

GMG Radio response to the Ofcom consultation on review of procedures for handling broadcasting complaints, investigations and sanctions

Introduction

GMG Radio plc is part of The Guardian Media Group and operates fourteen analogue licences within the UK under the separate Real, Smooth and Rock Radio brands. The company was an inaugural partner and is currently a 35% shareholder in the MXR regional multiplex consortium as well as being a long-term service provider on each of its platforms. GMG Radio is also a founding partner and stakeholder in Digital Radio UK, the body charged with helping prepare the UK for digital switchover.

GMG Radio considers regulatory compliance to be a hugely important and crucial element to our overall business operation and welcomes proposals which are genuinely designed to assist in improving standards and enhance understanding of regulatory procedures.

We note this consultation seeks stakeholder views on proposed changes to procedures as opposed to responses to specific questions.

Current understanding

Ofcom has no wish to dilute the current process by which it can diligently follow when investigating breaches of broadcast licences, investigating complaints including those on fairness and privacy issues and the consideration of statutory sanctions for proven breaches. As such this consultation is specifically placed within the public arena in order to enlist stakeholder opinions on planned changes which are ultimately designed to ensure an ongoing commitment to the principles of continued fairness to those directly involved and at the same time introduce new procedures which are clearer, simpler and can be implemented as effectively and efficiently as possible.

The consultation documents sets out proposals for new procedures covering the handling of broadcasting complaints, investigations and sanctions and it invites written views and comments on each of them prior to the publishing of a finalized version.

Ofcom intends to change procedures in the main by streamlining processes, improving speed of investigation, allowing more responsive decision making and simplifying interaction with stakeholders.

The document also states that it is important to note the maintenance of high quality decision making and fairness to all will continue to be at the heart of the new procedures although no detailed comparisons between the new and old procedures are offered within the review document on the basis of a complete re-write for clarity and ease of use.

Overall view from GMG Radio on the new proposals:

Moving to an issue based model for compliance is welcomed as it is appreciated that in the past, Ofcom's requirement has been to tailor responses to individual complaints as opposed to the issue of an acknowledgement and information on outcome as proposed in the new procedures. In our view this makes a lot of sense and apart from saving time and resources, also achieves the objective of simplification in interaction with stakeholders without diluting the specific requirement of fairness to all or levels of intervention required on specific investigations relating to relevant factors.

The introduction of an **early preliminary view** on investigations is also welcomed as we anticipate that this will allow opportunity to provide appropriate representations and enhanced engagement with Ofcom in order to further clarify the process by which a complaint received is being positioned and on what grounds it is being investigated.

Removing the **internal review mechanism** is a natural consequence of introducing the preliminary view and we agree that this process should become redundant.

The same applies to removing the **Broadcast Review Committee**. On the basis that Ofcom's decisions on sanctions after appropriate investigation under the new procedures will be carried out by what we anticipate will be fully qualified persons with experience, knowledge and full board approval then we have no doubt that this will reduce most of the complexities involved in the past and streamline the overall process - we welcome its introduction.

We appreciate and understand Ofcom's wish to clarify its approach to **disclosure of information gathered during investigation** alongside its requirement to fulfill its statutory obligations. The disclosure of information which directly relates to an overall decision in our view must remain transparent whilst at the same time it should also be recognized that impact assessment on business can reasonably be analyzed effectively but impacts on human sensitivity issues are likely to be much more complex an issue. As such we would recommend a flexible approach to impact assessment and policy making so as this may be taken in to account.

Additional points/observations

- a) We note that in the interests of a timely resolution, complainants are encouraged to follow the broadcaster's own complaints procedures before making a complaint to Ofcom. Although the contact details of all licensees can be found on Ofcom's website it does not necessarily mean that complainants will be able to find it and then secure the information and detail required unless it is specifically directed to the 'how to complain' section within the station's Public File and perhaps this could be made clearer in any documentation or information relayed on the Ofcom website pages.
- b) A complainant will often have placed dissatisfaction in writing directly to the broadcasting service in advance of contacting Ofcom and subsequently had responses also in writing. We believe that in order for Ofcom to process this type of complaint further then the *sufficient detail* section described should include the open provision and record of any response(s) already received by the complainant from the broadcaster together with their own communications in the interests of complete fairness and transparency.
- c) Some complaints in certain instances (i.e. Ross and Brand) can be specifically orchestrated by individuals or groups and effectively manufactured to create impact by volume. GMG Radio and other broadcasters may sometimes be involved in the receipt of such complaints which though initially may be completely genuine, can possibly be instigated from source and swollen to create big numbers by social media sites, web forums and other means and we would suggest that this could be taken in to account in some way within the disclosure element of the procedures.
- d) With this in mind we also suggest that Ofcom nominates one point of contact with responsibility for compliance for each commercial group as opposed to individual licences and refers all complaint notifications and correspondence to that person in order again to assist with overall streamlining and transparency of the processes.
- e) On the understanding that Ofcom will not correspond further after initial acknowledgement to individual complaints then it also seems appropriate that each broadcaster after being

advised of the complaint by Ofcom should adopt a similar refraining position should further similar complaints be received by way of individual or orchestrated correspondence attributed to the similar subject content. As such we believe a simple acknowledgement that the matter referred to within the correspondence is now with the broadcast regulator for investigation should be appropriate as opposed to a continuation of tailor-made responses.

- f) Although not requested formally, in the past we have been minded to provide Ofcom with what we believed may have been helpful detail alongside an audio request. The new procedures seem to discourage this additional informal submission as *unsolicited material unless relevant or significant*. As it has not been part of Ofcom's previous procedure to refer to any specific breach then a decision on what may be relevant or significant can only be speculative and we would prefer section 4.16 to be reviewed for additional clarity and further guidance.

Overall Summary

GMG Radio will continue to work positively with Ofcom in its desire to streamline procedures for handling broadcasting complaints, investigations and sanctions; we welcomed the opportunity to comment on the detail and were also encouraged by the clarity and simplicity of language shown within the overall scale and scope of the consultation document.

We trust this response may be useful and should Ofcom wish to discuss any aspect directly with GMG Radio then we would be delighted to do so.

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