



Compliance Reporting

PSB Report 2010 – Information Pack G

Research Document

Publication date: 8th July 2010

Contents

Section	Page
Background	1
Original productions	3
Productions outside London	5
Independent productions	10
News and current affairs	12
Programmes made for viewers in the nations and English regions	15
Repeats	18
STV	20
European programming	22
Other compliance matters	23

Background

Compliance with programme and output quotas

TV broadcasters must comply with a range of programme and output quotas that set minimum levels of types of programmes that they must show. These obligations originate in the Communications Act 2003 ('The Act') or in European legislation, and Ofcom has a duty under the Act to monitor and enforce compliance with these quotas.

The level of regulatory intervention that Ofcom is required to apply is dependent on the category of broadcaster – public service broadcasters operate under much tighter regulations than multichannel operators – therefore some quotas apply across the board while others are specific to the PSBs.

In terms of licensing and regulation, Ofcom has a direct relationship with ITV1, GMTV1, Channel 4 and Five, whose licences carry specific quota compliance obligations, while the BBC is regulated jointly by the BBC Trust and Ofcom. The Trust sets the majority of the BBC's targets and monitors compliance but must consult with Ofcom before changing specific quotas, and must obtain Ofcom's agreement in setting quotas for original productions and out-of-London network productions.

Ofcom has a duty under the Act to review and report on compliance with programme obligations and in previous years this section has been included in Ofcom's annual Communications Market Review. It has been moved because it is more appropriate to consider it alongside other information about public service broadcasting. While some of the quotas also cover non-PSBs, it was decided that for completeness, this Compliance section should be moved in its entirety.

PSB quotas and the Communications Act 2003

Under the Act, a range of obligations applying to public service channels is laid out, and Ofcom sets appropriate quotas to meet these obligations. When fixing the quotas, Ofcom takes into account the individual remits of each channel and other relevant criteria. They are reviewed as necessary, and the levels may be revised up or down to allow for changes in circumstances and the broadcasting environment.

A summary of the quotas applying to PSB channels is given below. These are applicable to the BBC's analogue and digital channels, ITV1, GMTV1, Channel 4, Five and S4C in Wales. They do not apply to the commercial broadcasters' digital services (such as ITV2, CITV, E4, More 4, Five USA, Fiver) or to other multichannel operators.

- 1. Original productions** – programmes commissioned by broadcasters from in-house production resources or independent producers.
- 2. Out-of-London productions** – network programmes made in the UK outside the M25.
- 3. Independent productions** – programmes made by companies that are independent of broadcasters.
- 4. Networked national and international news.**
- 5. Networked current affairs.**

6. Nations and regions programmes on Channel 3 and the BBC – made and shown in the nations and English regions.

European ‘AVMS’ quotas

All television broadcasters licensed by Ofcom in the UK, including multichannel operators, are subject to the obligations of the Audiovisual Media Services (AVMS) Directive¹. This requires that on each channel, a majority of programmes must be European (including from the UK) and at least 10% must be made by independents. Of these, a majority must have been made within the past five years. The European Commission publishes a report on compliance by all EU Member States every two years and the latest report can be found at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009DC0309:EN:NOT>.

TV access services

Quotas setting minimum levels for subtitling, signing and audio-description for people with sensory impairments were applied to a total of 80 channels in 2009. All PSBs are subject to these access service quotas, as are other broadcasters that achieve an average audience share throughout the year of 0.05% or more. Obligations apply only to those channels that then pass an affordability threshold based on their revenue. There is also an exception for those channels that face technical difficulties which cannot be overcome, such as music and news programmes, where there is insufficient space within the dialogue or sound-track to provide audio-description.

¹ The AVMS Directive replaced the Television Without Frontiers (TVWF) Directive on 10 December 2007 and was transposed into UK legislation in December 2009.

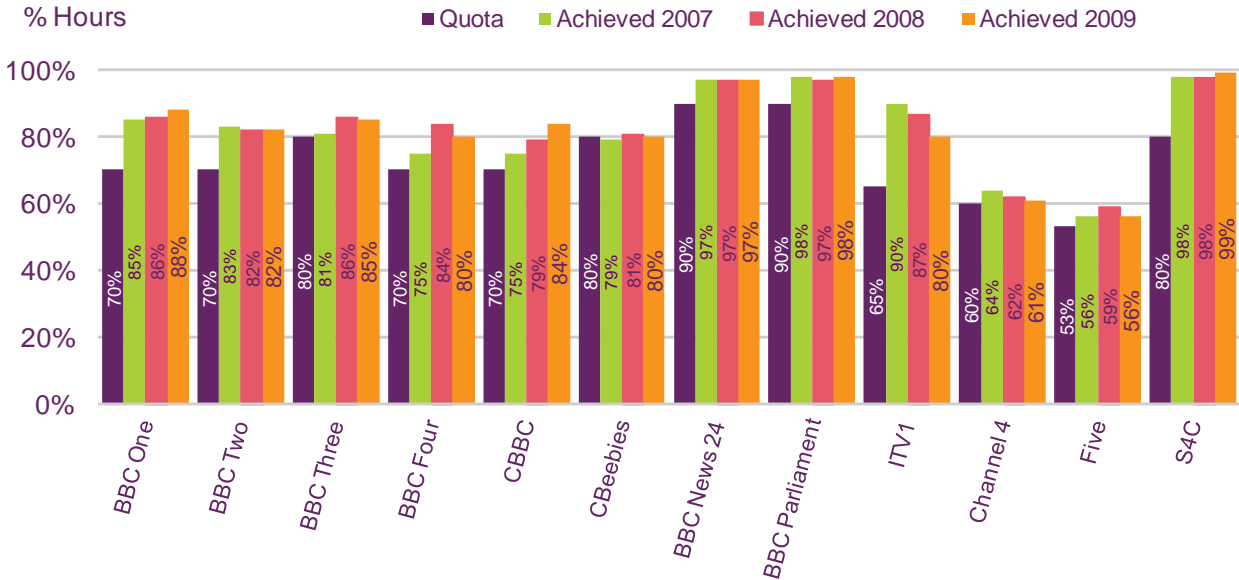
Original productions

All PSBs met their quotas in 2009

Original productions are those programmes made in the UK and either commissioned from independent producers, or from a broadcaster’s own in-house production base. Viewers recognise these programmes as an important element of PSB purposes and characteristics, as illustrated in Ofcom’s PSB Tracker which includes data on the perceived importance of UK originations. The results for 2009 showed that viewers continue to regard these as an important element with an ‘importance rating’ of 74%. Original productions, being the backbone of public service broadcasting, are also important in terms of investment in the UK production industry and as a source of exports, in terms of content as well as programme formats.

Quotas are set at different levels, depending on the broadcaster, as shown in Figure G1. There are two quotas – one applying across the full broadcasting day (usually 24 hours, except in the case of the BBC’s digital channels) and one applying separately to peak time (18:00 to 22:30, except for BBC Three and Four, where peak time runs from 19:00 to midnight). The definition includes repeats. The majority of programmes broadcast by PSB channels are original productions and all channels met their quotas in 2009, some exceeding them by wide margins.

Figure G1 Broadcasters’ performance against original production quotas, all time

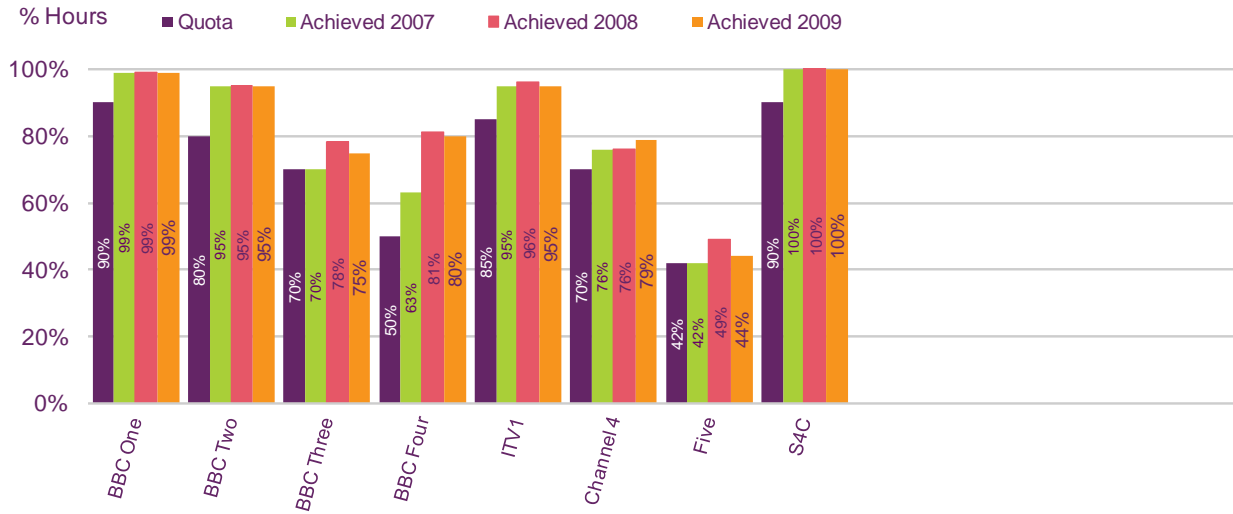


Source: Ofcom/broadcasters

Note: BBC figures include programmes made or commissioned for other BBC channels.

On most PSB channels, the levels achieved in peak time tended to be higher than across the full day and on BBC One, BBC Two, ITV1 and S4C Digidol, the proportions in peak were at 95% or above.

Figure G2 Broadcasters' performance against original production quotas, peak time



Source: Ofcom/broadcasters

Note: BBC Three and BBC Four peak-time hours run from 19:00 to midnight.

Production outside London

Increases in outside M25 output by spend and volume

Production quotas for programmes produced outside London set out minimum percentages for the four main PSBs, which must broadcast programmes produced in the nations and English regions. The out-of-London production quotas have two elements – one relating to the value, which applies to the amount of *money spent* on programmes produced in the nations and regions, and the second relating to the *volume of hours* broadcast.

In order to qualify against the quota, programmes must comply with Ofcom's Regional Production Definition, which became the industry standard in 2006 and establishes three criteria:

- having a substantive base in the relevant nation or regional area;
- achieving a minimum level of expenditure in the nation or region; and
- achieving a minimum spend on production talent based in the nation or region.

Programmes must meet at least two of these three criteria.

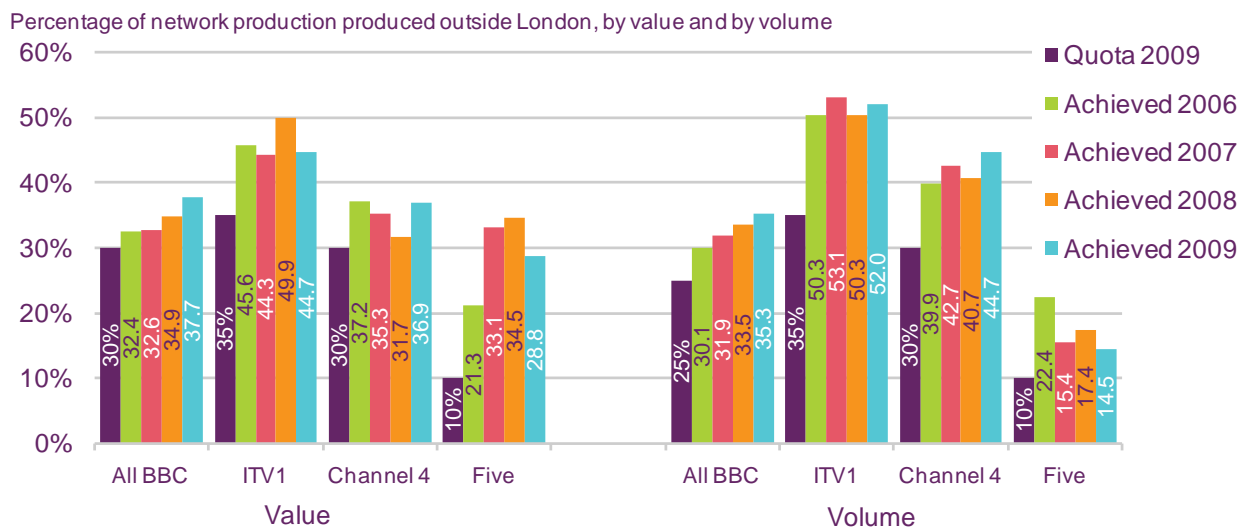
Figure G2 shows the broadcasters' achievement against the quotas over the last four years. The BBC's quotas are set at 30% by value and 25% by volume and apply across all its PSB channels. The BBC exceeded these quotas each year, steadily increasing the proportions year-on-year and achieving 37.7% by value and 35.3% by volume in 2009. The BBC will increase further its production and commissioning of programmes from outside London, committing to achieve 50% by 2016 and within this figure to achieve 17% from the devolved nations.

As part of Ofcom's second PSB Review, and recognising the need to align PSB requirements on Channel 3 with the diminishing value to ITV of holding the licences, the quota level was reduced from 50% by value and volume to 35% with effect from 2009. The levels achieved in 2009 were 44.7% in terms of value and 52% by volume, which remain higher than the amounts achieved by the other three main PSB broadcasters.

In 2009 Channel 4 achieved 36.9% by value and 44.7% by volume, easily exceeding the existing quota of 30% as well as its new quota of 35%, which will come into effect from the beginning of 2010. Alongside the 2010 quota revision is the introduction of a minimum devolved nations quota of 3% of programmes which must be produced outside England. Subject to funding, this figure is expected to grow in future years.

Five has a lower quota commitment, at just 10%, but has exceeded its obligations by large margins over recent years, reaching 28.8% by value and 14.5% by volume in 2009. These figures were lower than the levels achieved in previous years and are based on lower expenditure figures than the other broadcasters.

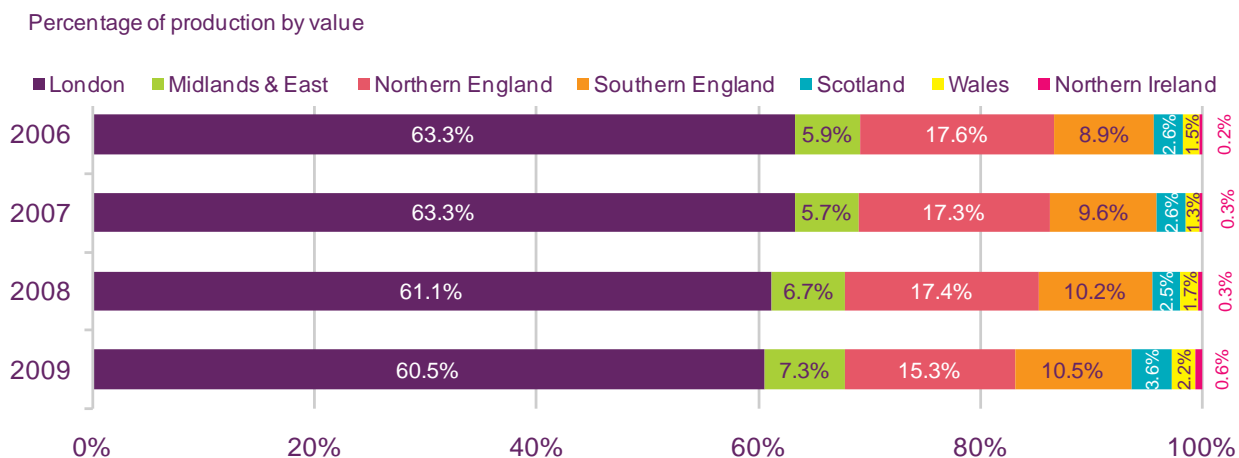
Figure G3 Performance against the out-of-London production quotas



Source: Ofcom/Broadcasters

The proportion of spend on network original programme productions in the UK by the four PSBs collectively is given in Figure G4. The chart shows how the expenditure was divided up. The majority of programmes continue to be produced in London but the proportion is gradually falling – down from 63.3% in 2006 to 60.5% in 2009. Of the overall UK spend of £1,800m, a total of £1,089m was spent on programmes made in London and 33% of expenditure or £596m was in the English regions. The total for the devolved nations has increased by 38% since 2006, rising from £83m to £115m in 2009, or 6.4% of all UK expenditure on originated programmes. Spend in Scotland has risen from £50m to £65m over the period.

Figure G4 Expenditure on out-of-London production

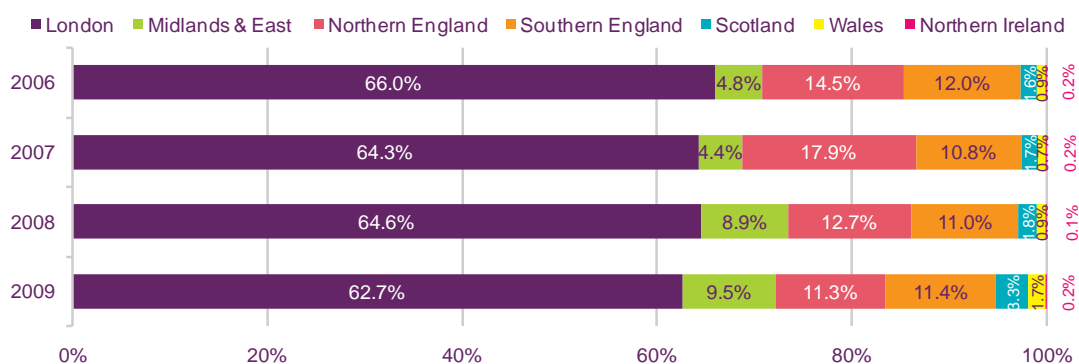


Source: Ofcom/Broadcasters

The proportion of hours of programmes produced outside the M25 has also gradually increased; from 34% in 2006 to 37.3% in 2009. Of the total of 14,700 hours of first-run UK-originated network programmes broadcast by the four main PSBs in 2009, around 5,400 hours were made in the nations and English regions. The volume in England was 4,700 hours, with 750 hours in Scotland, Wales and Northern Ireland. The share in the devolved nations has increased to just over 5% in 2009, up from 2.7% in 2006. The number of hours produced in Scotland and its share of total volume improved from 1.8% in 2008 to 3.3% in 2009 and in Wales the proportion increased to 1.7% from 0.9% the previous year. In Northern Ireland there was a small improvement in share to 0.2% from 0.1% in 2008.

Figure G5 Volume of out-of-London production

Percentage of production by volume



Source: Ofcom/Broadcasters

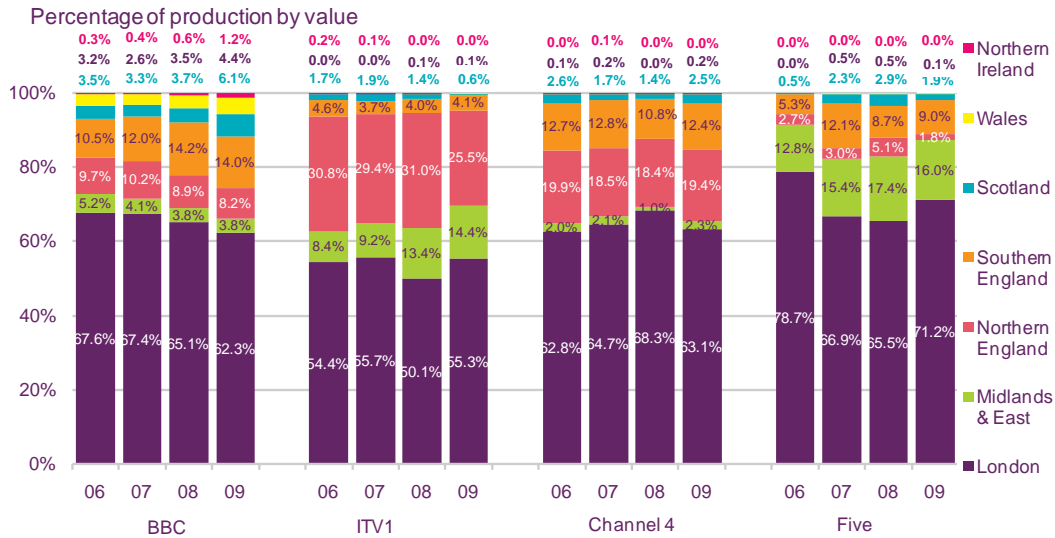
Figure G6 shows how the *expenditure* is divided up for each broadcaster. The BBC's proportion of spend in London has gradually reduced in each of the last four years, with out-of-London spend going up from 32.4% in 2006 to 37.7% in 2009. The BBC's spend in the nations has increased from 7% to 11.7% over the same period. Within this, spend in Scotland has risen from 3.5% to 6.1% in 2009.

On Channel 3, the proportion of out-of-London expenditure has fallen from 45.6% in 2006 to 44.7% in 2009 while spend within London went up from 54.4% to 55.3% of total first-run originated budgets. Spend in the devolved nations has not shown signs of revival.

Channel 4's performance showed an improvement in 2009 with an increase in the proportion of outside-London spend, from 31.7% in 2008 to 36.9% in 2009 - although the increases were more significant in the English regions than in the devolved nations. However, the proportion of spend in Scotland rose from 1.4% in 2008 to 2.5%.

Five's proportion of expenditure on out-of-London productions fell to 28.8% in 2009, compared with 34.5% in 2008, and the proportion of spend in Scotland, Wales and Northern Ireland also dropped.

Figure G6 Breakdown of expenditure, by broadcaster



Source: Ofcom/broadcasters

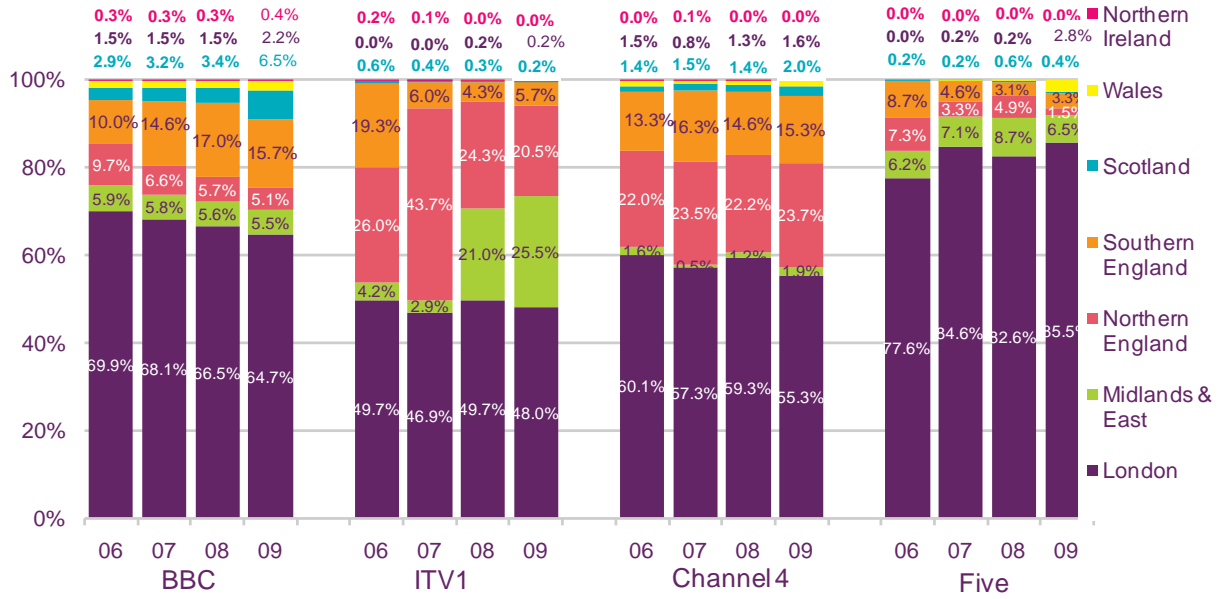
The *volume* of out-of-London production by broadcaster over the last four years is shown in Figure G7. The proportion of hours made or commissioned by the BBC in London has fallen each year, reducing by five percentage points from 69.9% in 2006 to 64.7% in 2009. The number of hours made in the devolved nations increased and the percentage in Scotland went up to 6.5%, compared with 2.9% in 2006.

While the proportion of hours from outside London which were broadcast by Channel 3 in 2009 was a little higher at 52%, compared with 50.3% in 2006, the levels in the devolved nations did not show growth.

The proportion of Channel 4's hours made in London fell by 5 percentage points; from 60% to 55% during the period, with small increases in the proportions in Scotland and Wales. The aggregated figure for the nations was 3.6% in 2009, compared with 2.9% in 2006.

On Five, the percentage of out-of-London production by volume fell to 14.5%; its lowest level since quotas were introduced, and the proportions in the nations were mostly lower, with the exception of Wales where the figure went up to 2.8%.

Figure G7 Breakdown of production volume, by broadcaster



Source: Ofcom/broadcasters

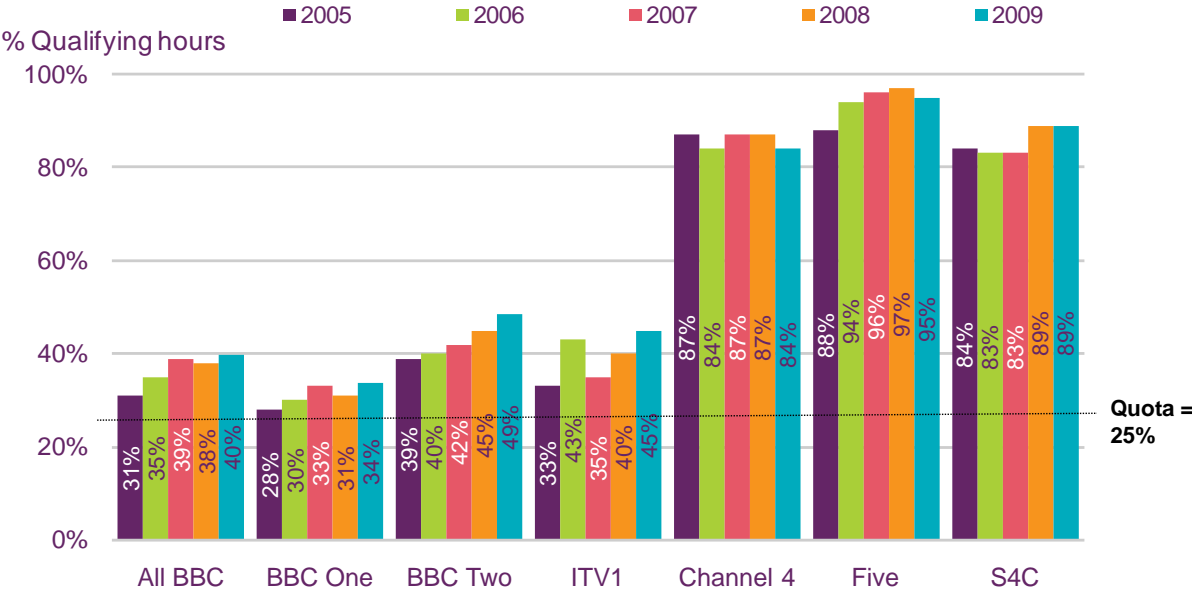
Independent productions

Quota easily exceeded

The quota for programmes commissioned from independent producers is fixed at 25% for all PSBs. Figure G8 shows how all broadcasters have exceeded the quota by wide margins in each of the last five years, and the BBC and ITV1 achieved their highest levels in 2009. In the BBC's case, the 25% quota applies across all its PSB channels in aggregate and to BBC One and BBC Two individually. The proportion for the BBC's PSB channels taken together has risen from 31% in 2005 to 40% in 2009, while the level achieved on BBC One has risen from 28% to 34%. BBC Two secured a 10 percentage point increase from 39% in 2005 to 49% in 2009 while ITV1 (excluding GMTV) reached 45%, up from 33% in 2005.

Channel 4, S4C in Wales, and Five do not make programmes themselves but commission their originated programmes from other sources, primarily from independent producers. As a result, the levels of independent content on these channels are higher than on other PSB channels, with the proportions achieved in 2009 being 84% on Channel 4, 95% on Five and 89% on S4C Digidol.

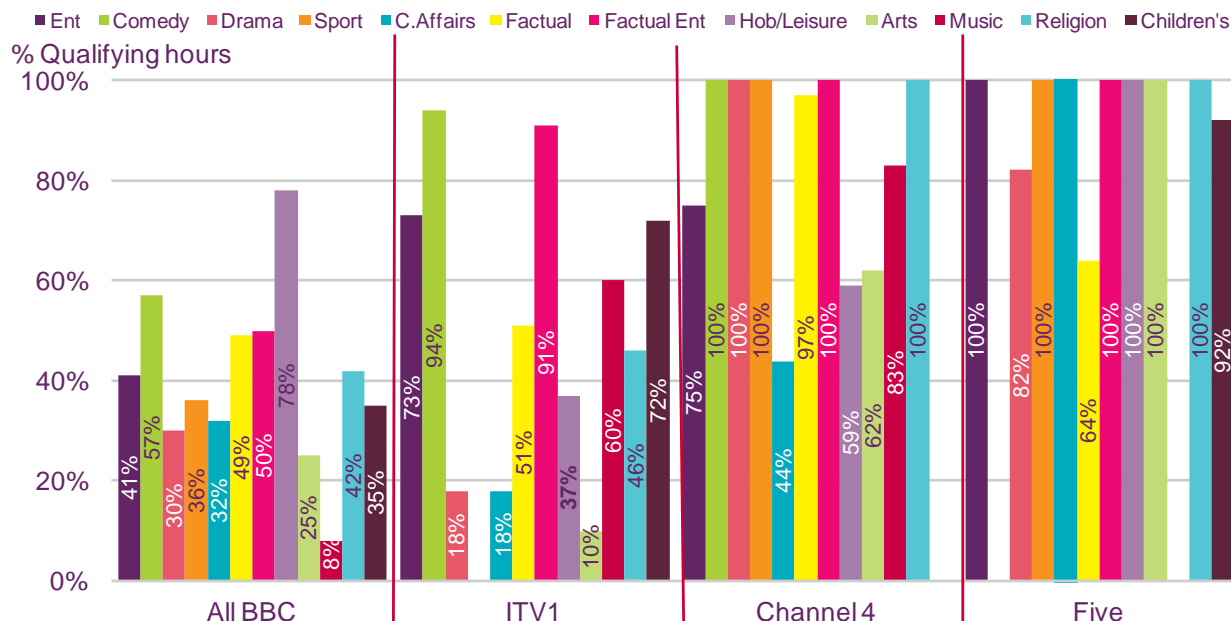
Figure G8 Qualifying hours commissioned from independent producers



Source: Ofcom/broadcasters

An additional obligation relates to the range and diversity of programmes that broadcasters must commission from independents, to encourage content in all programme genres and across a wide range of budgets to be tendered. The 25% quota does not need to be achieved in each programme genre, but in practice it does tend to exceed this level in the majority of genres on the BBC's channels as a whole, and on ITV1. And for the reasons explained earlier in this section, it was invariably exceeded on Channel 4 and Five.

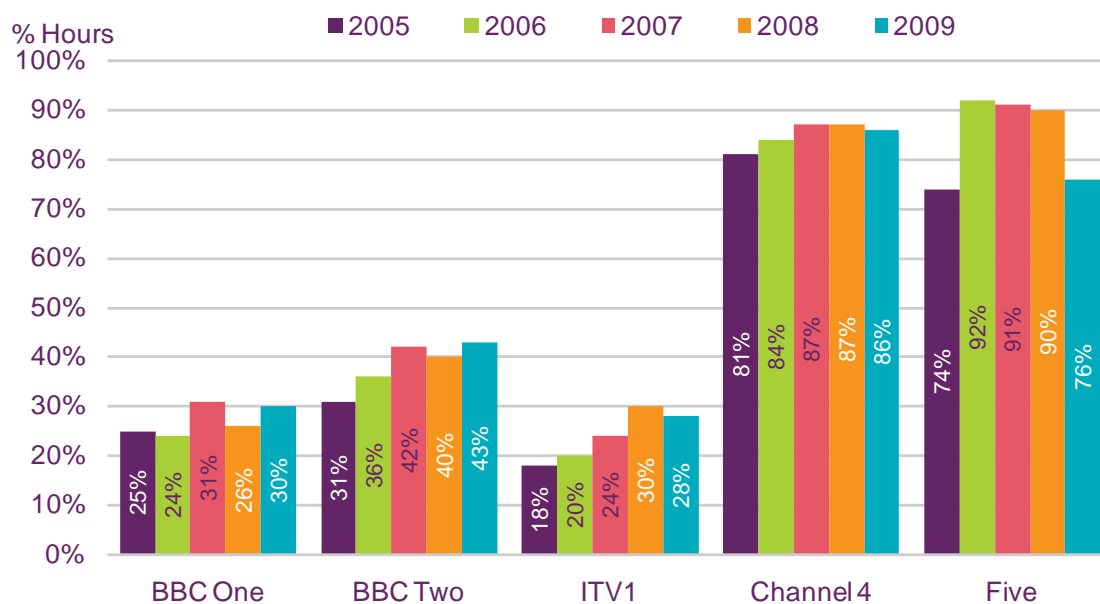
Figure G9 Qualifying independent commissions, by genre



Source: Ofcom/broadcasters

Figure G10 shows the levels achieved in peak time over the past five years. There is no separate quota for peak time, but the proportions were all well above 25% in 2009 on all channels, reaching 43% on BBC Two, 30% on BBC One, 28% on ITV1 and 86% on Channel 4. The proportion on Five fell in 2009 to 76%, from f around 90% achieved in 2006 and 2008.

Figure G10 Peak-time qualifying hours commissioned from independents



Source: Ofcom/broadcasters Note: excludes regional programmes

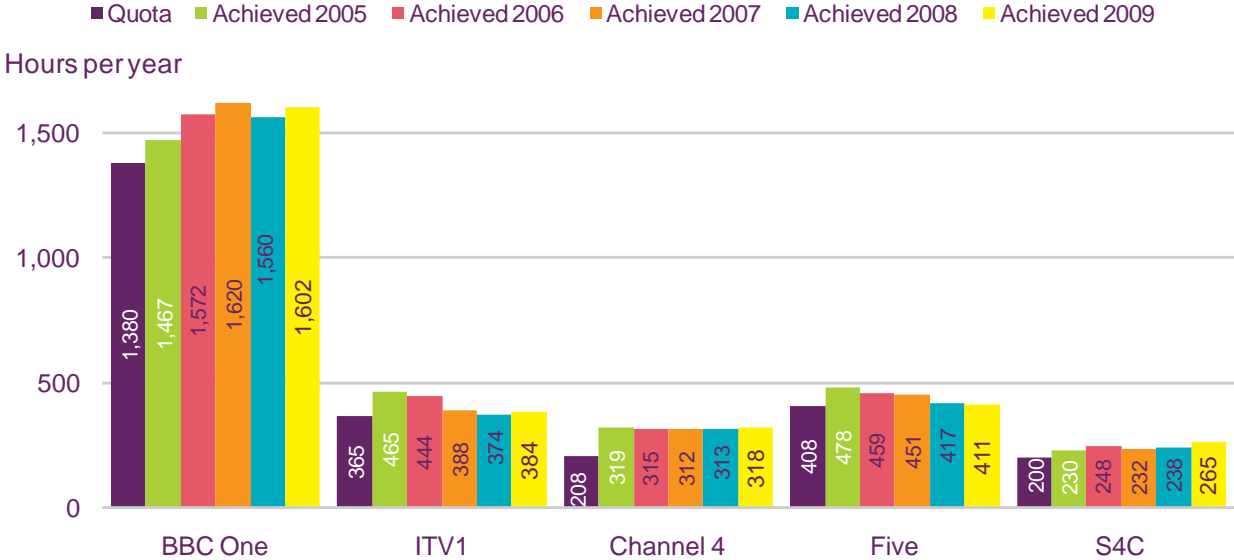
News and current affairs

All channels meet quotas

The news quota is one of the few to apply to a specific programme genre and recognises the importance of a plurality of sources of news and the fact that it is not always possible for this to be provided by the market without intervention. The following charts show that the news quotas have been met consistently over the past five years.

BBC One has the highest targets for news and across the full 24-hour broadcasting day achieved 1,602 hours in 2009, against its quota of 1,380. These figures include the Breakfast service, but exclude simulcasts from the BBC News channel which transmit during the night hours. ITV1 (excluding GMTV) achieved a total of 384 hours, compared with its quota of 365 hours, while Channel 4 achieved 318 hours; Five 411 hours and S4C Digidol 265 hours.

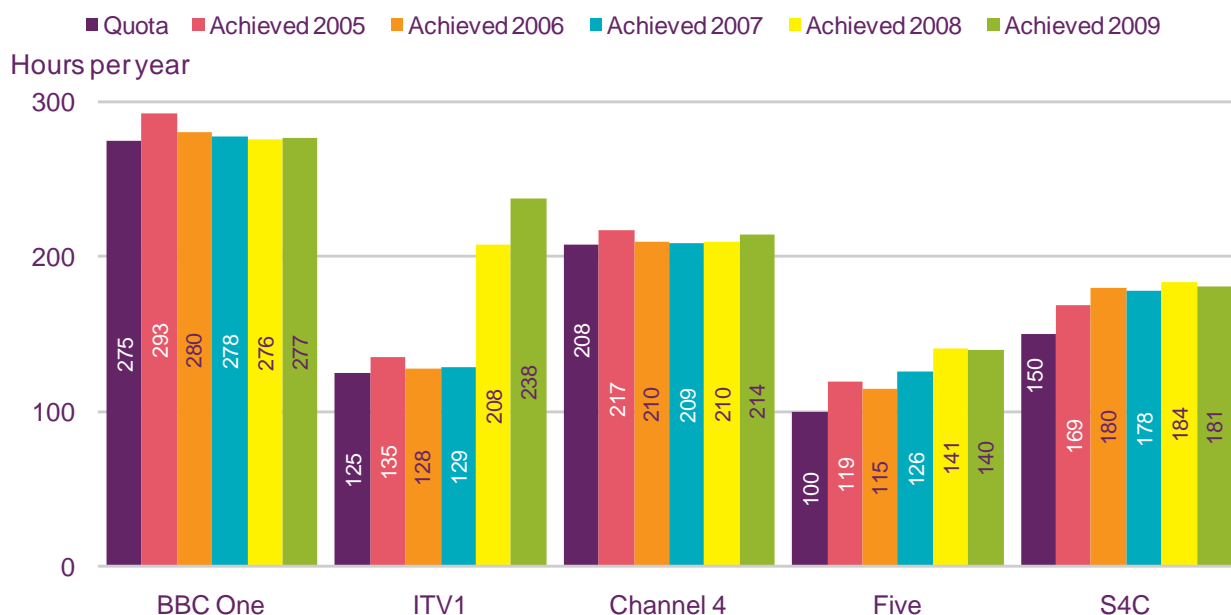
Figure G11 Performance against national and international news quotas, all day



Source: Ofcom/broadcasters

In peak time, separate quota levels are set for peak time, and as shown in Figure G12, all broadcasters exceeded the minimum levels expected. The effect of the re-instatement of ITV’s *News At Ten* in a regular peak-time slot in 2008 can be seen, with an increase to 238 hours in 2009, compared with the annual quota of 125 hours.

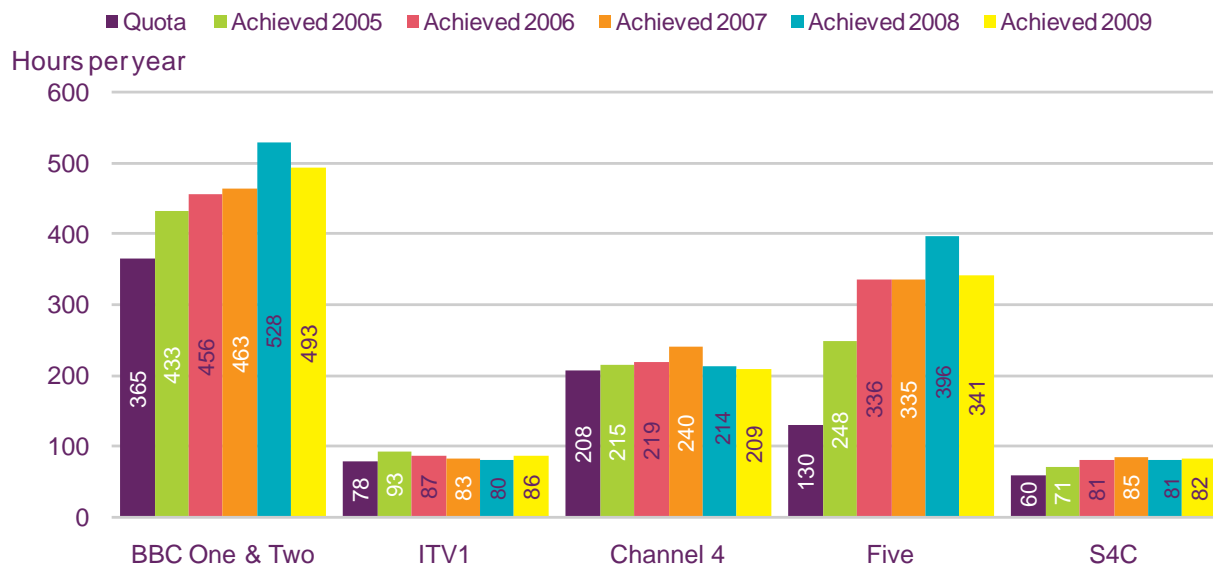
Figure G12 Performance against national and international news quotas, peak time



Source: Ofcom/broadcasters

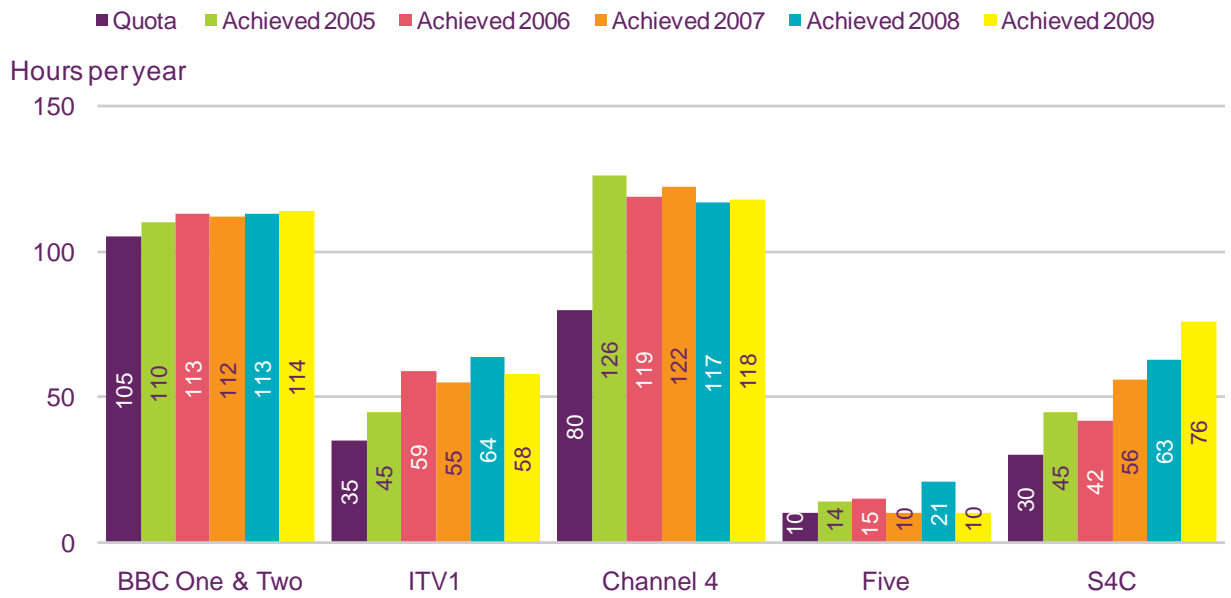
Figures G13 and G14 show the PSB's achievement against the current affairs quotas which apply across the whole day and in peak time. All broadcasters exceeded their commitments in 2009, as they did in the previous four years.

Figure G13 Performance against current affairs quotas, all day



Source: Ofcom/broadcasters

Figure G14 Performance against current affairs quotas, peak time



Source: Ofcom/broadcasters

Programmes made for viewers in the nations and English regions

All channels exceeded the quotas in 2009

Nations and regional programmes are non-networked programmes, produced in the nations and English regions specifically for local audiences. They are broadcast on Channel 3 and BBC One and Two.

Following Ofcom's second PSB Review, reductions in ITV plc's output were agreed in order to bring the cost of PSB obligations in the licences more closely into line with the benefits to ITV of continuing to hold the licences. The changes to the quotas took effect from 2009. The priority was to maximise local news-gathering, within the available resources, and to provide a service relevant to viewers, making peak-time regional news the priority, with reductions during the daytime. While the peak time quota was unchanged, the standard weekly quota for regional news was cut from 5 hours 20 minutes to 3 hours 45 minutes in the ITV English regions and for non-news programmes was reduced from 30 minutes to 15 minutes a week, giving a total of four hours a week in each region. The levels achieved in 2009, compared with the figures for the previous four years, are shown in Figure G15 below.

There were other changes: the merging of parts of the news services in Border and Tyne Tees, and ITV West and Westcountry. A minimum of 2 hours of regional news a week must be provided separately for viewers in each licence area, but the remaining 1 hour 45 minutes of the news quota may be shared between the two partner regions. Changes affecting Meridian and Thames Valley mean that news programmes in the Oxford sub-region may be shared with the Meridian West sub-region. The volume of sub-regional output was also reduced in the single licence areas of Central East & West; Yorkshire North & South and Anglia West & East.

Figure G15 England ITV1 licensees' performance against non-network quotas

Average hours of regional programming per week



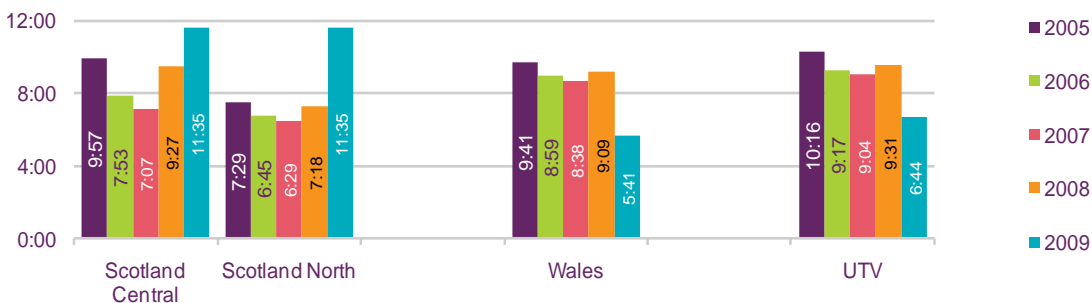
Source: Ofcom/broadcasters. Note: Not including sub-regional output.

In the devolved nations, quotas for non-network programmes are set at higher levels than those in the ITV English regions, and as part of the changes outlined above, were standardised at 5 hours 30 minutes a week each in Scotland and Wales and six hours in Northern Ireland. Within this overall figure there is a quota of four hours for news and 1 hour 30 minutes for non-news programming (two hours in Northern Ireland) Figure G16 shows the achievements over the last five years.

The quota for the STV Central and North regions includes separate production requirements in each part of the region for news programmes, with joint requirements applying to non-news output, allowing programmes to be shared by the two licensees. Figure G16 shows the total number of hours broadcast in each licence area. In 2009 STV extended its policy of opting out of some ITV network output, substituting a range of alternatives including some programmes made from its own resources for Scottish audiences. The launch in 2009 of a live hour-long weekday magazine style programme in the 5pm slot significantly increased the volume of non-network output, as can be seen in the chart below.

Figure G16 Nations Channel 3 licensees' performance against non-network quotas

Average hours of programming per week

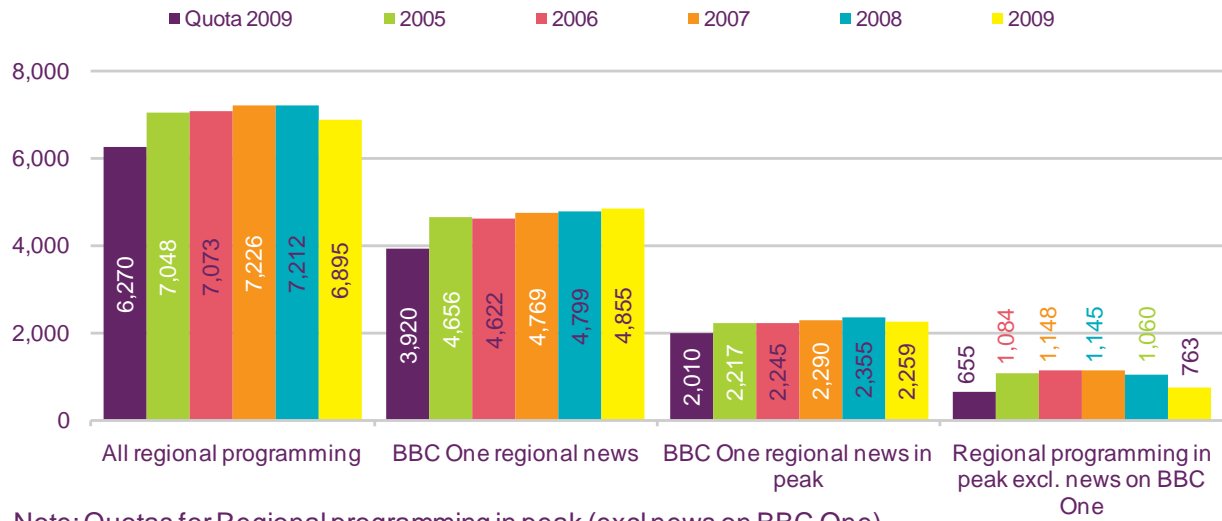


Source: Ofcom/broadcasters

The BBC's quotas for the English regions and nations are set by the BBC Trust and apply across the total volume of regional programming produced in the UK as a whole, rather than individually for each nation and region. The quota for all regional programming was revised downwards in 2009 from 6,580 hours per year to 6,270 hours and the quota for regional programming in peak (excluding news on BBC One) reduced from 1,030 hours to 655 hours. These reductions were driven primarily by the merger of the analogue and digital versions of BBC Two in Wales as a result of digital switchover and, to a lesser extent, also reflected the BBC's strategy of reducing the volume but increasing the editorial quality of non-news programmes in the nations and regions. In line with the quota reductions, the level of regional programming in peak fell from 1,060 hours in 2008 to 763 hours in 2009 while total regional programmes fell to 6,895 hours in 2009 from 7,212 hours the previous year (Figure G17).

The quotas for nations and regions news on BBC One (all day) and in peak time were unchanged and the amount achieved across the full day increased from 4,799 hours in 2008 to 4,855 hours in 2009, well above the quota level of 3,920 hours. In peak time the number of hours delivered easily exceeded the quota (2,010 hours) but at a lower level than had been the case in the previous two years - 2,259 hours in 2009, compared with 2,355 hours in 2008 and 2,290 hours in 2007.

Figure G17 The BBC's performance against nations and regions quotas



Note: Quotas for Regional programming in peak (excl news on BBC One) and for All regional programming were revised in 2009.

Source: Ofcom/broadcasters

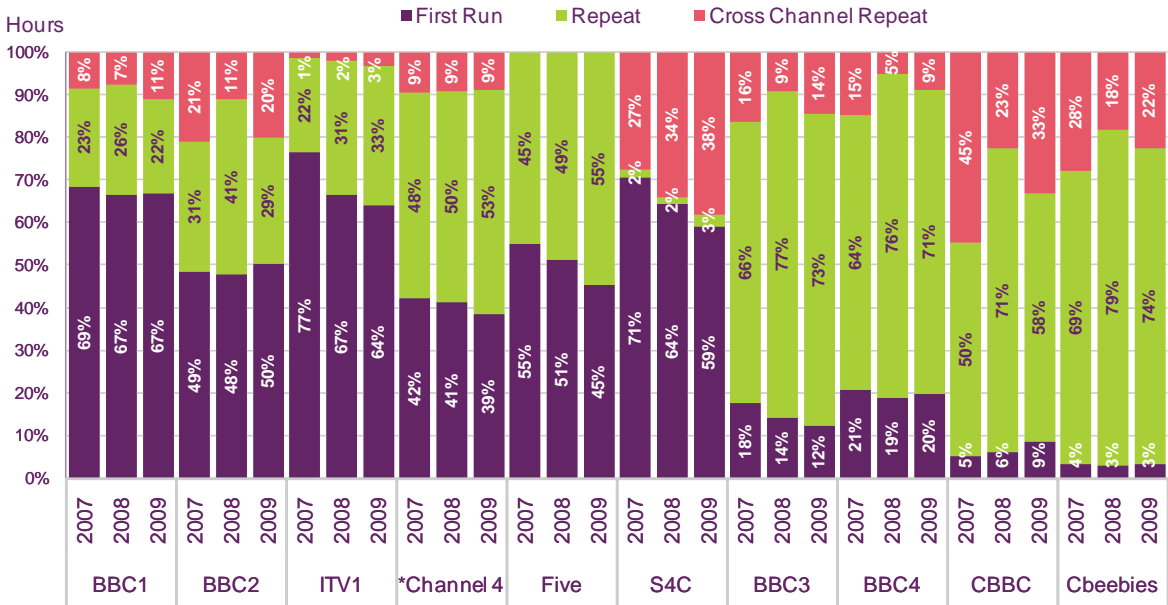
Repeats

Increase in repeats on commercial PSB channels

There are no quotas setting limits on the number of repeats that can be shown, but, as viewers have expressed concerns about the extent of repeats, information is provided in this section on the trends for PSB channels. Underlining the relevance of this measure, results from Ofcom’s Media Tracker (an annual survey of viewers’ perceptions and attitudes to television) illustrate that of the respondents who thought that programme standards had got worse, the most popular reason cited was ‘more repeats’ (65%), followed by ‘lack of variety’ (33%). Figures G18 and G19 show the proportions of first-run and repeated programmes, together with ‘cross-channel’ repeats. These are programmes that were first shown on a ‘sister’ channel and subsequently shown again on the channel in question.

Figure G18 shows that across the full day, BBC One showed fewer of its own repeats in 2009 (22%) than in the previous year (26%). Overall, 67% of programmes on BBC One were first-run and 11% had been previously seen on another BBC channel. The level of first-run programmes on BBC Two in 2009 was 50%, an increase on the 2008 figure of 48%. Repeats accounted for 29% of total output and cross-channel repeats 20%. On the commercial PSB channels, the repeats trend was upwards. On ITV1, repeats accounted for 33% and a further 3% were cross-channel repeats, with first-run programmes on ITV1 having fallen from 77% of total output in 2007 to 64% in 2009. On Channel 4 repeats increased from 48% in 2007 to 53% in 2009, while first-run fell from 42% to 39% (figures exclude schools programmes). The proportion of repeats on Five rose from 45% in 2007 to 55% in 2009, while on S4C Digidol, repeats including cross-channel repeats (programmes originally shown on the S4C analogue service) increased from 29% in 2007 to 41% in 2009. The BBC’s digital channels rely much more heavily on repeats of all types, and this is particularly the case with the children’s channels, where less than 10% of programming time was first-run material.

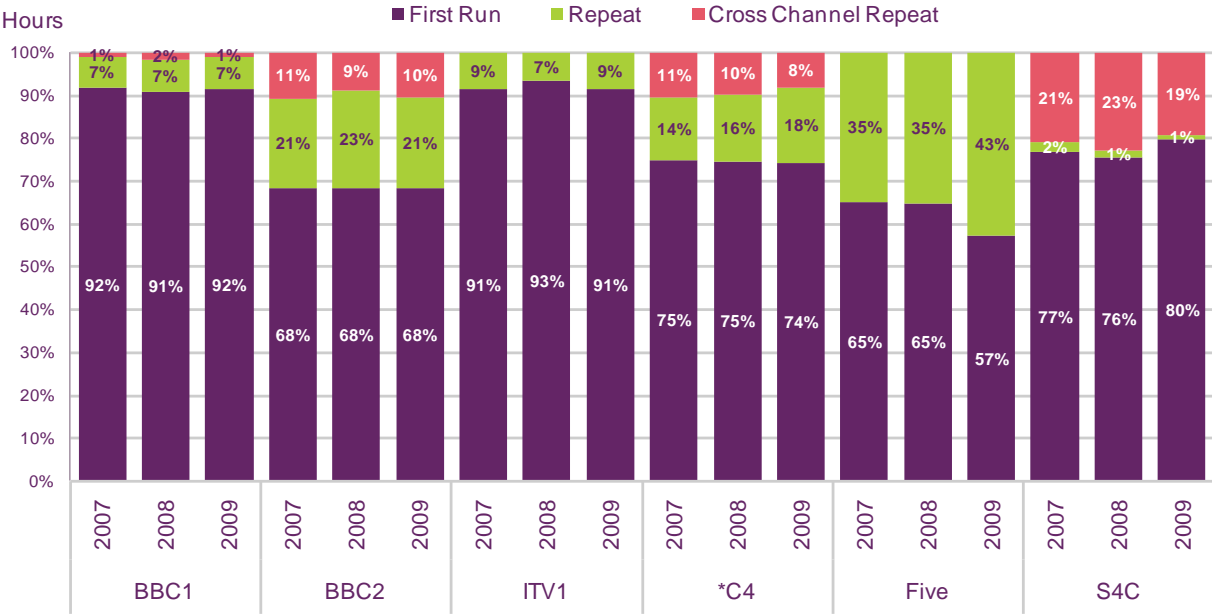
Figure G18 Proportion of repeats, 2007 to 2009, all day



Source: Ofcom/broadcasters. *Excluding schools programmes

The levels of repeats in peak time are much lower across all channels, especially on BBC One and ITV1, where the proportions remained at less than 10% in all three years. On S4C the figure was 20% in 2009; on Channel 4, 26% and on BBC Two 31%. The proportion on Five was higher at 43%, a notable increase since 2007 when the repeat rate was 35%.

Figure G19 Proportion of repeats, 2007 to 2009, peak time



Source: Ofcom/broadcasters. *Excluding schools programmes

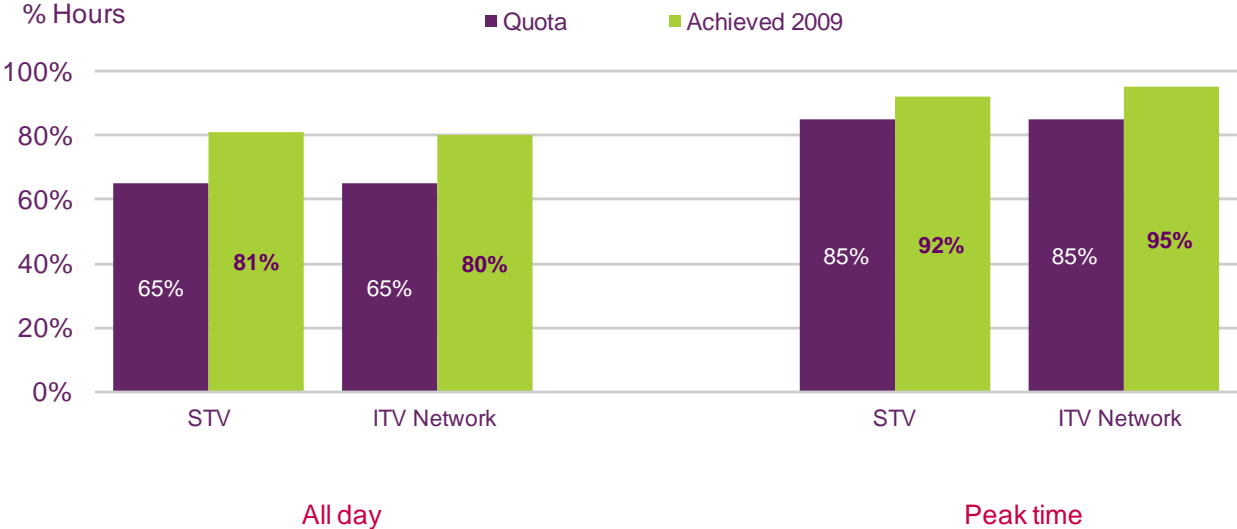
STV

STV exceeded its obligations

In 2009, STV decided to opt out of some ITV network material, particularly in peak-time slots, replacing programmes with its own productions and some acquired material. STV stated that the policy was driven by cost, the relevance and appeal of the programmes to its viewers and the time slot. In terms of compliance with the relevant network quotas, these changes did not adversely affect STV’s ability to meet its licence commitments, as shown in Figures G20 to G22 below.

The original production quota for the full 24-hour day is set at 65% of all hours, and STV achieved 81% in 2009, slightly above the figure of 80% achieved by the rest of the ITV network. In peak time, STV reached 92%, again well above the quota of 85%, compared with the ITV figure of 95% (Figure G20).

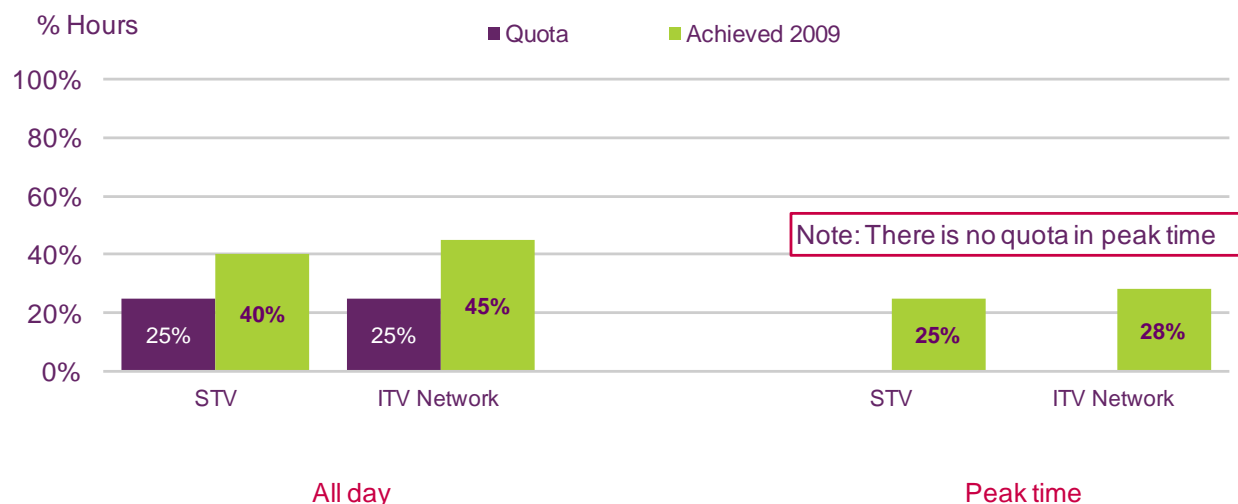
Figure G20 STV performance against original production quotas, 2009



Source: Ofcom/broadcasters

STV easily exceeded the 25% independent quota, although the proportions reached were lower than those for other ITV licensees (Figure G21). STV achieved 40% by volume of hours in total, compared with a figure of 45% reached by the rest of ITV. In peak time, the proportion for STV was 25%, against an ITV network figure of 28%. (Note that there is no separate quota for peak time, but the proportions achieved are provided here for information.)

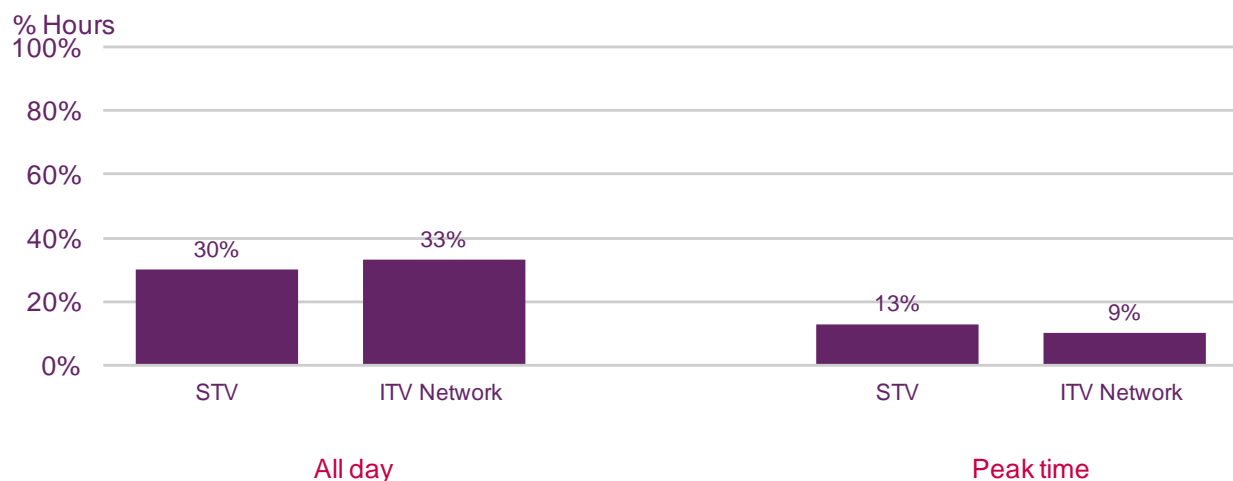
Figure G21 STV performance against the independent quota, 2009



Source: Ofcom/broadcasters

Across the schedule as a whole, the proportion of repeats broadcast by STV in 2009 was 3 percentage points lower than ITV - 30%, compared with 33% - as shown in Figure G22. In peak time the opposite was true, with STV broadcasting a higher proportion of repeats than the rest of ITV - 13%, compared with 9% for the network.

Figure G22 Proportion of repeats broadcast on STV, 2009



Source: Ofcom/broadcasters

Information has not been provided here to show the equivalent figures for Wales and Northern Ireland because opt-outs from the network schedule are fewer than in Scotland, and all quotas have been met. For further information please refer to the Communications Market Reports 2010 for Wales and Northern Ireland, where equivalent data is presented.

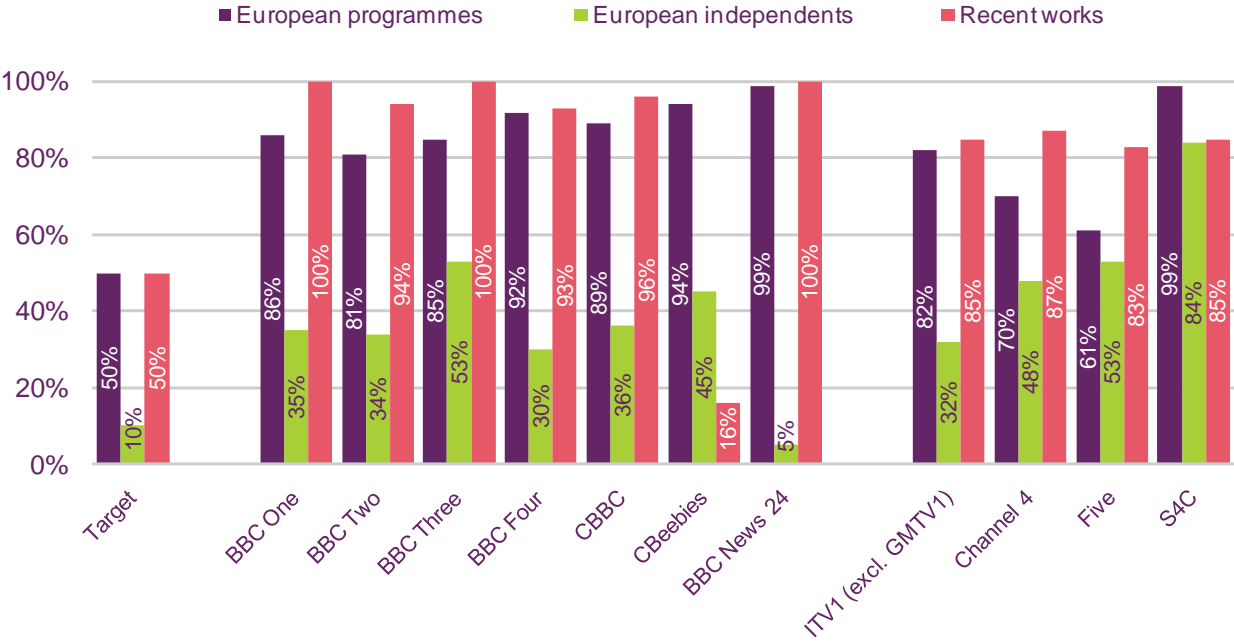
European programming

All PSB channels exceeded quotas

Quotas for European programming were exceeded by all PSBs in 2009, as shown in Figure G23. The requirements to broadcast minimum amounts of European programmes are standard for all broadcasters across Europe, and apply to all operators, including multichannel broadcasters as well as PSBs. They derive from the European Commission’s Audiovisual Media Services (AVMS) Directive and require that, where practicable, a majority of programmes (more than 50%) are European; that at least 10% are made by European independents; and that at least 50% of these have been made within the past five years.

Figures for all channels licensed in the EU, including the UK, are published by the European Commission every two years. The latest report can be found at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009DC0309:EN:NOT>

Figure G23 Performance against European programming requirements, 2009



Source: Ofcom/broadcasters

Other compliance matters

Listed events

A number of key sporting and other events, considered to be of major national interest, are designated by the Secretary for Culture Media and Sport as 'listed events'. The purpose of these arrangements is to ensure that they are made available on free-to-air channels so that all viewers have access, particularly those who cannot afford subscription television. Broadcasters are prevented from acquiring exclusive rights and from transmitting coverage of such events on a live and exclusive basis without Ofcom's prior consent. In 2009 there were no instances of any broadcaster failing to comply with the Code on Listed Events.

Ofcom *Broadcasting Code on Fairness and Privacy*

The fairness and privacy sections of the *Ofcom Broadcasting Code* set out how broadcasters should treat individuals or organisations that are directly affected by a particular programme. This applies to people who have either appeared in, or been mentioned in, a programme, or who have a direct interest in the subject matter of a programme, rather than the generally-accepted standards that apply to programmes in order to avoid causing harm and offence to the general public.

Ofcom concluded 222 fairness and privacy complaints in 2009. Of these, 76 were adjudicated upon by Ofcom, with two upheld, 19 partly upheld and 55 not upheld. Most of the remaining 146 complaints were not entertained (i.e. could not be considered by Ofcom either because they did not fall within its remit for fairness and privacy or because Ofcom was prevented from considering them under the applicable statutory criteria). However, in a small number of cases, complainants accepted an '*offer of appropriate resolution*' which was volunteered, on a without-prejudice basis, by the broadcaster concerned.

TV access services: subtitling, signing and audio description on television

In 2009, 80 channels were required to provide subtitling, signing and audio-description for people with sensory impairments ('television access services') in accordance with Ofcom's Code on Television Access Services, compared with 81 channels in 2008. These 80 channels included all the public service channels, as well as digital channels featuring general entertainment, films, sports, documentaries, children's programmes, and popular music. The quotas apply to all PSB channels and all other television services which achieved an average audience share over a 12-month period of 0.05% or more, subject to passing an affordability threshold and not facing technical difficulties that cannot be overcome, such as the audio-description of music and news programmes, where there is little space within the dialogue or sound-track to provide audio-description. A full list of channels that provided television access services during 2009 can be found at:

http://www.ofcom.org.uk/tv/ifi/guidance/tv_access_serv/tv_access_statement09/tvaccessservice_s09.pdf

Almost all broadcasters met their obligations in full in 2009. GMTV1 fell short of meeting its signing target by 0.1% in 2009 and will be required to make up this small deficit in 2010. 4 Music fell significantly short of its subtitling obligations, resulting in a Code breach being recorded against the broadcaster. 4 Music is required to make up the 13.8% subtitling deficit as part of its 2010 targets. For further information on the additional restitution offered by 4 Music and for full

details of the finding please see Broadcast Bulletin (157):
http://www.ofcom.org.uk/tv/obb/prog_cb/obb157/Issue157.pdf.

A report showing the performance of television channels against the targets applying in 2009 and 2010 can be found at http://www.ofcom.org.uk/tv/ifi/guidance/tv_access_serv/tvaccessrep/q409/

Intellectual property

The Communications Act 2003 requires Ofcom to report on any issues relating to intellectual property in programmes that have arisen, or been of significance. In 2009 no such issues were brought to Ofcom's attention.

Equal opportunities

Ofcom is required to ensure that all but the smallest broadcasters make arrangements for promoting equal opportunities in employment, regardless of gender, race and disability. Following extensive public consultation, and further discussions with the broadcasting industry and interested groups, Ofcom invited its co-regulator, the Broadcast Training & Skills Regulator (BTSR), to help broadcasters to evaluate and improve their work in this area, with effect from 1 April 2009. Subsequently, BTSR changed its name to the Broadcast Equality and Training Regulator (BETR), in recognition of its additional responsibilities.

During 2009, BETR developed a framework for broadcasters to evaluate their equal opportunities activities, with input from an industry-led planning group and an advisory group comprising stakeholders representing women, disabled people and people from ethnic minorities. BETR devised an online reporting format, which was piloted with selected broadcasters, and used as the basis for requesting returns for 2009. More information on this can be found at <http://www.betr.org.uk/equal-opportunities.php>.

In August 2009, BETR published its annual survey of employment in the broadcasting industry, broken down by gender, ethnic group and disability, using information collected by Ofcom from broadcasters. The full report can be found at http://www.betr.org.uk/documents/BTSR_Equal_Ops_2008_Full_Report.pdf

Training

Ofcom works closely with the Broadcast Equality and Training Regulator (BETR) on the promotion of training arrangements in the broadcasting sector. BETR brings together training and development expertise, working with broadcasters, trade associations and Skillset (the Sector Skills Council for the Audio Visual Industries). Its aim is to help the industry to continue to improve and to provide relevant, inclusive and cost-effective training and career development opportunities for employees and freelancers.

BETR continued to develop its self-evaluation assessment system in 2009, enabling broadcasters to report their assessments online. As in previous years, selected broadcasters were visited by a panel of independent validators, to help ensure consistency in reporting, and to provide advice on opportunities for improving training arrangements. Despite the tough economic climate, BETR's annual report (published in August 2009) noted that the proportion of

low-performing television and radio broadcasters had fallen significantly, to 4% and 6% respectively. (<http://www.betr.org.uk/reports/training-skills-2008.php>).

In October 2009, BETR, with support from Ofcom and Skillset, hosted its annual Learning and Development Seminar, which was followed by a ceremony for the broadcasting sector's National Training Awards. A number of television and radio broadcasters were recognised for their commitment to staff learning and development, with a national award going to Global Radio.