

**RESPONSE BY THE INTERNATIONAL BROADCASTING
TRUST TO OFCOM'S REVIEW OF RULES FOR PROMINENCE
OF PUBLIC SERVICE BROADCASTERS AND LOCAL TV**

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INFORMATION ABOUT IBT

IBT is a coalition of organisations in the UK involved with international development, human rights and the environment. The views in this submission reflect the concerns of IBT's member agencies regarding adequate common understanding of the world in which we live. We are supported by a large proportion of the UK public which is concerned with the effects of 'globalisation' and our role as global citizens.

IBT's position, reflected in all our policy work since 1997, is that coverage of the developing world should not just focus on images of suffering which is more often than not what is presented in news coverage. It is IBT's view that an international dimension should be an integral part of all programming. IBT is a registered charity, number 1150778.

Executive Summary

1. IBT's primary concern is that audiences should continue to have access to high quality public service broadcast content which engages them with and informs them about the wider world. IBT supports Parliament's original intention to provide prominence for high quality public service content in return for responsibilities placed on the Public Service Broadcasters (PSBs) to provide certain types of content.
2. IBT considers it is essential that the prominence of PSB content should be maintained if British citizens are to remain informed about Britain's role in the world and be fully engaged in the democratic process.
3. IBT believes that the existing EPG Code needs to be updated if it is to be effective in fulfilling the intention of Parliament to promote PSB content. IBT supports the Ofcom proposal to revise the current EPG Code so that it provides greater clarity.
4. IBT supports the majority of the proposals made by Ofcom regarding the position of the Designated channels in the EPG on the basis that greater uniformity of the EPG will benefit audiences.
5. IBT believes that CBeebies and CBBC should be guaranteed top slots in the children's genre or area of the EPG, regardless of the platform because they provide the majority of the original UK produced PSB content available for children in the UK.
6. IBT considers that any significant means for accessing PSB should be in scope for PSB prominence regulation in the short term. In the longer

term, it is likely this scope will need to be extended to include online services if they become a significant means for accessing PSB.

7. IBT believes that in the future regulation will need to be platform-neutral if the ambition of the original EPG Code is to be extended so that public service content is easily discoverable across a range of platforms and devices.
8. IBT believes that a link to the EPG should be available on the home page of all user interfaces on TVs. The EPG remains an important means of finding PSB content and should be easily discoverable.
9. IBT agrees only partly with the principles set by Ofcom out for a future regulation regime. IBT supports transparency of search but it has concerns about the impact of greater personalisation. While the ability to personalise user interfaces can be considered beneficial for consumers, it has to be noted that there is a risk of increasing an 'echo chamber' effect if this approach is followed. Personalisation can lead to a narrowing of audience horizons which could run counter to the principles of public service broadcasting and it can reduce serendipity.
10. IBT agrees that the ability to find recently watched series should not be restrained, but we believe that the promotion of programmes should not be based purely on personal preference for the reasons stated above.
11. IBT suggests that two other principles should be taken into consideration when devising future regulation. These are the universality of PSB prominence and the need to encourage responsible media.
12. IBT thinks that the prominence regime should be extended to ensure PSB VoD players can be easily found. IBT would like hardware manufacturers to be required to provide pre-loaded PSB players and provide them with guaranteed position in the top line of apps.
13. In order to maintain the public policy objective to promote PSB content IBT believes that the prominence regime should be extended to include recommendations, predicted text search and voice search. IBT would recommend that search transparency should be required and free versions of PSB content should be guaranteed prominence.
14. IBT believes that in the longer term it will be necessary to extend the prominence regime to online services once they become 'significant means' for accessing PSB content. If the regime is not extended, the public policy objective to promote PSB content will be undermined.

Introduction

15. IBT welcomes the opportunity to contribute to the debate about PSB prominence and supports Ofcom's approach to this important issue.

16. IBT research demonstrates that the UK's Public Service Broadcasters are the dominant providers of high quality British TV content which informs audiences about events and issues in the wider world across a range of genres. IBT considers it is essential that the prominence of PSB content should be maintained if British citizens are to remain informed about Britain's role in the world and be fully engaged in the democratic process.
17. IBT believes that changes are required to the existing EPG Code if it is to be effective in fulfilling the intention of Parliament to promote PSB content. Future regulation to ensure PSB prominence is more complex because of the wide range of platforms audiences are now using to access TV-type content but we believe that UK society will continue to benefit if easy access to PSB content is guaranteed.

The benefits of international content

18. Broadcasting in the UK has a crucial role to play in making us aware of what is happening in the world and the UK's position internationally. There is extensive evidence that engagement with the wider world leads to a more tolerant society which is able to play a role in global decision-making and do business with the wider world.
19. IBT's argument is that, as UK citizens, we are all at the same time citizens of the world. We have needs, rights and interests in being informed and educated about both our own society and that wider international society of which we are a part. This is especially so now that it is readily apparent that events and processes in the wider world have both direct and indirect effects on how we live our lives.
20. UK-originated content is essential, as opposed to acquired foreign content, as far as it is able to provide content which is presented firmly from a UK perspective, culturally and socially.
21. While there is a greater choice of content platforms today than ever before, it needs to be taken into consideration that online content is not regulated for accuracy or harm and offence which is of great concern to IBT. In this context PSB content is more important than ever.
22. IBT supports Parliament's original intention when the EPG Code was developed to ensure audiences can easily find PSB content by giving it prominence in return for responsibilities placed on the PSBs to provide certain types of content.

23. As set out in Ofcom's report *Public Service Broadcasting in the digital age* in March 2018 the benefits of PSB are as follows:

- The broadcasting sector is integral to a thriving creative economy in UK
- It provides a wide choice of high quality programmes
- It provides trustworthy news and current affairs
- It supports certain types of programming such as arts, religion, original children's programming which otherwise might not be broadcast
- It reflects the UK back to itself
- It brings the nation together at key moments
- It informs and educates society
- It promotes social cohesion

EPG Code

24. We note that earlier this year Ofcom set out its ambition that its review of the EPG Code would 'ensure PSBs stay easy to find, maintain the top ranking of the main PSBs and give higher slots to smaller PSBs like the BBC's children's channels, BBC News, BBC Alba, S4C and local TV channels'¹.

25. IBT agrees that the flexibility in the current EPG Code has 'over time led to some significant variations across EPG providers and to some designated channels being less easy to find depending on the platform and television device used'.² We therefore support the proposed revised EPG Code in Annex 6 of the consultation document and the proposals made by Ofcom in the consultation. We believe that unless EPG prominence is uniformly applied across all platforms 'it may not achieve the policy aims of the legislation'³.

The Future of the prominence regime

26. Technological change is impacting significantly on the delivery of public service content and therefore it is challenging to predict how audiences will access content in the coming decade.

27. However, it is clear that if PSB is to survive in the UK it needs to maintain its universal availability. If the PSBs are not universally available, providing a diverse range of content, this will be a precursor to a decline in the quality and range of international content available to audiences because content which is popular is likely to be prioritised by commercial platforms. This will increase the democratic divide so that only those who are already interested in, for example, international affairs will choose to

¹ *Public Service Broadcasting in the digital Age*, Ofcom, March 2018 (para 4.3)

² *Review of rules for prominence of public service broadcasters and local TV*, Ofcom, 27 July 2018 (para 1.13)

³ *Ibid.* (para 4.19)

search for such content and those not already engaged may remain uninformed and have access to potentially less reliable information on other platforms which are driven by commercial interests.

28. From Ofcom's research audiences are increasingly using VoD apps, streaming and online platforms to view time-shifted content as well as text and voice search. In this context, IBT believes that such regulation will need to be platform-neutral if the ambition of the original EPG Code is to be extended so that public service content is easily discoverable. It is our view that this regulation should be principle based and should apply to any platform where a substantial proportion of viewing is conducted.
29. It is also important that any new legislation governing the prominence of PSB content is designed to be flexible so that it will still be applicable as new technologies emerge or audience consumption habits change.
30. IBT would like to see greater uniformity in approach across devices because the wide range of home pages currently available on devices is confusing for audiences. This is making navigation and discovery of PSB increasingly challenging. For example, some smart TVs have VoD apps pre-loaded, others do not; and on some TV's some of the PSB VoD apps are not available at all.
31. IBT acknowledges that 'designing a prominence regime that is fit for the digital age raises a number of complex questions'⁴ but we do not believe this should prevent Ofcom or Parliament from pursuing the policy intention to ensure PSB content remains prominent and easy to find.

Consultation Questions

Q1) Do you agree with our proposals that the main five PSB channels hold the top five slots on EPGs provided UK wide or in the UK outside of Wales?

32. IBT agrees that the five PSB channels, which are the *foundation of the UK's PSB provision*⁵, should be guaranteed their current positions in the top five slots on EPGs operating on a UK-wide basis or outside Wales. This will provide regulatory certainty for the PSBs and we do not consider this proposal will have a negative impact on audiences.

Q2) Do you agree that on EPGs provided for viewers specifically in Wales BBC One, BBC Two and the relevant Channel 3 service should take the top three slots, with S4C in slot four, Channel 5 in slot five and Channel 4 guaranteed a position on the first page?

⁴ *Review of rules for prominence of public service broadcasters and local TV*, Ofcom, 27 July 2018 (para 1.9)

⁵ *Ibid* (para 5.18)

33. IBT agrees with the proposal that Channel 4 should be listed on the first page of EPGs in Wales. IBT considers it is crucial that Channel 4 is afforded equal prominence with the other PSBs.

34. IBT believes that S4C should remain in its current slot, position 4 on the EPG in Wales. S4C has played an important role in providing programming in Welsh for viewers in Wales, facilitating national and cultural identity as well as encouraging the practice of the Welsh language.

Q3) Do you agree that BBC Four should be guaranteed a slot within the top three pages of all EPGs?

35. IBT considers that it would benefit audiences if there were greater uniformity across EPGs on different platforms. In this context we agree that BBC Four should be guaranteed a slot within the top three pages of all EPGs.

Q4) Do you agree that the designated public service News channels (currently BBC News and BBC Parliament) should be guaranteed slots on the first page of the news genre section or an equivalent position within the grouping of news channels on the EPG, as applicable?

36. IBT agrees that BBC News and BBC Parliament should have guaranteed slots on the first page of the news genre sections of platform's EPGs.

37. One of the principal outcomes of the PSB prominence regime should be that citizens in the UK have access to high quality, impartial news so that they are well-informed and can participate fully in the democratic process.

38. Where platforms do not have genre sections (Freeview, Freeview Play and EE TV) IBT would urge Ofcom to explore whether there is a way to make news channels more prominent. Currently news channels on these platforms are low down the EPG and difficult to find. IBT believes that public interest journalism is important to democracy and that therefore we need regulation to support it and make it more prominent.

Q5) Do you agree that CBeebies and CBBC should have guaranteed slots on the first page of the Children's genre or area of the EPG, as applicable?

39. As was highlighted in the recent Ofcom Review of Children's Content, the BBC is overwhelmingly the dominant provider of new UK originated children's content in the UK. IBT believes that CBeebies and CBBC should be given guaranteed slots at the top of the children's genre or area of the EPG regardless of the platform.

40. Most other TV channels in the UK aimed at children are dominated by imported content which is not culturally relevant to British children's

lives. UK-originated children's content is essential, as opposed to acquired foreign content, as far as it is able to provide content which is presented firmly from a UK perspective, culturally and socially. It is clear that children acquire much of their information about the world and form many of their habitual attitudes from what they see on screens. Therefore it is important that they are able to see their own world, hear their own voices and absorb their own indigenous culture as well as seeing material from other cultures and societies.

41. In 2008 IBT conducted quantitative research into the volume and nature of international content available to UK children's audiences. While this research was carried out a decade ago, the conclusions drawn from it are still relevant because the provision of children's content on TV platforms has not changed significantly since then. This research demonstrated that the BBC is the primary source of high quality UK relevant TV content for children in the UK and noted that

....across all the channels, there's also a striking dominance of North American programming and a chronic lack of programmes about other parts of the world. As children in the UK grow up in an increasingly globalised and interconnected world, television has a vital role to play, in helping them to understand the wider world. The dominance of North America will only serve to limit their understanding and, if the trend continues, ultimately lead to a cultural homogeny.⁶

42. In this context, IBT believes that there is a strong public interest case for CBBC and CBeebies, the dominant providers of original UK content for children, to be given prominence above all other children's channels in EPGs.

Q6) Do you agree that S4C, BBC Alba, and BBC Scotland should be guaranteed prominence within the first three pages of UK wide EPGs?

43. IBT agrees with Ofcom's proposal that S4C, BBC Alba, and BBC Scotland should be guaranteed prominence within the first three pages of UK wide EPGs.
44. While we understand that this proposal will impact negatively on Virgin Media and its customers, as stated above IBT considers that if the EPG Code is to be effective in ensuring prominence for PSB it is crucial that there is a level of uniformity across EPGs regardless of platform and that audiences need to easily find PSB channels.

⁶ *Screening the World*, 2008, IBT

Q7) Do you agree that local TV should be guaranteed prominence within the first three pages of UK wide EPGs?

45. IBT supports this proposal on the basis of the reasons put forward in response to Question 6.

Q8) Do you agree that S4C, BBC Alba, and BBC Scotland should be guaranteed prominence within the first three pages of relevant Nation specific EPGs e.g. S4C in Wales, BBC Alba and BBC Scotland in Scotland?

46. On the basis of evidence presented in Annex 7 of the consultation document, IBT supports this proposal.

47. As stated above, if the EPG Code is to be effective in ensuring prominence for PSB content, it is crucial that there is a level of uniformity across EPGs regardless of platform and that audiences need to easily find PSB channels.

Q9) Do you agree that local TV should be guaranteed prominence within the first three pages of relevant regionalised EPGs?

48. IBT supports this proposal on the basis of the reasons presented in response to Question 8.

Q10) Do you agree with our proposals to ensure prominence for either the SD or HD version of BBC channels rather than both?

49. IBT supports the proposal for either the SD or HD version of BBC channels to be allowed prominence, rather than both channels, given that most of the content will be duplicated. We agree that it is in audiences' interests to require only one variant of a BBC channel to be granted prominence.

Q11) Do you agree with our proposals to allow broadcasters to swap HD simulcast variants of their SD designated channels, such that those HD variants could occupy the slots which the SD channels would be entitled to?

50. IBT supports the proposal to allow broadcasters to swap HD simulcast variants of their SD designated channels, so that their HD channels can occupy the slots which the SD channels are entitled to.

Q12) Do you agree with our proposal to provide a 12 month transition period once the Code is finalised?

51. IBT understands the need to allow a period of transition. We would welcome the changes being proposed by Ofcom being carried out as quickly as is practicably possible.

Q13) Do you think that the prominence regime should be extended to ensure EPGs themselves can be easily found?

52. IBT believes that a link to the EPG should be available on the home page of all user interfaces on TVs. The EPG remains an important means of finding PSB content and should be easily discoverable.

53. Companies are likely to increasingly produce, distribute and promote their own content. In this context, if the prominence regime is not extended to ensure the prominence of EPGs on user interfaces, the public policy objective to promote PSB will be undermined because the EPG will become more difficult to find.

Q14) Do you agree with the broad range of factors for consideration we have identified? Are there other factors that policy makers should consider?

54. We agree with the range of factors for consideration which Ofcom has identified as being relevant for accessing non-linear content on TV platforms, via recommendations and search and accessing PSB content on online platforms.

These are:

- What degree of prominence is desirable?
- What metrics should define prominence?
- What type of content should benefit from prominence?
- What platforms, services or devices should be captured?
- What elements of navigation interfaces should be captured?

55. IBT considers that PSB VoD players should be prominent across all platforms. If the PSB system is to be maintained in the UK, the PSBs need to be able to maintain their reach in order to be viable and VoD is already an essential viewing platform for most audiences.

56. IBT believes that rules and protections for PSB prominence should be 'platform agnostic'⁷. IBT considers that any significant means for accessing PSB should be in scope for PSB prominence regulation in the short term. In the longer term, it is likely this scope will need to be extended to include online services if they become a significant means for accessing PSB. Currently the Secretary of State has the power to add channels to the Designated channels list. The existing regulations need to be updated to allow the Secretary of State to bring devices other than TV sets into scope. Without such a change in legislation, the regulation will become out of date and irrelevant.

⁷ *Review of rules for prominence of public service broadcasters and local TV*, Ofcom, 27 July 2018 (para 6.15)

Q15) Do you agree with the principles we have set out? Are there other principles that should be considered?

57. IBT agrees only partly with the principles set by Ofcom out for a future regime.

Personalisation

58. While the ability to personalise user interfaces can be considered beneficial for consumers, it has to be noted that there is a risk of increasing the ‘echo chamber’ effect if this approach is followed.

59. IBT considers one of the benefits of PSB prominence regulation is that it can help ensure a level of serendipity whereby audiences are introduced to new subjects and areas of interest if content is curated according to the PSB principles. This can expand our horizons. Personalisation, on the other hand, has a tendency to narrow the range of content audiences are exposed to because users are mostly exposed to content they like. If they are not exposed to a range of other content which might challenge their views, there is an increased risk of a ‘filter bubble’ experience which has been seen on social media platforms.

60. IBT believes a balance needs to be struck to allow curated PSB content to expand our horizons while allowing a level of personal choice in order to maximise the society value of PSB.

Consumer Choice

61. IBT agrees that any future online PSB prominence regime should not inhibit active consumer choice. We agree that the ability to find recently watched series should not be restrained, but we believe that the promotion of programmes should not be based purely on personal preference for the reasons stated above in response to the issue of personalisation because this increases the risk of echo chambers.

Search should be transparent

62. IBT agrees that transparency of search is a principle which should be upheld. Platforms should make it clear when content is prioritised due to a commercial agreement.

Other Principles

63. IBT believes there are two other principles which Ofcom should consider when exploring how to ensure society benefits from PSB content beyond the traditional EPG.

64. **Universality of prominence:** As stated above, IBT believes that regulation to ensure PSB prominence should be ‘platform agnostic’ to ensure the universal access to PSB content. IBT holds that the PSBs should not have to pay for prominence on any platform. This will provide a more uniform approach for audiences, strengthen the PSB prominence

regime and fulfil the intention of Parliament that PSB should continue to play an important role in our lives.

65. **Responsible Media:** Licensed broadcast services in the UK are regulated by Ofcom for harm and offence, accuracy and impartiality. Online streaming services are not covered by the existing legislation and this lack of regulation presents a significant threat to democracy and society. In order to understand what is happening in the world citizens need news and content which they can trust but without effective regulation there is no guarantee of the quality of information available via online platforms. This is most clearly seen with search engines which promote content driven by commercial priorities - both text and voice search. Content providers who pay the highest fee are promoted and thus commercial considerations now drive what we watch and listen to. IBT believes that regulation needs to be put in place to ensure that accuracy, quality and the public interest are prioritised over commercial considerations on all platforms.

Q16) Do you think that the prominence regime should be extended to ensure PSB Players can be easily found?

66. IBT thinks that the prominence regime should be extended to ensure PSB players can be easily found. IBT would like hardware manufacturers to be required to provide pre-loaded PSB players. Additionally, IBT would like to see guaranteed prominence for all PSB Players in the top row of apps on all devices. The PSBs should not have to pay to have their Players pre-loaded on user interfaces in order to maintain the reach of PSB content. This will be crucial as viewing habits change and more people access content via VoD if Parliament's intention to promote PSB content is to be fulfilled. The current lack of regulation governing smart TVs in the UK reduces audience choice and should be addressed as a priority.

Q17) Do you think that the prominence regime should be extended to ensure PSB content can be easily found via recommendations and / or search? If so, what key parameters would you set for this aspect of the regime?

67. As stated above, in order to maintain public policy objective to promote PSB content IBT believes that the prominence regime should be extended to include recommendations, predicted text search and voice search.

68. As Ofcom highlights in the consultation document, currently search is determined by algorithms which help viewers find content, often using an element of 'commercial intent'⁸ and this process is not transparent.

⁸ *Review of rules for prominence of public service broadcasters and local TV*, Ofcom, 27 July 2018 (para 6.25)

69. IBT believes that the search process should favour PSB content to some extent and it should be transparent.

70. IBT would recommend the following key principles for content found via recommendations and/or search:

Search transparency: Transparency should apply across all platforms and should include information about why content is being promoted. This will mean that where a search result is paid for, it should be clearly identified as advertised content.

Free vs Paid for content: Where PSB content is available free of charge this should be prioritised over paid-for content. Currently if you search for PSB content using voice or text search sometimes a paid-for version of PSB content is prioritised because there is a commercial return for the platform, while a free version of the same content may be available lower down in the list of options.

Voice Search: Voice search should be governed by the principles we set out above, primarily by transparency. PSB content should be promoted, although the promotion of this content should be transparent.

Q18) Do you think that the prominence regime should be extended to platforms and devices not currently captured by the EPG prominence regime? If so, how do you think the regime could be extended and who should be captured?

71. Ofcom research demonstrates that audiences are accessing content using a wider range of devices than previously was the case. As stated above, IBT believes that prominence legislation should be extended to platforms and devices not currently captured by the EPG prominence regime and it should be 'platform agnostic' so that the public policy objective of promoting PSB content is maintained. IBT considers that any 'significant means' for accessing PSB content should be in scope for this regulation.

Q19) Do you think that the prominence regime should be extended to online services? If so, who should be captured?

72. As stated above, IBT believes that in the longer term it will be necessary to extend the prominence regime to online services once they become 'significant means' for accessing PSB content. If the regime is not extended, the public policy objective to promote PSB content will be undermined.

73. The regulations governing prominence of PSB online should be governed by the principles set out above: transparency, universality and the need to promote responsible media.