

## Response from the Advisory Committee for Scotland to Ofcom's BBC Performance Consultation published March 2017

*'The Ofcom Advisory Committee for Scotland (ACS) advises Ofcom about the interests and opinions, in relation to communications matters, of persons living in Scotland.'*<sup>1</sup>

This response to Ofcom's 'Holding the BBC to account for the delivery of its mission and public purposes' consultation is from the ACS. In no sense does it represent the views of Ofcom or any of its staff. However, it draws on the collective knowledge and expertise of the members of the ACS, informed by our individual professional experience and through discussion at our meetings, the agendas and minutes of which are available on the Ofcom website.

### Introduction

This BBC Performance Consultation comes at a key time in the history of BBC Scotland and its role both within the nation itself and within wider UK society,

In terms of the current consultation, the ACS considers that Ofcom is proposing a framework which is clear, measurable and accountable. The specificity of the four performance measures proposed by Ofcom is welcomed. The framework addresses some of the issues which have regularly been discussed at the ACS, such as previous out-of-London production quotas. However, there is still a lack of detail in some particulars. For example, there is talk of introducing indicators (<sup>2</sup>Para 1.21) but we have no idea what these are at this stage. Similarly, the document sets out that the BBC will have to establish its own performance measures and that Ofcom will look to supplement these (Para 1.25 & 5.11). The BBC 2017/18 Annual Plan<sup>3</sup> only specifies performance measures in the broadest sense, with an intention to develop baselines this year to allow more detailed measures in the future. The ACS looks forward to further opportunities to feed into the process as Ofcom and the BBC develop this framework .

The ACS has raised concerns previously that BBC Radio Scotland does not seem to have a clear idea of its target audience and what it might offer which is complementary to the other UK-wide Radio Services and to Scotland's very

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<sup>1</sup> Ofcom - Advisory Committee for Scotland – Functions and Role

<http://www.ofcom.org.uk/about/how-ofcom-is-run/committees/scotland/>

<sup>2</sup> [https://www.ofcom.org.uk/data/assets/pdf\\_file/0033/99519/bbc-performance-consultation.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0033/99519/bbc-performance-consultation.pdf)

<sup>3</sup> [http://downloads.bbc.co.uk/aboutthebbc/insidethebbc/howwework/reports/pdf/BBC\\_Annual\\_Plan\\_2017-18.pdf](http://downloads.bbc.co.uk/aboutthebbc/insidethebbc/howwework/reports/pdf/BBC_Annual_Plan_2017-18.pdf)

popular commercial radio market. The role of the three UK Nations' Radio services, (and perhaps particularly for Scotland and Wales given increased devolution), is completely different from the role of BBC Local Radio, which serves specific local community needs. The role of Local Radio needs to be separated from that of National Radio, which for example in Scotland has to reflect the different legal, educational, health and policing legislative realities.

A particular concern is that unless this anomaly is resolved, the proposed BBC Scotland digital TV channel might suffer from a similar lack of clarity, particularly as STV is now branding itself as the "Home of Scottish News", Expectations of the new digital channel will be high and Ofcom may wish to consider whether, under its new regulatory powers, a full in-depth review of BBC Radio Scotland should be undertaken as a matter of urgency, which might provide much needed input into the development of the proposed digital television channel. A comparison with Radio Ulster, which appears to be much more highly valued in Northern Ireland than Radio Scotland is in Scotland, might be helpful as part of this.

## **1. Reflecting Scotland to the rest of the UK**

### **a) Concerns about the interpretation of Public Purposes 1 and 4**

When considering the role of the BBC in bringing people across the UK together, it is important to realise that this is not just about the people of, for example, Scotland learning about each other's communities *but also* about Scotland and its people being reflected back to the other Nations of the UK and how that might be achieved.

From a Scottish point of view, there is a tension between Public Purposes 1 and 4, or at least in how they have been interpreted in the BBC's Services: Audiences in Scotland<sup>4</sup> paper under paras: 1.22.1 – 1.31.4 inclusive.

The ACS considers that a direct link needs to be made between the importance of providing impartial news and information to all members of the United Kingdom (as specified in Public Purpose 1), in order to meet the need for 'Reflecting, representing and serving the diverse communities of all of the United Kingdom's nations and regions' (as specified in Public Purpose 4). In other words, there is a wider remit than is readily apparent to ensure that all parts of the UK are reflected to each other, a matter that is not confined just to each of the four Nations.

### **b) News and Current Affairs**

The ACS considers that the importance of well-funded investigative journalism is core to the provision of News in all four Nations. However, this is not specified for Scotland in the Performance document, although it is something

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<sup>4</sup> [https://www.ofcom.org.uk/data/assets/pdf\\_file/0030/99525/bbc-services-scotland.pdf](https://www.ofcom.org.uk/data/assets/pdf_file/0030/99525/bbc-services-scotland.pdf)

the public expects from PSB providers in terms of making those in power accountable. It is even more important given the reduction in genuine media plurality and increasing concentration of ownership across the UK, as well as the degree of devolution in Scotland. Ofcom's lead here appears to have been followed by the BBC; nowhere in the BBC 2017/18 plan<sup>5</sup> is there any mention of the need for investigative journalism to reflect the different legal and education systems in Scotland, or the effects of devolution in terms of differing political, health and policing systems. Investigative journalism is referred to purely on a UK-wide basis (Panorama, File on Four etc), with no indication that any consideration will be given to ensuring coverage of issues relevant to each of the nations.

Although there has been some improvement in recent months, there continues to be an issue in Network news whereby English/Welsh systems and institutions or laws are focused on without recognition that there is a different system in Scotland. This both causes resentment among Scots who may feel marginalised, and means that the rest of the UK is unaware of the extent to which Scotland is developing in different directions in areas such as health, education, policing and law. There needs to be a refocusing on creating 'active and informed citizens'<sup>(6 1.16.1)</sup> by way of all of the Public Purposes if the BBC is genuinely to 'contribute to social cohesion and wellbeing of the UK' (1.16.4), as well as to 'build people's understanding of all parts of the United Kingdom' (1.16.1). This is particularly relevant to the challenge highlighted by the BBC in their 2017/18 Annual Plan around the need for 'the delivery of trusted, impartial and accurate news to young audiences'.

### **c) The importance of Commissioning in meeting Public Purpose 4**

This is an area where the issue of commissioning is as important as production. Given recent troubling events occurring in different parts of the country, it is essential that Commissioners are based across the whole of the UK so they can feed different perspectives into the "South-East bubble". Commissioners based outside a region or Nation are less likely to have a sense of 'authenticity' which is the underlying aim of the requirements here. It is important looking ahead that Scots can see themselves reflected in network productions. There is a risk that network commissions which don't actually reflect Scotland continue to be made in Scotland in order to tick a production quota box. This is not what Scottish audiences might consider adequate in meeting Public Purpose 4. Consideration could be given as to whether there is scope to have quotas or targets which would ensure this Public Purpose is met.

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<sup>5</sup>[http://downloads.bbc.co.uk/aboutthebbc/insidethebbc/howwework/reports/pdf/BBC\\_Annual\\_Plan\\_2017-18.pdf](http://downloads.bbc.co.uk/aboutthebbc/insidethebbc/howwework/reports/pdf/BBC_Annual_Plan_2017-18.pdf)

<sup>6</sup> [https://www.ofcom.org.uk/\\_data/assets/pdf\\_file/0030/99525/bbc-services-scotland.pdf](https://www.ofcom.org.uk/_data/assets/pdf_file/0030/99525/bbc-services-scotland.pdf)

## 2. Reflecting Scotland to itself

### a) Making use of previous research

There has been a persistent Public Purpose performance gap in Scotland around representation. According to DCMS research<sup>7</sup> in 2016 into the BBC covering such areas as attitudes towards the BBC/BBC expansion/value for money/representation and quality of local programming, scores were *consistently* lower in Scotland than in the other UK nations. The ACS understands that the BBC Trust had more detailed data on this which they did not make publicly available and suggests that Ofcom investigate whether this could be made available to them. If Ofcom starts again with a new set of measures in this area it will take some time for any trends to emerge, making it harder to assess whether the BBC is actually delivering what it should for the Scottish population. The BBC in its 2017/2018 Annual Plan indicates that they currently intend to do just that. The BBC has set only very broad UK wide targets this year, claiming a need to develop a new baseline now, and set targets going forward. The ACS considers that a consistent problem for which there is already evidence should be being tackled now.

### b) Growing the Scottish creative industries.

The ACS welcomes the % approach to hours and expenditure to reflect UK population percentages in each of the Nations – a significant step in addressing the licence fee spend equating more proportionately to the licence fee income from Scottish households. The ACS also considers that 8% should be considered as a base minimum, rather than a ceiling.

The ACS understands from Ofcom that the 8% quota is for First-Run UK Originations and suggests this should be specified in the final document, perhaps in Schedule 3: Summary of Regulatory Conditions, particularly as there is some confusion about precisely what is meant by “First Run” and “Originations”; there should be clear definitions of terms, to dispel any confusion.

In Scotland, for example, under the previous regime, not only would the 1<sup>st</sup> series of “Waterloo Road” have counted towards “First Run Originations”, but also *all the subsequent series*, in that the material had never been screened before. But, to really kickstart the Scottish production economy AND sustain it, we cannot rely on “continuing series”. There also needs to be a continuous quota incentive in relation to totally new original content and formats. That way, there is security of repeat business whilst, at the same time, continuous scanning of the horizon for the next new big idea.

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<sup>7</sup> DCMS research into public attitudes to BBC, pub. 12/5/16:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522509/Research\\_to\\_explore\\_public\\_views\\_about\\_the\\_BBC.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522509/Research_to_explore_public_views_about_the_BBC.pdf)

Schedule 3 reflects the same disparities in relation to BBC Radio Scotland and for Radio nan Gaidheal relative to Radio 4. The former have very general requirements relating to speech, news and music content, whereas Radio 4, has a quota for 'original & new documentaries', and BBC Local Radio, which has a quota for 'original, locally-made programming'. Unless there is a stimulus for new creative programming ideas coming from BBC Scotland, both in TV and radio, there is even less chance that ideas originating in Scotland will make it onto the UK National Networks.

### **3. Radio**

There is much less specificity in terms of type of content (i.e. beyond simply 'News' and 'non-News') in relation to the UK and National Public Radio Services. This is in contrast to some of the specificity in relation to the TV services.

This is disappointing because radio plays an even more critical role than TV in reflecting the UK's Nations to each other, because radio services beyond geographical borders are so much more readily available e.g. via streaming, digital radio and podcasts.

We have discussed in the introduction our concerns around Radio Scotland. BBC Radio 4 is the only real speech competitor to Radio Scotland. Part of BBC Radio 5 Live's editorial remit used to be to cover news and sport in each of the Nations. This was significantly cut because of pressures on budgets. And yet, BBC 5 Live was very successful in seeking out new stories across the UK *from new audiences*, and reflecting different parts of the UK to each other. Competition is good and, as reflected above, it is disappointing that this is not reflected in the wording of the quotas.

BBC Radio 2 is the other key competitor to Radio Scotland and it is disappointing not to see specific references as to how they might increase their editorial coverage specifically in relation to Scotland. This is particularly relevant because commercial radio in Scotland achieves a higher market reach than any of the BBC Radio stations in Scotland.

The general requirements on both Radio 1 and Radio 2 have rightly increased in order to show that these are unique services, not reflected in the commercial market.

For all UK Network radio stations, perhaps a requirement to cover news and current affairs stories from across the UK Celtic Nations proportionate to their populations might be a good starting point. This would at least ensure an awareness among editors and producers as to how often stories are not relevant to listeners across the whole of the UK.