metrics we use can be filtered by audiences in the nations and regions, for example, our audience perceptions data accounts for audiences in the different areas of the UK and asks questions about representation and satisfaction in those areas. We are also able to look at availability and consumption data by nation and region. The table demonstrates the breadth of metrics available but is not an exhaustive list. To maintain relevance across the Public Purposes we have decided to keep the examples listed as set out in the proposal instead of detailing where these metrics may be applicable to specific nations and regions.

## Rescoping the impact measure

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### What we said

3.29 The 2017 PMF ‘impact’ performance measure focused 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.

3.30 How audiences perceive BBC output remains the central pillar of the ‘impact’ measure. However, we said 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.

3.31 We proposed that 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.

3.32 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, including their satisfaction with various aspects of the BBC’s promotion of the Public Purposes.

### Stakeholder responses

3.33 Radiocentre and Screen Scotland both agreed with the proposal in principle.

3.34 Radiocentre are concerned about the lack of detail on what this expansion will mean in practice.

3.35 Screen Scotland said they want to ensure that measures of impact remain comparable year on year and that we measure changes on Scottish audiences’ perceptions of the BBC and its content throughout time, and in response to policy and sector-led changes.

## Our decision

- 3.36 We have decided to proceed with the proposed change to the impact measure.
- 3.37 The PMF is designed to be an overarching framework that ensures a consistent approach to performance measurement, as such we do not change it regularly and it needs to be future proofed. We are starting to develop the metrics for this new approach to impact measurement, and we expect these to evolve over time, but we think it is important to take the opportunity to rescope the impact measure while reviewing the PMF. It is important that we have this flexibility to adapt our approach to measuring the public value of the BBC in delivering its Mission and promoting its Public Purposes. Any new approach to measuring impact will be detailed in Ofcom’s Annual Report on the BBC.
- 3.38 We agree year on year comparison is important, but we envisage that this new approach to impact measurement is likely to be used for performance case studies, rather than forming a part of our consistent data reporting.
- 3.39 We expect to continue looking at audience perceptions in Scotland (and in the other Nations and regions of England) and any new approach is most likely to be in addition to existing methods of considering impacts so should provide additional insights.

## Other updates to the Performance Measurement Framework

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### What we said

- 3.40 The 2017 PMF set out the following principles for its approach to setting the performance measures:
- Flexibility
  - Proportionality
  - Practicality
  - Transparency
  - Reliability/Robustness
  - Comparability
- 3.41 We proposed retaining the six principles and applied them to our latest thinking. However, we noted that we planned 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 2017 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.

## Stakeholder responses

3.42 Only Screen Scotland addressed this proposal directly and noted that they agreed with the proposals.

## Our response

3.43 We have decided to proceed with the proposed changes to the principles.

## Responses that are out of scope of this consultation

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3.44 Some stakeholders included comments that are outside of the scope of the PMF and this consultation. In particular, there were a number of suggestions about changes to the BBC's content obligations. For example, Better Media suggested the BBC should be expected to develop content and initiatives that support the levelling up agenda. Sandford St Martin Trust commented that the BBC should be required to maintain or increase the quantity and quality of its 'at risk' content, and publish annual targets for delivery of this content.

3.45 We are required by the Charter and Agreement to set an Operating Licence for the BBC's UK Public Services.<sup>11</sup> The Charter and Agreement detail the conditions we must set and enforce in the Operating Licence. We must set appropriate regulatory conditions that require the BBC to:

- a) fulfil its Mission and promote the Public Purposes;
- b) secure the provision of distinctive output and services; and
- c) secure that audiences in England, Scotland, Wales and Northern Ireland are well served.<sup>12</sup>

3.46 As such, suggestions regarding the volume or genre of content the BBC should produce and how it should report on its content are dealt with in the Operating Licence. We consulted on changes to the Operating Licence between June 2021 and December 2022. As explained in our Statement on the Licence<sup>13</sup>, the BBC is required to provide a wide range of content, including religion, ethics, and other specialist factual content. We will hold the BBC to account to ensure that it delivers important content and services for audiences.

3.47 Stakeholders also made suggestions regarding the BBC's remit that sit outside of Ofcom's role and powers. For example, it is not within our role to provide guidance on how the BBC should uphold the principles of the Equality Act 2010 as suggested by Better Media. We note that the BBC is itself responsible for ensuring compliance with its responsibilities under the Equality Act 2010.

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<sup>11</sup> UK Public Services means the services included in the list maintained and published by the BBC under Part 1 of Schedule 1 to the Agreement, as amended by the BBC from time to time.

<sup>12</sup> Article 46(3) of the Charter.

<sup>13</sup> [Statement: Modernising the BBC's Operating Licence \(ofcom.org.uk\)](https://www.ofcom.org.uk/consult/condocs/bbc/bbc-modernising-the-bbc-s-operating-licence/)

# **A1 The Performance Measurement Framework**

A1.1 The revised performance measurement framework has been published separately.

# A2 Impact assessments

## Impact assessment

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A2.1 The analysis set out in our consultation constitutes an impact assessment for the purposes of section 7 of the Communications Act 2003. We consider that our 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

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A2.2 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.

A2.3 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.

A2.4 To help us comply with our duties under the 2010 Act and the 1998 Act, we set our assessment, in the consultation, of 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.

A2.5 In response to our consultation, Better Media argued that “Ofcom should incorporate the Equality Act 2010 into the scope of the BBC Framework and evaluation process, with a complete integration of its aims and objectives.” Better Media said that it believes that incorporating the principles of the Equality Act into the BBC’s performance measurement framework would significantly enhance the BBC’s commitment to equality and diversity, and ensure that it is truly serving all sections of the UK population.

A2.6 As explained above, the BBC is itself responsible for ensuring compliance with its responsibilities under the Equality Act 2010. However, we note that the BBC is required by Public Purpose 4 to reflect, represent, and serve the diverse communities of all the UK’s nations and regions, and in doing so, support the creative economy across the UK. The BBC is already subject to diversity, audience portrayal and representation requirements in the Operating Licence and the Agreement requires the BBC to make arrangements for promoting equality of opportunity.<sup>14</sup>

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<sup>14</sup> Paragraph 12 of Schedule 3 to the Agreement



A2.7 We remain of the view that the specific changes to the PMF do not have equality implications under the 2010 Act or the 1998 Act because they are changes that are mainly intended to future proof the PMF and to make one small change to the impact measure. These small changes by themselves do not negatively or positively impact equality groups.

## Welsh language impact assessment

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A2.8 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.<sup>15</sup> We considered our proposals under the Welsh Language Policy Making Standards.<sup>16</sup> We received no consultation responses about our Welsh language impact assessment. We remain of the view that 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.<sup>17</sup>

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<sup>15</sup> Section 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.

<sup>16</sup> As set out in: [Hysbysiad-Cydymffurfio44-Y-Swyddfa-Gyfathrebiadau-cy.pdf](#) (ofcom.org.uk) and [HysbysiadCydymffurfio44-Y-Swyddfa-Gyfathrebiadau-en.pdf](#) (ofcom.org.uk)

<sup>17</sup> 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.