

Title:

Prof

Forename:

Sonia

Surname:

Livingstone, Also From Prof Peter Lunt

Representing:

Self

Additional comments:**Question 1: What are your views on Ofcom's proposed priorities for 2013/14?:**

We welcome Ofcom's emphasis on promoting the opportunity to participate in a wide range of communication services. We also welcome the emphasis place on high quality research. Last, we welcome a document that finally offers a wider strategy in relation to citizens (long neglected, at least in Ofcom's explicit statements which, as we have noted in response to previous consultations, have been systematically or confusingly downplayed by comparison with references to consumers and consumer strategy). (Executive Summary).

As noted on p.3 of the consultation document, 'the communications sector enables participation and social cohesion in UK society'. This is an important statement. However, we cannot find any further discussion or amplification of this statement. Particularly missing is a vision of the kinds of participation or social cohesion that communications could or should enable in UK society. It is, in consequence, difficult to see how Ofcom conceives of this priority, either as a measure of success in relation to promoting the opportunity to participate or as a key plank of the claimed wider strategy in relation to citizens. Greater clarity from Ofcom is required.

Instead, the draft annual plan consistently refers to participation as something that can be taken as given, without elaborating exactly what is being participated in. What opportunities to participate does Ofcom intend to promote? As it emerges in relation to proposed work areas, what is intended is deeply disappointing - though of course important - namely that all UK households should be reached by the postal service and superfast broadband. Good, but to what end? The new language of participation and citizenship is, we suggest, currently largely rhetorical. We urge that Ofcom builds on this seemingly positive new direction to develop a genuine strategy in relation to citizens, including a citizen and societal needs analysis, an account of relevant partner institutions or sectors, a specification of feasible goals in relation to participation and citizenship, and a careful analysis of citizen detriment should these goals not be met.

Ofcom still offers no clarity on the differences between citizen and consumer interests, though it is mandated to promote both in the Communications Act 2003. We have elaborated on our own and others' conception of this distinction to Ofcom on a number of occasions. It is not that we urge our conception of this distinction so much that we deplore Ofcom's continued avoidance of this important issue.

The draft annual plan conflates media use with use of media to participate in society (measuring use against market offer rather than citizen needs, which latter are entirely unspecified). It conflates individual consumer adoption of media devices with opportunities to participate for purposes of social cohesion (as above) or for any other societal benefit one might think of (for example, it fears audience fragmentation rather than welcoming audience diversification, with no cultural rationale, merely an implicit economic one). It ignores the interactive element in 'participation' by contrast with use - you can use something alone but you cannot participate in something all by yourself, by any definition - so who are the others, institutional, community or individual with whom citizens could beneficially communicate with? Are they reaching them? Are they getting the responses that citizens deserve? Do communication technologies permit the effective building of online communities, alliances, deliberative spaces, public opinion, learning spaces etc. ? If not, who is losing out? To put the question another way, we might ask, of all the ways that people use media and communications, which uses does Ofcom consider particularly contribute to the citizen interest? Having answered that question, Ofcom should focus resources on tracking and promoting these. So vaguely stated, and with no social or citizen goals or benefits specified or measurable, the draft plan leaves open the absurd possibility that if the British public all bought iPads and used them for shopping, then the citizen interest would be met.

Many have pointed Ofcom to sources of thinking on the citizen interest over the years. Suffice it to say here, in basic terms, that the consumer interest tends to prioritise the short term over the long term and the individual's private self-interest over the wider public good. It is the longer-term public good that should be emphasised and articulated in a wide strategy for citizen opportunities to participate in UK society. In taking this forward, a speech delivered a decade ago by the current CEO remains helpful (Ed Richards, Speech to the Westminster Media Forum, 25 May 2004, Ofcom Review of Public Service Broadcasting.) In that speech he mapped the distinction as follows:

Consumer rationale : Citizen rationale

Wants : Needs

Individual level : Social level

Private benefits : Public/social benefits

Language of choice : Language of rights (inclusion)

Short-term focus : Long-term focus

Regulate against detriment : Regulate for public interest

Plan to roll back regulation : Continued regulation to correct market failure

Is this recognition of the importance of citizen needs, conceived at a social level, for public benefit, with a long-term focus and emphasis on rights still central to Ofcom's actions? There is little of it in the draft plan. To be sure, in many ways, Ofcom has and proposes to continue contributing very significantly to the citizen interest in communication matters. What a wider strategy in relation to citizens had seemed to promise, but is strikingly unelaborated in the draft plan (compare the many pages devoted to specifying the changing technological infrastructure), is a broader vision of the social infrastructure on which citizen participation

fundamentally depends in a technologically networked society.

This would make clear not only what citizen interests Ofcom is actively advancing (PSB, for instance) and which it is not (efforts to promote e-government, or e-learning, or mediated civic participation, or critical digital literacy, or social cohesion, to name but a few). This analysis is long overdue. How, for example, does Ofcom distinguish the public or citizen interest from the particular public policy objectives set it by parliament? (note that, at the outset, the draft plan reminds us of Ofcom's independence from government in specifying and furthering citizen as well as consumer interests). To put it another way, within what larger set of possible ways of furthering the citizen interest in communication matters did Ofcom make its particular choices for this plan? And why does it still appear that Ofcom puts the citizen interest structurally behind that of the consumer interest (waiting for market failure, trying not to regulate, conceiving only of 'interventions' as a possible means of furthering the citizen interest)?

Question 2: What are your views on Ofcom's proposed work areas for 2013/14?:

The two work areas associated with strategic purpose 3 (opportunities to participate) are, as noted above, necessary but insufficient. Postal and broadband services are vital for all citizens. But they are only of value if, in practice, they do genuinely "enable participation and social cohesion in UK society." Ofcom must develop work areas to evaluate and promote this larger citizen goals, going beyond the mere measurement of amount of use, so as to track improvements (if there are such) in participation in society through the use of communication tools, to pinpoint who is excluded from such benefits (both as individuals and groups), and to promote these, together with appropriate partners, for the public good and the longer-term benefit of society. Once upon a time there was a plan to develop a citizens' interest toolkit to match that of the consumer toolkit developed originally by the Consumer Panel - this remains a good idea, so we propose its inclusion in the annual plan.

Developing a genuine strategy for the citizen interest in communication matters: to advance this otherwise vague proposal to promote opportunities to participate - in what, we could ask, and to whose benefit? - we urge that Ofcom undertakes a serious analysis of the societal importance of participation in a range of spheres. A useful starting point would be to consider how use of communications can promote opportunities to participate in civic and political activities, in education and learning, in social and community life, in creative and expressive endeavour, in employment and innovation. At present, the draft plan appears to use the terms 'use' and 'participate' in media synonymously. Ofcom has long been good at measuring media and communication adoption and, to a lesser but still significant degree, media and communication use. It has given little attention to participation, however.

Where it has made modest forays into questions of participation - in the media literacy audit, for instance, there are sporadic questions on use of technologies to enter debate or express an opinion or gain (and critique) information - these have remained undeveloped and, most importantly, they show no increase in the UK public over the years since Ofcom's inception (see <http://www.scribd.com/doc/57742814/Policy-Brief-Progress-in-digital-skills-has-stalled>). If Ofcom seriously intends to promote opportunities to participate, the fact that this has proved difficult so far should be of concern. The importance of media literacy is mentioned briefly on p.18, where Ofcom proposes to continue "providing information and evidence in support of wider public policy development on issues such as inclusion and media literacy." It is not stated what public policy developments are referred to here, and we

consider it important that these are specified. In our view, few now exist, and this constitutes something of a crisis in advancing media literacy in this country, particularly in relation to participatory, civic and critical literacies so vital to the citizen interest and so necessary if citizen detriment is to be avoided.

There are many organisations in the UK that are working to improve citizens' participation in civic and political matters (consider the Hansard Society's annual audit of political engagement, for instance, which for some years has examined the use of media technologies as a possible enabler of engagement) - see http://hansardsociety.org.uk/blogs/parliament_and_government/pages/audit-of-political-engagement.aspx. Others are working to use media and communication technologies to enhance social cohesion, informal and lifelong learning, digital literacies and skills, creative innovation in diverse areas of enterprise, social inclusion, and much more. We urge that Ofcom build strategic alliances with organisations expert and experienced in matters of participation and citizenship in order to bring its specific expertise on media and communications technologies and uses to bear in spheres where wider benefits may be promoted. At present, no partnerships or collaborations with any citizen groups or public bodies or community organisations are mentioned as part of the wider strategy on citizens' interests - with whom will Ofcom work in advancing this? Is Ofcom confident that it has identified a sufficiently diverse, representative and effective set of partners for such work? The public should be told who they are.

Research and evidence: Ofcom's research is widely valued and used, both by Ofcom and many others. Given its importance as a major if not the major source of information in underpinning policy and regulation in relation to UK media and communications, we urge that Ofcom also consults annually on its proposed research programme. There are many researchers in the country who would welcome the opportunity to contribute to shaping this programme. They also may have insights or critical input of value to Ofcom as it develops its programme and, further, as it draws on the findings to inform Ofcom's work. Research is always enhanced by peer review at all stages from initial conception through to interpretation and use of findings: we strongly recommend that Ofcom introduces a formal process of consultation in relation to its research work, as part of its commitment to transparency, expert engagement and consultation.

Protecting consumers from harm: we urge that Ofcom undertakes a substantial evidence-based assessment of current and upcoming sources of consumer and citizen detriment. Other organisations (in UK, EU and elsewhere) conduct surveys indicating considerable problems experienced by the public in relation to new communication devices and services, centred on distrust, privacy concerns, data abuse, security and safety risks, offensive content, financial loss, etc. - but these are insufficiently addressed by Ofcom's media literacy audit or consumer experience surveys, not least because people struggle even to know or articulate what risks exist. Strategic purpose 4 refers to these themes but sets no expectations or requirements as to Ofcom's contribution in this area - what targets, or improvements, are planned? Will consumers actually be protected when their personal data is being collected online, for instance, as a result of Ofcom's actions in the coming year? (p.24)

Internet policy: the draft plan says little about 'protection for users' in relation to the internet other than that this is on the agenda (e.g. p.28). Further specificity, and action, is vital here. Many people are entirely confused as to their rights in relation to online services, and they feel insufficiently able to protect themselves or take appropriate action. This is most evident in relation to parents and children. Ofcom has established ParentPort, for instance (although

the draft plan makes no mention of this), and we urge that this is developed to address precisely the murky (to parents) areas where established regulators do not exist and where parental anxieties are greatest. How is ParentPort being evaluated, promoted, and developed so as to be of genuine benefit to parents. This is a good example of a public policy objective given to Ofcom by parliament, and it deserves attention in the plan for 2013/14 (and should be linked to the reference to work supporting UKCCIS on p.52). As only hinted at in the section on developing approaches to future content regulation (p.38), this will become an ever more pressing issue in coming years. In this connection, Ofcom should produce an expert account, to inform wider stakeholders, of the role of intermediary liability and other regulatory matters relevant to the protection of both adults and minors in relation to internet providers and services (p.61).

About the respondents:

Sonia Livingstone is a professor in the Department of Media and Communications at the London School of Economics and Political Science. See <http://www2.lse.ac.uk/media@lse/WhosWho/AcademicStaff/SoniaLivingstone/soniaLivingstone.aspx>

Peter Lunt is professor and head of the Department of Media and Communications, University of Leicester. See <http://www2.le.ac.uk/departments/media/people/peter-lunt/professor-peter-lunt-profile>

They are authors of Media Regulation: Governance and the interests of citizens and consumers. London: Sage. 2012.