Prominence and Accessibility on Connected TV Platforms

Statement on Code of Practice and Guidance on the Agreement Objectives

Welsh version available

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Statement

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1. Overview

1.1 Public service broadcasters (PSBs) play a vital role in the UK's media landscape, providing trusted news, high-quality programming, and content that reflects audiences across the UK. As viewing increasingly moves online, audiences have access to a growing range of content and services. It is therefore important that public service content remains easy to find and access as viewing habits change.

1.2 Against this backdrop, the Media Act 2024 introduced a new regime to secure the availability and prominence of public service content on connected TV platforms. Our final Code of Practice (Code) and Guidance support this regime by setting out how providers can deliver appropriate prominence, improve accessibility and enter into workable arrangements for public service content as television viewing increasingly shifts to these platforms.

1.3 Under the new regime, designated connected TV platforms must ensure that BBC iPlayer and other PSB TV players designated by Ofcom, as well as their public service content and channels, are available and appropriately prominent. Our Code sets out recommended actions that providers can take to meet their prominence duties across these key routes to content. It targets prominence where it matters most, focusing on the most prominent app menus, live TV areas and content areas, while respecting user choice and giving providers flexibility to innovate.

1.4 For disabled audiences, finding content also depends on being able to navigate and use connected TV services and their accessibility features. Alongside prominence, our Code sets out recommended actions to help designated platforms meet their accessibility duties and improve the experience of disabled people. These actions are intended to make services easier to navigate, help people identify accessible programmes and enable them to make use of available accessibility features.

1.5 Securing the availability and appropriate prominence of public service content also depends on arrangements between PSBs and connected TV platform providers. Our Guidance is intended to facilitate effective negotiations, helping providers and PSBs comply with their statutory duties when entering into arrangements with each other. It supports workable arrangements for the availability and prominence of public service content, while giving parties flexibility to agree terms that reflect their circumstances.

1.6 We have developed this approach having carefully considered responses to our Consultation, alongside further evidence. We received 38 responses from PSBs, connected TV platform providers, industry bodies, civil society groups, academics and individuals, alongside further feedback through stakeholder meetings. There was broad support for ensuring that public service content is easy to find and that connected TV platforms are accessible to disabled people, but differing views on the detail. The PSBs generally called for stronger recommendations, while many platform providers raised concerns about proportionality. Stakeholders also raised a range of specific technical or feasibility issues.

1.7 Our final Code and Guidance largely confirm our proposals, with some clarifications and amendments. In reaching our decisions, we have considered their impact, our relevant statutory duties and how best to deliver benefits for audiences. We have also remained

mindful of changes in how audiences discover content and the rapidly evolving nature of these platforms.

1.8 Taken together, the Code and Guidance seek to secure benefits for audiences while respecting user choice and allowing providers flexibility to innovate and develop their services. We provide a summary of the final Code and Guidance and the decisions we have made below.

Summary of our recommendations

Code of practice

1.9 The final Code applies to designated connected TV platforms. It sets out recommended actions that providers can take to:

- give an appropriate degree of prominence to designated PSB players and their public service content; and
- make their services accessible to disabled people.

1.10 The Code is not mandatory. The legislation establishes a 'safe harbour' whereby platform providers that follow the Code's recommended actions will be treated as complying with the relevant prominence and accessibility duties.

Prominence

1.11 Our final Code recommends actions across connected TV user interfaces (UIs) to give each designated PSB player, its public service programmes and any listed channels an appropriate degree of prominence.

1.12 We have broadly retained our consultation proposals, but with some changes in response to stakeholder feedback. This includes refining the recommended actions to focus on the most prominent app menus, live TV areas and content areas of connected TV UIs, where we consider they will be most effective in securing appropriate prominence for public service content. This targeted approach will help ensure PSB content is easy to discover and access, while giving providers the flexibility to innovate and offer a range of content and services elsewhere on their UIs.

1.13 We have also revised certain recommended actions, including recommending a "similar" degree of prominence between public service programmes and other programmes in primary content areas, to better reflect our policy intention and provide a more practical basis for implementation. In addition, we have amended a number of definitions and set out more detailed principles to which connected TV providers should have regard when determining prominence under the recommended actions. These changes give greater clarity and certainty about how the Code should be applied in practice.

1.14 Table 1 provides a summary of the final Code recommendations. Detailed summaries of the amendments we have made are set out at the end of each chapter of this document.

Table 1: Summary of our final recommended actions on prominence

Area of the UI	What it is	Our recommendation
App menus	The app menu is the main place where the apps of broadcasters or streaming services are shown as clickable tiles. Users can select the one they want to open to browse and watch content.	On UK-wide connected TV platforms, the designated PSB player apps should be immediately visible and appear within the first nine tiles of the main app menu, and the most prominent app menu on any dedicated app page, in the following order (although they do not necessarily need to be placed together): BBC iPlayer, ITVX, Channel 4 player, Channel 5 player, S4C Clic and STV player. Where the presentation of TV player apps differs depending on the user's location, the order and position of the apps should reflect the user's location.
Primary content areas	These are the most prominent disaggregated content areas - which present a substantial number of programmes - and the primary promotional area on the UI (usually a hero banner).	Across the primary content areas taken together, public service programmes should receive a similar degree of prominence to non-public service programmes. This does not prevent providers from giving public service programmes more prominence if they wish to do so. Public service programmes from each PSB should appear frequently in the primary content areas.
Search	The search function enables a user to find content by inputting search terms. This could be by typing or, on some devices, via speech.	Public service programmes should be more prominent than other programmes where they are the most relevant results for a user's search. Where public service and other programmes are similarly relevant, they should receive a similar degree of prominence. Providers should take reasonable steps to apply these recommendations to searches for public service programmes in recognised regional or minority languages.

Area of the UI	What it is	Our recommendation
Listed channels	The live PSB channels which are included in the designated PSB players must also be given appropriate prominence. Some connected TV platforms show linear TV channels in a 'Live TV' area, while others use a more traditional looking on-screen TV guide.	On UK-wide RTSS, the main PSB channels should appear in the first seven positions of the main live TV area and the most prominent live TV area on any dedicated live TV page, in the recommended order, with variations to reflect the user's location where the presentation of live channels is regionalised. For the remaining listed channels, we set thresholds for the positions within which they should appear, broadly reflecting the EPG Code.
Attribution	Attribution means displaying branding on, or next to, content to show which provider offers the programme, film, or series. This helps audiences identify the content provider and make informed viewing choices.	Public service programmes should be clearly attributed to the designated PSB service in which they are included, the PSB, the relevant channel, or another form of attribution agreed between the relevant providers. Attribution of public service programmes should be similar to that of non-public service programmes.

Accessibility

1.15 The Code also sets out recommended actions that designated connected TV platforms can take to meet their accessibility duties. These actions are intended to improve the experience of disabled people when navigating connected TV platforms, finding information about accessible content and making use of available assistance for disabled people.

1.16 Following the Consultation, we have largely retained our accessibility recommendations, while making clearer how they will work in practice. This includes clarifying that accessibility information should be easy to find during set-up, that programme accessibility labels apply to information about a programme on a specific internet programme service, and that enlargement applies only to elements needed to use the platform. We have also recommended that providers take reasonable steps to offer non-visual alternatives to text in Welsh and other recognised UK regional or minority languages.

Table 2: Summary of our final recommended actions on accessibility

Examples of improved user experience	Feature	Our recommendation
Navigating the connected TV platform	**Alternatives to visual information**	Where visual information is needed to navigate the UI users should be able to access this information in a non-visual way, for example through a voice guidance function or similar.
	Text and image enlargement	Users should be able to enlarge the size of any elements of the UI. For example, through a magnification or zoom function.
	Distinguishable text and images	Users should be able to distinguish from their surroundings any visual elements needed to make use of the service.
	Information on accessibility features	Users should be able easily to find information on the accessibility features available to them (for example via an accessibility menu), including during set-up of the service.
Finding available assistance for disabled people	**Labelling of accessible content**	Where available, information about the accessibility features a programme has (such as subtitles, audio description, or sign language) should be presented to users wherever other information is given about that programme (for example as the result of a user search).
Making use of the available assistance for disabled people	**Enabling the use of access services**	Where programmes have accessibility features (such as subtitles, audio description, or sign language), platforms should take reasonable steps to enable people to make use of them.

Guidance on Agreement Objectives

1.17 Our final Guidance is intended to help providers of designated connected TV platforms and designated PSB services understand how they can enter into agreements that are consistent with the objectives set out in the Act (the 'Agreement Objectives').

1.18 The Guidance does not prescribe the terms that parties must agree. Instead, we have retained the principles-based approach proposed in our Consultation. In this way we have sought to provide a flexible framework that reflects the variety of providers and agreements and can adapt to changes in audience behaviour and technology.

1.19 In response to stakeholder feedback, we have made changes to clarify how providers can act consistently with the Agreement Objectives. These include further clarity on cost recovery, the technical delivery of designated PSB services, and the information we expect designated connected TV platform providers to make available about prominence.

Table 3: Summary of our final Guidance on the Agreement Objectives

Contractual area	What it is	Our decision
Payments	**Guidance on when payments may be consistent with the Agreement Objectives**	In general, it would be inconsistent with the Agreement Objectives for PSBs or connected TV platform providers to require payments for terms that are reasonably necessary for the inclusion of the PSB players or for them to receive appropriate prominence. We call these 'core terms'. Cost recovery may, however, be appropriate in some circumstances, and providers may agree payments in relation to terms that are not core terms ('additional terms'), provided these terms are consistent with the Agreement Objectives.
Steps for inclusion	**Guidance on terms reasonably necessary for PSB players to be included in connected TV platforms**	We generally expect providers to bear their own costs for enabling and maintaining the inclusion of PSB players and ensuring they function to the standard expected by audiences, including providing appropriate technical support and completing testing and certification in a timely manner. Terms that provide for the technical delivery of PSB players are core terms if they are reasonably necessary for inclusion. Where terms providing for a technology other than an app to be used to deliver the PSB players are core terms (which depends on the circumstances), payments may be consistent with the Agreement Objectives.
Prominence	**Guidance on terms reasonably necessary for PSB players to receive appropriate prominence and transparency**	We generally expect connected TV platform providers to bear the costs of following the recommended actions in the Code, and PSBs to bear the costs of supplying the necessary inputs, such as metadata, which allow platform providers to follow those recommended actions. To act consistently with the Agreement Objectives, we also expect platform providers to tell PSBs how they will follow, and have followed, the recommended actions in the Code.

Next steps

1.20 Having considered consultation responses and the work needed to implement our final Code and Guidance, we consider that an implementation period of between 12 and 18 months is likely to be reasonable. A period of less than 12 months would not give all providers sufficient time to comply with the relevant duties. All providers are likely to be able to comply by 18 months, and may be able to do so sooner. The UK Government will decide when the relevant duties come into force.

2. Background

The Media Act 2024 modernised the regulatory framework for prominence and accessibility on connected TV platforms

2.1 Public service broadcasters (PSBs) have been a core feature of the UK's media landscape for decades, offering high-quality news and current affairs and original programming to inform, educate and entertain. However, the technology that people use to access TV programming is changing. Viewers are increasingly choosing to do so via connected TV platforms, shifting away from traditional broadcast distribution via terrestrial, cable or satellite services and toward online and on-demand viewing. Although the public at large continues to recognise and value the distinctive role the PSBs play in the media ecosystem, in a fast-changing environment the direct access of viewers to public service programming has become harder to maintain.

2.2 In response, the PSBs continue to adapt their distribution strategies, including updating and enhancing their on-demand services. However, whereas in the linear world PSB services are found on some of the most visible slots of regulated electronic programme guides (EPGs), to date there has been no guarantee of appropriate prominence for PSB players and content on connected TV interfaces. At the same time, as television interfaces have become increasingly complex and image-led, some disabled users, particularly those with sight or hearing impairments, have faced new challenges in finding and navigating content.

2.3 To address this, the Media Act 2024 (the Media Act) introduced a new regime to make public service content easier for audiences to discover and watch on connected TV platforms. Under a set of new duties, designated connected TV platforms must ensure that designated PSB TV players, such as BBC iPlayer and any other PSB services, along with their public service content and channels, are made available and prominent. They must also make their services accessible so that, as far as practicable, disabled people can use them for the same purposes as people without disabilities.

Summary of legal and regulatory framework

2.4 Part 2 of the Media Act inserted a new framework into the Communications Act 2003 (the Act).[1] Under the new framework, connected TV platforms are known as television selection services (TSS),[2] and TV players are known as internet programme services (IPS).[3] TSS used by a significant number of people may be designated by the Secretary of State and brought within a new regulatory regime; once designated, they become regulated television selection services (RTSS). Providers of RTSS must ensure that BBC iPlayer and other PSB TV

[1] Part 3A of the Act.

[2] TSS are services provided in connection with *internet television equipment* (ITE) that enable users to select and access internet programme services or the programmes included in them. ITE is defined in secondary legislation and currently includes smart TVs and streaming devices, such as set top boxes and streaming sticks (Internet Television Equipment Regulations 2024 (SI 2024/1056)).

[3] IPS are services, accessed via the internet, whose "principal purpose" is to provide programmes to users. An IPS can consist of one or more on-demand programme services, as well as other services such as internet-delivered linear television services.

players designated by Ofcom – called designated internet programme services (DIPS) – and the public service content and public service channels included in them are available and prominent on their RTSS.[4] In the rest of this Statement, we use the abbreviations 'IPS', 'DIPS', 'TSS' and 'RTSS' for these services.[5]

2.5 In the remainder of this chapter, we summarise the main aspects of the legal and regulatory framework and explain how the different elements of the new regime fit together. Further details on the regime and our relevant statutory duties can be found in Annex 1.

Designating IPS and TSS

Designating PSB IPS (DIPS)

2.6 Ofcom is responsible for deciding which IPS from the PSBs (apart from the BBC) are designated and therefore fall within scope of the new regime.[6] In 2025, we published a statement setting out how we will assess a PSB IPS against the statutory designation conditions. These include assessing whether a PSB's IPS makes (or could make) a significant contribution to a PSB's remit and whether the content that it uses to fulfil its remit is readily discoverable and promoted.[7]

2.7 Since 10 September 2026, the licensed PSBs[8] and S4C have been able to apply to Ofcom for designation of their IPS. After we have received and assessed applications, we will consult on our proposed designation decisions. As described above, if designated, these services will then be known as 'designated internet programme services' or DIPS.

Designating TSS (Regulated RTSS)

2.8 Following our December 2025 published report, on 19 May 2026 the Secretary of State designated 15 TSS as RTSS, taking effect from 1 July 2026.[9]

Must Offer / Must Include and Agreement Objectives

2.9 For DIPS to receive appropriate prominence, they must first be included in RTSS. The Act creates reciprocal 'must offer' and 'must include' duties, referred to as the 'MOMI' duties:

a) **Must offer (on DIPS providers):** Each DIPS provider must offer its service as available for inclusion on every RTSS and do its best to secure that DIPS are included in RTSS.[10]
b) **Must include (on RTSS providers):** Each RTSS provider must enter into and maintain arrangements to include every DIPS in its service.[11]

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[4] As at the date of this Statement, Ofcom has not designated any IPS.
[5] The code of practice uses the full statutory terms, for example "regulated television selection service".
[6] IPS provided by the BBC are automatically designated (section 362AA(1)(a) of the Act, not yet in force).
[7] Public service remit content is defined in the Act as material included in a PSB IPS that contributes to the fulfilment of the licensed PSB's or S4C's public service remit (section 362AA(12) of the Act). In this Statement, we refer to "public service programmes" to mean public service remit content and content included in the BBC DIPS.
[8] By licensed PSBs we mean the licence holders for the Channel 3 services, Channel 4 and Channel 5.
[9] The RTSS are set out in the schedule to the Television Selection Services (Designation) Regulations 2026 (SI 2026/531).
[10] Section 362AJ of the Act.
[11] Section 362AK of the Act.

2.10 When negotiating and maintaining these arrangements, both parties must act consistently with the three statutory Agreement Objectives.[12] In summary, the Agreement Objectives are that:

a) each DIPS is given an appropriate degree of prominence on an RTSS (which includes giving appropriate prominence to the public service remit content and any listed channels included in the DIPS).[13] We refer to this as the 'Prominence Objective';

b) the arrangements between the providers do not adversely affect the ability of the relevant PSB to fulfil its individual remit (or the BBC's ability to promote its public purposes). We refer to this as the 'PSR Objective'; and

c) the arrangements do not disproportionately restrict how an RTSS provider may make innovations in the ways that users may select and access IPS or programmes on its service. We refer to this as the 'Innovation Objective'.[14]

Prominence and accessibility duties

2.11 As noted above, providers of RTSS must ensure that IPS are presented in a way that gives each DIPS included in the service an appropriate degree of prominence. The same requirement applies to public service programmes, and any listed channel included in the DIPS. We refer to this as the 'prominence duty'.[15]

2.12 Providers of RTSS must also incorporate features to ensure disabled people, in particular those with disabilities that affect their sight or hearing or both, are able to make use of the RTSS for all the same purposes as persons without disabilities, so far as practicable. They must also be informed about and able to make use of whatever assistance for disabled people is provided in relation to the IPS included in the RTSS. We refer to this as the 'accessibility duty'.[16]

Ofcom's Code of Practice and Guidance

2.13 This Statement covers two key elements of Ofcom's role under the new regime:

a) **Code of Practice:** Ofcom is required to produce a code of practice which sets out recommended actions RTSS providers can take to comply with their prominence and accessibility duties. The recommended actions must be consistent with the Agreement Objectives.[17]

b) **Guidance on the Agreement Objectives:** Ofcom is also required to prepare and publish guidance on how RTSS and DIPS providers may act consistently with the Agreement Objectives when entering into arrangements about the inclusion of DIPS in an RTSS, and while those arrangements are in force.[18]

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[12] Sections 362AJ(3) and 362AK(2) of the Act.
[13] The listed channels are any service of television programmes provided by the BBC so as to be available for use by members of the public; any Channel 3 service; Channel 4; Channel 5 and S4C Digital (section 362AM(3) of the Act).
[14] Section 362AM of the Act.
[15] Section 362AO(1) to (3) of the Act.
[16] Section 362AO(4) of the Act.
[17] Section 362AP of the Act.
[18] Section 362AL of the Act.

Enforcement and disputes

2.14 The Act provides Ofcom with dispute resolution powers in respect of the MOMI duties, the duties to act consistently with the Agreement Objectives and the prominence duty. We must have regard to the Guidance when exercising or deciding whether to exercise our dispute resolution powers. The Act also provides Ofcom with a range of enforcement powers to address compliance concerns.[19]

Consultation responses and this Statement

2.15 In January 2026 we published a consultation on the draft Code and draft Guidance. The Consultation covered the following areas:

a) **Code of Practice - Prominence:** We proposed a range of recommended actions providers could take across key areas of the UI to ensure DIPS, their public service programmes, and any listed channels are given an appropriate degree of prominence. This included proposals for app menus, primary content areas, search, listed channels, and attribution.

b) **Code of Practice - Accessibility:** We proposed a range of recommendations for providers to include features to make their services accessible to everyone, improving the experience of disabled people when navigating the UI and finding and using accessible content. These features included: alternatives to visual information, text and image enlargement, distinguishable text and images, information on accessibility features and labelling and enabling the use of accessible content.

c) **Guidance:** We provided draft guidance intended to help RTSS providers and PSBs understand how they can agree contractual terms in line with their new duties, which include acting consistently with the statutory Agreement Objectives. The Guidance sets out Ofcom's expectations in three main areas that are likely to be included in contractual agreements: payments, steps required to secure inclusion, and arrangements relating to prominence.

2.16 The Consultation closed on 25 March 2026, and we received 38 responses from a range of stakeholders, including PSBs,[20] connected TV platform providers, industry bodies, civil society groups, academics and individuals. We have published non-confidential versions of responses on our website. We also received further comments at stakeholder meetings.

2.17 Although stakeholders were broadly supportive of the outcomes the regulatory framework is intended to achieve, the responses we received reflected materially different views about the measures needed to secure those outcomes effectively and proportionately. PSBs generally called for stronger and more prescriptive proposals. In contrast, RTSS providers raised concerns about the proportionality and impact of the measures outlined in the Code and Guidance. Some stakeholders also raised specific practical and technical questions about the work required to bring the proposals into effect.

2.18 We have carefully considered all of the responses and comments we received in reaching our final decisions, where necessary seeking additional evidence via formal requests for

[19] See Chapter 13 for more information on Ofcom's dispute resolution powers and our approach to enforcement.

[20] As the parent company of Channel 5, Paramount submitted a joint consultation response.

information. In the subsequent chapters, we summarise the feedback and additional information we received following publication of our draft proposals earlier in the year. We then assess the effectiveness and proportionality of those proposals in light of that evidence and set out the decisions we have made when setting the final Code and Guidance. In reaching these decisions, we have taken account of all of our relevant statutory duties.

Structure of this document

2.19 The rest of this statement is structured as follows:

- **Chapter 3** explains how the Code of Practice operates and applies, including the Code's 'safe harbour' status and its application to devices already in use;
- **Chapter 4** sets out our decisions on prominence issues that apply across different areas and features of connected TV interfaces, including regionalisation and the scope of the regime;
- **Chapter 5** explains our decisions on recommended actions to secure appropriate prominence for DIPS apps in app menus;
- **Chapter 6** explains our decisions on recommended actions to secure appropriate prominence for public service programmes in primary content areas;
- **Chapter 7** explains our decisions on recommended actions to secure appropriate prominence for public service programmes in search results;
- **Chapter 8** explains our decisions on recommended actions to secure appropriate prominence for listed channels in live TV areas;
- **Chapter 9** explains our decisions on recommended actions to ensure that public service programmes are clearly attributed;
- **Chapter 10** explains our decisions on recommended actions to ensure that disabled people can use RTSS and access the assistance available through included IPS;
- **Chapter 11** explains our decisions on the Guidance for agreements between DIPS and RTSS providers;
- **Chapter 12** considers the combined impacts of the proposed Code and Guidance;
- **Chapter 13** sets out details of our approach on reporting, monitoring and compliance;
- **Annex 1** sets out the legal framework;
- **Annex 2** contains our Code in a separate document;
- **Annex 3** contains our Guidance in a separate document;
- **Annex 4** outlines our methodology and approach to gathering and analysing the information used to inform our proposals;
- **Annex 5** contains our Equality Impact Assessment and Welsh Language Impact Assessment;
- **Annex 6** sets out in a separate version of the final Code showing changes from the draft Code; and

- **Annex 7** sets out in a separate version of the final Guidance showing changes from the draft Guidance.

3. Code of Practice: Application of the Code of Practice

Introduction

3.1 As explained in the previous chapter, the Act requires Ofcom to produce a code of practice setting out recommended actions for RTSS providers to comply with their prominence and accessibility duties.[21]

3.2 In response to our Consultation, we received comments from stakeholders about the operation and application of the Code. These included comments on its 'safe harbour' status, and its application to RTSS accessed through devices already in users' homes.

3.3 In this chapter we explain how RTSS providers should use the Code, and summarise the comments from stakeholders about its application, setting out our response and decisions where appropriate.

The safe harbour status of the Code

3.4 The Code operates as a 'safe harbour'. Although RTSS providers are not required by the Act to follow the Code, they will be treated as complying with their prominence and accessibility duties if they take the actions recommended in the Code.[22]

3.5 Providers may choose not to follow the Code and instead take alternative actions that they consider satisfy their prominence and accessibility duties. Where they take such alternative actions, providers will not automatically be treated as compliant. Should we have concerns about those actions, we may consider taking enforcement action.

Stakeholder comments

3.6 Stakeholders expressed differing views about whether the Code's safe harbour approach would secure the intended prominence outcomes.

3.7 Some stakeholders were concerned that the safe harbour approach could weaken the effect of the Code. Directors UK considered that RTSS providers being able to take alternative actions "risks the Code being treated as optional". It argued that we should stipulate the methods by which RTSS providers must comply.[23] Similarly, Teledwyr Annibynnol Cymru/Welsh Independent Producers (TAC) said that permitting alternative actions would create a complicated regulatory landscape.[24]

3.8 Some PSBs expressed concern that a safe harbour approach could create uncertainty as to whether alternative measures would secure the intended prominence outcomes and argued that clearer safeguards were needed. S4C argued that the Code should represent a minimum level of prominence, while ITV said that any alternative measures adopted by

[21] Section 362AP of the Act.
[22] Section 362AQ of the Act.
[23] Directors UK response, p.2.
[24] TAC response, p.3.

RTSS providers should be required to deliver outcomes that are at least as effective as, and potentially more effective than, those envisaged by the Code.[25]

3.9 Some respondents were also concerned about the impact of a non-binding Code. [✂].[26] The Scottish Government was also concerned that RTSS providers could roll out UK-wide UI templates without variations for Scottish audiences, diminishing the visibility of "Scotland-exclusive PSB services" because the Code is not mandatory.[27]

3.10 In contrast, several RTSS providers considered that the recommended actions were too prescriptive and could limit the flexibility intended by the safe harbour approach, making it difficult for them to pursue innovative or alternative approaches. Roku, Sky and techUK argued that the Code risked becoming a de facto minimum standard, making it difficult in practice for parties to pursue alternative approaches.[28] TechUK was concerned that this could discourage flexible, outcome-based arrangements that would otherwise meet the requirements of the Act.[29]

3.11 Roku had particular concerns that taking alternative actions would be considered a "second-class or inherently suspect" approach subject to greater scrutiny. It suggested that, where an RTSS provider and a PSB conclude a bilateral agreement that both consider consistent with their statutory duties, the agreement should normally be treated as satisfying the parties' respective obligations under the Act and create a strong presumption that the RTSS provider's prominence duties have been met. If not, Roku considered that Ofcom should explain how we would assess alternative actions if a dispute were referred to us.[30] Sky was also concerned that the prescriptive nature of the Code could expose RTSS providers to PSB complaints and Ofcom intervention if they take alternative actions.[31]

3.12 Roku also raised concerns about how compliance would work where a provider follows the Code in relation to some PSBs but not others. It said that some recommended actions require RTSS providers to take account of the relative prominence of different PSBs in other areas of the UI, so it is unclear what happens if an alternative approach is followed for one or more but not all of them.[32]

Our assessment

3.13 In response to Directors UK and TAC, we note that the safe harbour status of the Code is established in statute; it is therefore not something Ofcom can decide to change. Under the Act, RTSS providers that take the actions set out in the Code are treated as complying with the relevant prominence and accessibility duties. However, RTSS providers retain discretion as to how they meet those duties and may seek to comply through taking alternative actions to those recommended in the Code. The Code therefore sets out Ofcom's recommended route to compliance, rather than the only means of meeting the statutory obligations.

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[25] S4C response, p.2; ITV response, p.2.
[26] [✂].
[27] Scottish Government response, p.2.
[28] Roku response, p.2; Sky response, pp.26-28; techUK response, p.2.
[29] techUK response, p.3.
[30] Roku response, p.2.
[31] Sky response, p.26.
[32] Roku response, p.3.

3.14 The Act requires RTSS providers to ensure that DIPS, their public service programmes and the listed channels they include are available and appropriately prominent. It also requires such platforms to be accessible, so far as practicable, to disabled users. These prominence and accessibility duties are legally binding irrespective of whether an RTSS provider chooses to follow the Code or adopt an alternative approach. Where a provider chooses to take alternative actions, it will not be in the safe harbour and therefore will not be deemed automatically compliant with its duties. Should we have concerns about those actions, we would consider taking enforcement action. While mutual agreements between RTSS providers and DIPS providers are likely to factor into our assessment of any actions, we do not consider this fact would necessarily mean the prominence duties under the Act are met. We respond to Roku's comments on this topic in more detail in Chapter 11 on the Guidance.

3.15 We recognise that some stakeholders had concerns that the measures in the Code are too prescriptive, creating a "minimum standard" and limiting the ability of RTSS providers to take alternative actions. However, we consider that it is important that the recommended actions are clear and provide certainty to stakeholders about what they are expected to do to be in the safe harbour. When setting the recommended actions, we have maintained flexibility where appropriate to ensure that the Code accommodates different styles of UI and can take account of future developments in technology. We do not consider that this approach limits the ability of RTSS providers to take alternative actions.

3.16 In response to Roku's points about following the Code in relation to some PSBs but not others, we would note that RTSS providers need to take all of the recommended actions to be in the safe harbour. Where a provider chooses to follow the recommended actions only in relation to some DIPS, but not others, this would amount to taking alternative actions.

Application of the Code to TSS with multiple versions in use

3.17 As discussed in Chapter 2, the Code will apply to RTSS, i.e. the TSS platforms designated by the Secretary of State following receipt of recommendations from Ofcom.

3.18 When preparing those recommendations to the Secretary of State, we noted that TSS providers take different approaches to the support of their services. Some maintain a single version through automatic updates, while others support several versions across different devices, sometimes for many years. Older versions may receive less support and may be constrained by the hardware of the devices on which they operate. We therefore concluded that, where a TSS has multiple versions, it would not be proportionate to designate all versions of a TSS automatically.[33]

3.19 For those TSS with multiple versions, we recommended that the designations should apply only to versions available on the market in July 2025, as well as any subsequent versions made available while the designations are in place. We considered this approach to be both effective in supporting the policy aims of the new regime (of securing widespread availability and prominence of public service remit or 'PSR' content) and proportionate in recognising the technical difficulties and costs that could arise from applying the regime to

[33] Ofcom, 16 December 2025. Designation of Television Selection Services: Final report to the Secretary of State, paragraphs 3.48 to 3.80.

older TSS versions. Applying this approach to the evidence available, we recommended that 15 TSS should be designated.[34] The Secretary of State subsequently designated those 15 TSS.[35]

3.20 In our Consultation on the draft Code, we recognised that it may take time for providers to implement changes which would bring them into compliance with the duties.

Stakeholder comments

3.21 Stakeholder comments on this topic broadly covered two areas. The main issue was applying the recommendations where the RTSS is running on devices already in users' homes. Beyond this, some stakeholders also had more general concerns about the technical feasibility of applying the recommendations to RTSS running on older devices.

3.22 Some RTSS providers raised concerns about applying the Code to RTSS versions already installed on devices in users' homes. For example, LG said doing so would involve significant engineering costs.[36] Samsung said it would ensure compliance on all new devices after the duties come into force, but that it would be "technically impossible to retrospectively force modification or updates on the UIs of televisions already in consumers' homes without [their] consent".[37]

3.23 Some stakeholders' concerns related to our proposed recommended actions on particular parts of the UI. For example, Google argued that implementing the recommended actions for app menus would be technically and practically challenging, and disproportionate for devices already set up by users. It noted that it does not alter the app row once a device is in a user's home and the user has control of it.[38] [✂].[39]

3.24 Channel 4, on the other hand, sought clarification that where a user has previously rearranged the order of their apps, the recommended default order set out in the Code should nonetheless apply at the point that the regime takes effect.[40]

3.25 In relation to older devices, the BBC said that RTSS may operate on devices that do not meet BBC iPlayer certification requirements and called for clarity on how RTSS and DIPS can ensure "legacy devices" are excluded from the regime. It suggested that RTSS and DIPS providers should be able to mutually agree on 'sunsetting' a device range without requiring amendments to the designation list.[41] We respond to these comments in Chapter 11.

3.26 Some RTSS providers also had concerns about being able to implement the accessibility features on some RTSS. For example, Sky had concerns about the technical difficulty and potential costs of implementing some measures on Sky Q.[42] Virgin Media O2 (VMO2) said that it may not be possible to implement the recommended accessibility measures in some

[34] Ofcom, 16 December 2025. Designation of Television Selection Services: Final report to the Secretary of State.
[35] The Television Selection Services (Designation) Regulations 2026 came into force on 1 July 2026.
[36] LG response, p.8.
[37] Samsung response, pp.2-3.
[38] Google response, p.3-4.
[39] [✂].
[40] Channel 4 response, p.11.
[41] BBC response, p.12.
[42] Sky response, pp.52-55.

cases. It said that other Ofcom codes and guidance use qualifications such as "where technically feasible" and suggested a similar approach should apply in this case.[43]

Our response and decision

3.27 We have carefully considered stakeholders' concerns about applying the Code to RTSS running on devices already in users' homes. As discussed above, acknowledging that it may be impractical to update some older TSS versions to comply with the Act's requirements, we recommended to the Secretary of State that, where a TSS has multiple versions in use, it would be appropriate to designate only those versions available on the market in July 2025 and later.[44]

3.28 This remains our view. As we explained when making our designation recommendations, the purpose of the regime is to secure the availability and prominence of the DIPS, and the public service programmes and listed channels included in them, for all viewers. Limiting its application to new devices would mean that the individual and social benefits of the intervention would not be achieved until consumers replaced their existing devices.[45] We note that external market data suggests that the average replacement cycle for TVs is 6.3 years.[46]

3.29 We recognise that implementing updates across RTSS on devices already in users' homes may involve additional operational and engineering effort. However, the evidence we gathered as part of the consultation on our designation recommendations to the Secretary of State indicated that it is generally technically feasible for providers to deploy changes to RTSS running on such devices through remote software updates.[47] Remote updating is an established industry practice routinely used to deliver security improvements, software maintenance, new functionality and UI changes.

3.30 It does not follow that every change can be implemented on every RTSS running on every device already in use in the same way or at the same cost. The work required may vary according to the RTSS version, the device's hardware and technical architecture, dependencies on original equipment manufacturers or other third parties, and the normal software release and testing cycle.

3.31 We therefore recognise that implementation may involve additional development, testing and deployment costs for some providers. We nevertheless consider it proportionate for the recommendations in the Code to apply to designated RTSS running on devices already in homes, given that limiting its application to new devices would delay the audience benefits of the regime, potentially for several years, while existing devices remain in use. We address Sky's concerns about the possible impact of implementing the accessibility proposals on Sky Q in Chapter 10. In relation to VMO2's suggestion that the Code should include a "where technically feasible" clause in relation to the accessibility measures, we

[43] VMO2 response, pp.8-9.
[44] Ofcom, 16 December 2025. Designation of Television Selection Services: Final report to the Secretary of State, paragraphs 3.48 to 3.50, 3.64 to 3.67 and 3.78.
[45] Ofcom, 16 December 2025. Designation of Television Selection Services: Final report to the Secretary of State, paragraphs 3.48 to 3.80.
[46] Infrastructure Working Group of the Future of TV Distribution Stakeholder Forum, 23 June 2026. Stakeholder Forum Papers: Infrastructure - Environmental impact in future of TV distribution.
[47] Ofcom, 22 July 2025. Designation of Television Selection Services: Consultation on draft report to the Secretary of State, paragraphs 3.46 to 3.48.

do not consider this is necessary or appropriate. We consider that the recommended actions in the Code are currently technically feasible on all RTSS. We assess the Code's likely impacts on providers, including implementation costs, in Chapters 5 to 9 for different parts of the UI and in Chapter 12 as part of our combined impact assessment.

3.32 In response to Channel 4's question, we would expect the recommended ordering and presentation of the DIPS apps to be implemented when the regime takes effect, including where a user has previously customised that part of the UI. We consider that this approach is most likely to secure the benefits intended by the regime, ensuring that the prominence for the DIPS, and the public service programmes and listed channels included in them, is provided to users of RTSS on devices already in homes as well as new ones. Although we recognise that some users may find it frustrating if a feature they have previously customised is reset or reordered, users will remain free to personalise relevant areas of the UI after the change has been made.

3.33 We are also mindful that implementation may depend on actions by third-parties, such as hardware manufacturers, or on users installing or enabling an update. Where potential compliance issues arise in connection with such dependencies, we would consider the particular facts and circumstances in accordance with our usual enforcement procedures, including the steps taken by the provider to implement the relevant changes and the extent to which any barriers to implementation were within its control. We address the time providers may require to make the necessary changes before the duties come into force in more detail in Chapter 13, although the commencement date itself is a matter for Government.

3.34 We will monitor the market including in relation to older versions of RTSS and consider whether any versions or services should be removed from designation when preparing future reports. If any RTSS are de-designated, they would no longer be subject to any of the duties under the regime.

4. Prominence Code of Practice

Introduction

4.1 In developing the draft Code, we first established high-level principles for determining an appropriate degree of prominence and an analytical framework for applying those principles.[48] We then used the principles and framework to develop the recommended actions that we proposed in the draft Code for RTSS providers, in order to secure appropriate prominence for each DIPS, its public service programmes and any listed channels included in the DIPS across relevant areas or features of an RTSS UI. In the Consultation, we asked stakeholders whether they agreed with the principles and analytical framework.

4.2 Our analysis of consultation responses also highlighted some overarching topics which apply to the prominence recommendations as a whole, rather than to specific areas or features of the UI. These included our proposed approach to regionalisation, which is where the presentation of features on an RTSS varies depending on the location of the user in the UK. We use the terms "regionalisation" and "regionalised RTSS" to refer to this throughout this Statement.

4.3 This chapter sets out the feedback we received and our final positions on the following topics:

- Our approach to developing the prominence recommendations;
- Regionalisation; and
- Who and what the prominence regime applies to.

Our approach to developing the prominence proposals

Our proposals

High-level principles

4.4 In the Consultation, we explained that the prominence regime is designed to secure the benefits of public service media for UK audiences into the future by ensuring public service programming is appropriately prominent on connected TV platforms. We also set out that, in developing our proposals, we had considered the distinct roles and remits of the six PSBs, as well as our obligations to comply with all of our relevant legal duties, including our public sector equality duty and Welsh language duties.

4.5 Our proposed approach also sought to take account of the value to UK audiences of having access to a diverse range of services and content, in a way that recognises the special role that public service programmes play. We also recognised that the technology and use of connected TV platforms are developing at pace, with benefits for both consumers and the wider economy. We were mindful of this when developing our proposals, seeking to

[48] Paragraphs 3.8 to 3.29 of the Consultation.

ensure that connected TV platforms did not face disproportionate restrictions on innovation in the ways in which users select and access streaming services and programmes.

4.6 We also noted that we had regard to the analytical approach that we developed when considering appropriate prominence in the EPG Code, in the interests of regulatory consistency.

4.7 With the above in mind, we identified the following high-level principles as relevant and important when establishing the appropriate degree of prominence for DIPS on an RTSS. We proposed that an appropriate degree of prominence would:

a) Enable audiences to easily discover and access DIPS and public service programmes – we said that the benefits of public service broadcasting are hard to assess, but that we consider it relevant to take into account both the personal audience impact of changes in prominence (which may vary depending on individual preference for different kinds of content) and the societal value of supporting prominence of high-quality public service programmes;[49]
b) Ensure audiences continue to benefit from a range of programmes, including public service and non-public service programmes from a range of providers, as well as a range of RTSS which offer different features and user experiences; and
c) Support user discovery and access to relevant public service programmes, including programmes intended to serve audiences in the user's location.

Analytical framework

4.8 The high-level principles above guided our proposals for what may constitute an appropriate degree of prominence on individual areas or features of a UI. In developing our proposals, we also had regard to our duty to secure that the Code is consistent with the Agreement Objectives. We then applied a more detailed analytical framework to formulate and assess a set of specific recommended actions to include in the Code:

a) **Context:** we reviewed evidence about UIs and user engagement to identify the areas of a UI where streaming services and their content are, or can be made, prominent, in light of the requirement that RTSS providers must give appropriate prominence to (i) DIPS; (ii) their public service programmes; and (iii) where included in the DIPS, listed channels.[50]
b) **Effectiveness:** we then proposed recommendations and assessed their effectiveness in securing appropriate prominence in relation to the area of the UI in question. We took into account the high-level principles set out above and evidence about how our proposals may affect user engagement and viewing. We considered whether the proposed recommendations would provide sufficient clarity, certainty and flexibility to support the intended outcome in practice. We also considered impacts on audiences in different regions.

[49] The PSBs have duties to deliver a breadth of high-quality programmes which, among other things, supports democratic participation, keeps audiences informed about local, national and international events, and brings the country together around sporting or cultural events, promoting shared values. Although societal impacts are not easily quantifiable, our research has shown, for example, that people using PSB news output are more likely to correctly identify important factual information, have higher levels of trust in institutions, and are less polarised than respondents who did not use PSBs (Ofcom, 2025. The relationship between the use of PSBs for news and societal outcomes: An empirical analysis).

[50] As set out in section 362AM(3) of the Act.

c) **Impacts on providers:** we then assessed the technical feasibility of the proposed recommendations and their impacts on providers. We considered different types of provider, as set out below, having regard to service characteristics (e.g. features offered) which may affect those impacts.

   i) **Impacts on RTSS providers.** We set out that reserving prominence for DIPS may entail resource costs (e.g. to make software changes) as well as other direct or indirect costs, if changes affect how RTSS providers can present and monetise programmes. Our assessment sought to ensure that any such impacts are proportionate given our objectives, allowing RTSS providers to innovate, differentiate their services and deliver better outcomes for users where appropriate.

   ii) **Impacts on DIPS and other IPS providers.** Our assessment considered the extent to which the recommendations may affect awareness of different streaming services and their content, which may in turn affect viewing and revenue.

d) We then set out our provisional conclusions on whether the impact of a potential recommendation would be proportionate, taking into account its effectiveness and the benefits to audiences of securing appropriate prominence.

Summary of responses

4.9 Below we consider stakeholder responses to the proposed high-level principles and analytical framework. Responses relating to their application to specific areas of the UI are considered in the relevant chapters.

4.10 Some respondents broadly supported the proposed principles and framework, including the need for sufficient flexibility to accommodate differences between RTSS and the changes in technology and user behaviour.[51] However, respondents raised concerns about particular elements of the approach and how we had applied it in developing the proposed Code recommendations. These views are summarised below.

What is 'appropriate' prominence?

4.11 Several respondents argued that our proposed approach was inconsistent with Parliament's intention and the Act's requirement for 'appropriate prominence', albeit in contrasting ways.

4.12 RTSS providers and representative body techUK generally argued that the proposed degree of prominence went too far, with some suggesting that the proposals amounted to "significant" or "dominant" prominence.[52] For example, Samsung argued that our recommendations should "preserve" the flexibility intended by Parliament in choosing 'appropriate prominence', rather than "inadvertently introducing rigid requirements that replicate a 'significant prominence' regime in practice".[53] Roku also said there is a risk that our proposals "lean toward a more expansive conception of prominence than the standard ultimately adopted by Parliament." Roku argued that, taken together, the measures

[51] Roku response, pp.1-2; Samsung response, p.3; YouView response, p.2; Google response, p.1; BT Group response, p.4; techUK response, pp.1-2; Channel 4 response, p.7; S4C response, p.1; Welsh Government response, p.1; Connected TV Marketing Association (CTVMA) response, p.2.
[52] Samsung response, p.3; Roku response, p.2; LG response, pp.9-12; Amazon response, p.1; techUK response, p.2; Sky response, p.2, 3-4, 14-16, 19-21.
[53] Samsung response, p.3.

proposed could "move the regime in a direction that unduly hinders RTSS providers' ability to innovate".[54]

4.13 Other RTSS providers raised similar concerns. LG said that the proposed Code and Guidance "significantly overreach" what Parliament intended with 'appropriate prominence'. It argued that the proposals more closely resemble "dominant prominence" for PSBs and that, in its view, Parliament "intended a far more flexible approach to PSB prominence limitations".[55] Amazon also considered parts of the proposed Code to be "more prescriptive" than Parliament intended, while Sky similarly argued that the proposals "go beyond the will of Parliament". Sky also considered that our proposals did not adequately account for the different characteristics of RTSS which it considered relevant to determining what appropriate prominence should require. We consider these comments in Chapter 6.[56]

4.14 While VMO2 supported the overarching approach proposed, which it said was "grounded in a set of clear, proportionate and forward-looking principles", it argued the principles had not been "adequately adhered" to in the proposed Code. It said that a Code that "implies parity, quotas, proportionality rules, or volumetric balancing of inventory" would be "incompatible" with the Innovation Objective.[57]

4.15 In contrast, PSBs, academics, representative bodies and interest groups argued that the proposals did not go far enough to secure prominence.[58] The BBC said that appropriate prominence means PSBs should be "supported to be visible and discoverable against others" but argued that our proposals "contradict" the legislative intent by putting PSBs "on par" with non-PSBs.[59] Several other respondents also suggested that the proposals do not secure appropriate prominence for PSBs because they create parity with other providers rather than giving PSBs priority.[60]

4.16 Paramount raised concerns that the definition of appropriate prominence proposed in the Consultation was not "sufficiently ambitious to create meaningful improvements" to PSBs' commercial arrangements with digital platforms, and said Ofcom needed to be "bold" in its implementation of the prominence regime to meet Parliament's expectations.[61] Channel 4 said the proposals do not use the "full extent" of Ofcom's legal powers to maintain and strengthen public service media, and suggested that a "more robust and specific" approach is achievable without disproportionate impacts on RTSS.[62]

4.17 Some PSBs also argued that the proposals would not materially improve the prominence secured for PSBs. For example, the BBC argued that the proposals would at best "solidify" rather than improve its situation, and at worst will "undermine" the position it has already

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[54] Roku response, p.2.
[55] LG response, pp.9-12.
[56] Amazon response, p.1; Sky response, p.2, 4, 17-19.
[57] VMO2 response, pp.2-3. The Innovation Objective is that agreements between providers do not result in a disproportionate restriction on an RTSS provider's ability to innovate in the ways that its users may select and access IPS or IPS programmes on its service.
[58] BBC response, p.3, 5; Channel 4 response, pp.5-8; Paramount response, p.1; VLV response, pp.2-4; British Broadcasting Challenge response, p.2; Bectu response, pp.1-2; Professor Steven Barnett response, pp.1-3; Directors UK response, pp.1-2; TAC response, pp.1-2.
[59] BBC response, p.3, 5.
[60] VLV response, pp.2-4; Bectu response, p.1; British Broadcasting Challenge, p.2.
[61] Paramount response, p.1.
[62] Channel 4 response, p.5.

negotiated.[63] Channel 4 said that the proposed level of protected prominence is "weaker" than that guaranteed on regulated EPGs.[64] ITV argued that the Code must ensure the DIPS are "more easily and more regularly discovered" than under current commercially negotiated deals.[65]

4.18 Additionally, an individual respondent said the framework "omits the context of critical global market dynamics" and that in this context, prominence is necessary for PSBs to remain "economically viable and competitive" for UK audiences.[66]

Accounting for user choice and behaviour

4.19 Some stakeholders said that our proposed approach did not give sufficient weight to user choice and behaviour, which could reduce the relevance and usefulness of RTSS UIs. YouView argued that some of the proposals prioritise DIPS prominence over users' likely viewing preferences, which could reduce the relevance of the homepage and lead users to navigate directly to apps. It suggested it would be more effective to assess if DIPS are "functionally easy" for users to discover and access throughout the UI, leaving RTSS providers flexibility in how the outcome is achieved.[67] Google also argued that "due consideration" had not been given to user choice or the quality of user experience, which it suggested would likely lead to reduced user value in RTSS UIs and therefore reduce the engagement that RTSS providers can deliver for IPS and DIPS.[68] Additionally, techUK argued that the user experience should remain "simple, familiar, and intuitive".[69]

4.20 The Voice of the Listener & Viewer (VLV) suggested that the framework should reflect real user behaviour and UI design. However, it said Ofcom should assess prominence in terms of "practical visibility and user pathways" as well as availability, and argued that PSBs should receive "greater visibility … because they are bound by public service obligations that have benefits for society".[70]

The need for a future-proof approach

4.21 Some respondents raised concerns that our approach might not remain effective as connected TV technology and UIs develop and could interfere with innovation. For example, the BBC argued that the Code should account for the "dynamic environment" in which it will apply and said many of the proposals could soon be outdated or irrelevant.[71] Amazon also raised concerns that in some areas, the Code constrains RTSS providers' ability to develop their UIs in line with audience expectations and does not account for the "technological realities of modern, dynamic connected TV services".[72]

4.22 Expert Media Partners (EMP) said prominence recommendations that "focus solely on listings and ordering of services" risk being circumvented if the wider commercial and management systems behind content discovery are not addressed. It argued that the

[63] BBC response, p.2.
[64] Channel 4 response, pp.5-6.
[65] ITV response, p.2.
[66] Stephen Temple CBE response, p.1.
[67] YouView response, pp.2-3.
[68] Google response, p.1.
[69] techUK response, p.1.
[70] VLV response, p.4.
[71] BBC response, p.2.
[72] Amazon response, p.2.

framework should account for the full range of factors that determine "practical discoverability", including "personalisation, programmatic algorithms, and recommendation engines".[73]

Range of evidence

4.23 An individual respondent raised concerns that the Consultation claimed to have examined a range of evidence but that there were no citations to academic research in this area, and only one piece of Ofcom's own research was referenced. They argued that this made it "impossible to adequately review" the evidence base we used in reaching our proposals.[74]

Regionalisation

4.24 STV argued that the approach to considering appropriate prominence and the related analytical framework is "critically flawed" because it did not recommend a regionalisation-only model.[75]

Changes proposed by stakeholders

4.25 Some respondents suggested changes to the high-level principles to respond to their concerns. For example, Channel 4 proposed strengthening the principles to make clear that appropriate prominence applies to each PSB app and to public service programmes from each PSB. It also argued that appropriate prominence should mean giving PSBs priority, following the "clear precedent" set by the EPG Code, and recognising the benefits associated with influencing awareness of public service programmes.[76]

4.26 An individual respondent said the first principle was "highly problematic" as it casts doubt on the benefits of public service media. They questioned how Ofcom would measure and evaluate the "personal audience impact of changes in prominence". On the second principle, the individual argued that changes to prominence would not affect the range of content provided and proposed that the principles should include a statement on the objectives of the prominence legislation, making clear that the benefits of PSB should be prioritised.[77]

Our assessment and decisions

4.27 Below we consider stakeholder responses to our proposed principles for establishing appropriate prominence and our analytical framework. Feedback on how we applied our principles to develop the proposed recommended actions for specific areas of the UI, and on the likely impact of these, is addressed in the relevant chapters of this Statement.

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[73] EMP response, pp.3-4.
[74] Professor Catherine Johnson response, p.4.
[75] STV response, pp.5-6. We received a range of comments on the topic of regionalisation, and consider these together in a separate subsection later in this chapter. See paragraphs 4.51 to 4.75.
[76] Channel 4 response, pp.5-8.
[77] Professor Catherine Johnson response, pp.1-4.

What is appropriate prominence?

4.28 We have considered stakeholders' concerns about whether our proposed approach reflected Parliament's intentions with regards to appropriate prominence, noting the contrasting feedback that the proposals went both too far and not far enough.[78]

4.29 With regards to Parliament's intent, the legislation does not define what is meant by appropriate prominence. We have devised what we consider to be an effective and proportionate approach to determining appropriate prominence, taking account of all of our relevant statutory duties.[79] We explain why we consider our specific recommended actions to be effective and proportionate in subsequent chapters. We consider that the final Code would secure appropriate prominence and does not go beyond what is required by the statutory regime.

4.30 Additionally, we have considered suggestions that our approach should ensure that PSBs are given priority over non-PSBs. We do not consider that appropriate prominence requires the DIPS, and the public service programmes and listed channels included in the DIPS, to take priority over other programmes or services in every context. What is appropriate depends on the relevant area or feature of the UI and the circumstances in which programmes or services are presented. As we explain in the remainder of this Statement, after assessing consultation responses, we believe that our final recommendations would secure appropriate prominence by ensuring that users can easily discover and access, and therefore benefit from the DIPS and the public service programmes and listed channels included in them, while ensuring users also benefit from other programmes and services being presented alongside them.

4.31 We have also considered the concerns raised by the BBC and ITV that our proposals would not improve PSB prominence relative to current levels. While some PSBs may, through existing commercial arrangements, receive prominence in line with or beyond what is in the Code in some areas of RTSS, this is not the case on all RTSS or for all DIPS. The final Code establishes recommended actions that would secure appropriate prominence for all DIPS, their public service programmes and listed channels across RTSS, rather than leaving the prominence available to each DIPS entirely to commercial negotiation.[80]

4.32 We disagree that our Code would unduly hinder RTSS providers' ability to innovate and, as suggested by VMO2, would therefore be inconsistent with the Agreement Objective about innovation. In developing the proposed Code, we applied our analytical framework and had regard to a range of factors, including the likely impact our proposed recommendations would have on RTSS providers. We considered that our proposed recommended actions were clear and robust, providing certainty to RTSS providers and PSBs, but flexible enough to be applied across a broad range of RTSS and UI designs, and to allow RTSS providers to innovate. For example, we did not propose that an RTSS should include a particular feature

[78] These concerns were raised in general terms, but also in the context of specific UI areas, including app menus, primary content areas, and listed channels, which we cover in greater detail in Chapters 5, 6 and 8 respectively.

[79] The concept of appropriate prominence also appears in legislation in the context of EPGs, where Ofcom is required to set a Code giving guidance as to practices to be followed by EPG providers in (among other things) giving such a degree of prominence as Ofcom considers appropriate to public service channels (section 310 of the Act).

[80] We consider these concerns in more detail in Chapters 5 and 12 on app menus and the combined impact assessment respectively.

but rather said what actions should be taken where a provider chooses to include that feature. Further to our assessment of consultation responses in each of the subsequent chapters, we do not consider that the final Code unduly restricts RTSS providers' ability to innovate.

4.33 We note Channel 4's argument that the proposed degree of prominence was "weaker" than that provided for on regulated EPGs. While we have had regard to the EPG prominence regime in developing our proposed recommendations, the EPG regime concerns linear channels which are often presented in a similar way across regulated EPGs, most commonly in a list. On RTSS, the presentation of streaming services, programmes and live channels varies significantly. Therefore, while the position of a programme or service is relevant to its prominence on an RTSS, other factors are also relevant. We reflected this in our proposals, explaining that factors such as the time of day and the size of the tile also form an important part of determining what would constitute appropriate prominence.

4.34 We have also considered Channel 4's comment that the proposed recommended actions should have been "more robust and specific". As explained above, in developing our draft Code, we applied the analytical framework set out in the Consultation, which included an assessment of the impact of our recommendations on RTSS, DIPS and other IPS providers. When setting our draft Code, we considered that there are numerous situations where a single specified approach would not adequately account for the significant differences between RTSS and their UIs. Further to our assessment of consultation responses in each of the subsequent chapters, we consider that the final Code provides clear and robust recommended actions that can be flexibly applied across a broad range of RTSS to secure appropriate prominence.

4.35 We have also considered concerns that our proposed framework did not sufficiently account for the global market context in which PSBs operate. As discussed in the Consultation, the prominence regime introduced by the Media Act is intended to respond to the challenges facing PSBs and to secure the public value they deliver by ensuring that DIPS are appropriately prominent on connected TV platforms.[81] In developing the draft Code, we took care to ensure that the recommended actions were consistent with the Agreement Objectives set out in the Act, including that the PSBs' ability to fulfil their public service remits should not be adversely affected and that RTSS providers should not be disproportionately restricted in how they innovate in the ways users select and access IPS and programmes. Further to our assessment of consultation responses in each of the subsequent chapters, we consider that the recommended actions in the final Code remain consistent with those objectives.

Accounting for user choice and behaviour

4.36 We have considered concerns from YouView, Google and techUK that our proposed approach did not sufficiently account for user choice. In our proposed high-level principles, we explained that we considered an appropriate degree of prominence to be one that would mean audiences are able to easily discover, access and benefit from a range of programmes, both public service and non-public service, and we developed our proposed recommended actions with this in mind. We also considered that RTSS providers should have flexibility to present a range of public service and non-public service programmes and services that are relevant to users, supporting audiences to make informed choices about

[81] See paragraphs 2.1 to 2.21 of the Consultation.

what they watch. We took account of the likely impacts on audiences, including user choice, when applying our analytical framework.[82]

4.37 It is nonetheless the case that the prominence regime, as enacted by Parliament, is intended to ensure that all users can easily find and discover public service programming, including those who currently do not actively watch a lot of such programming or would be less likely to seek it out. We consider that the recommended actions in the draft Code took account of this but would also still allow user preferences to be taken into consideration. For example, the draft Code included provisions relating to personalisation in app menus and live TV areas, which we discuss in Chapters 5 and 8 respectively. It would also allow RTSS providers to personalise content recommendations, provided that public service programmes received the degree of prominence set out in the proposed recommended actions.

4.38 With regards to the VLV's comment that our framework should consider real user behaviour and UI design, as well as availability, we note that we took these matters into account when developing our proposed recommended actions. As explained in our analytical framework, we reviewed evidence about UIs and user engagement to identify the areas where programmes and services could be made prominent, and included recommended actions in the draft Code accordingly.

The need for a future-proof approach

4.39 We have considered the concerns expressed by some stakeholders that our proposed recommendations could become outdated as connected TV services develop or unduly constrain innovation. In developing our recommendations, we assessed both whether our proposals would be effective in securing appropriate prominence and their likely impacts on providers. We therefore sought, where possible, to specify the prominence outcome to be secured without prescribing particular UI designs, to enable providers to continue to innovate in the ways users select and access IPS and programmes.

4.40 As explained in subsequent chapters, we consider that the recommended actions in the final Code secure appropriate prominence without unduly constraining innovation. However, we acknowledge that technology, audience behaviour and methods of content discovery continue to develop. We will therefore keep the Code under review to ensure that it continues to secure appropriate prominence as UIs and technology evolve.

Range of evidence

4.41 In response to the concerns raised about the range of evidence considered, we note that Annex 4 of the Consultation outlined the sources of evidence we gathered and analysed in preparing our proposed recommendations. This included information provided by RTSS providers and PSBs, including contractual and other information obtained using our formal information gathering powers; our internal review of different RTSS UIs; user journey research commissioned from 2CV; and data from Looper indicating the prominence of PSB programmes on RTSS UIs. We also met with a range of stakeholders. In the Consultation, we also noted that we had had regard to wider academic and market research, including research from other markets on the impact that ranking can have on user engagement.[83]

[82] We consider the application of these principles to specific areas of the UI in Chapters 5, 6 and 8 below.
[83] Paragraph 3.75 of the Consultation.

We consider that this provided a broad and appropriate evidence base for developing our proposed recommendations.

4.42 We have since considered further evidence presented in consultation responses, stakeholder meetings and responses to information requests. We have also continued to keep different RTSS UIs under review. Overall, we are satisfied that our final recommended actions have been informed by a broad and appropriate range of research and evidence.

Changes proposed by stakeholders

4.43 We have considered feedback on the substance of our three high-level principles, including Channel 4's suggestion that the first principle should state that appropriate prominence applies to each DIPS and to public service programmes from each DIPS (rather than to DIPS and public service programmes generally). We consider that the principle already reflects the duty for RTSS providers to give appropriate prominence to each DIPS, its public service programmes and listed channels, and therefore do not consider it necessary to amend the high-level principles to reflect this. Channel 4's related concerns about the application of this principle in primary content areas are addressed through the changes we have made to the relevant recommended actions, as set out at paragraphs 6.113 to 6.123.

4.44 We acknowledge the individual respondent's concern that the first principle could be interpreted as introducing doubt about the benefits of public service media. However, in our view, the text in the Consultation acknowledges that public service media delivers both personal and societal value. Our reference to these benefits being "hard to assess" reflected the challenges of quantifying societal benefits and isolating the incremental effect of a particular change in prominence. It did not call into question whether those benefits exist.

4.45 On the individual respondent's second point, we agree that changes in prominence do not directly determine the overall range of content supplied. However, the second principle recognises that the Code should secure appropriate prominence for public service programmes without placing unnecessary restrictions on the ability of members of the public to enjoy other programmes and services.

4.46 We have also considered suggestions that the high-level principles should recognise the benefits associated with user awareness of public service programmes and include a statement on the objectives of the prominence legislation. We do not believe this is necessary. The benefits associated with increasing user awareness are already reflected in the first principle, which concerns audiences' ability to discover and access DIPS and public service programmes. The objectives of the prominence legislation are reflected across the principles and provide the statutory context within which the principles and analytical framework operate. It would therefore be duplicative to restate these matters in the principles.

4.47 Having carefully considered the stakeholder feedback on our proposed principles for establishing appropriate prominence and on our analytical framework, we have decided to retain the principles and framework as consulted on. We consider that, together, they provide an appropriate basis for effective and proportionate recommended actions that secure appropriate prominence for all DIPS, their public service programmes and listed channels.

Final high-level principles and analytical framework

4.48 We have formulated our final Code by applying the high-level principles and analytical framework outlined below.

High-level principles

4.49 We consider the following high-level principles are relevant and important when establishing the appropriate degree of prominence on an RTSS. We consider that an appropriate degree of prominence is one that:

a) Enables audiences to easily discover and access DIPS and public service programmes - the benefits of public service broadcasting are hard to assess, but we consider it relevant to take into account both the personal audience impact of changes in prominence (which may vary depending on individual preference for different kinds of content) and the societal value of supporting prominence of high-quality public service programmes;[84]
b) Ensures audiences continue to benefit from a range of content, including public service and non-public service programmes from a range of providers, as well as a range of RTSS which offer different features and user experiences; and
c) Supports user discovery and access to relevant public service programmes, including programmes intended to serve audiences in the user's location.

Analytical framework

4.50 We have applied the following analytical framework to formulate and assess our recommendations in the Code:

a) **Context**: In our Consultation, we reviewed evidence about UIs and user engagement, to identify the areas of a UI where streaming services and their content are, or can be made, prominent, in light of the requirement that RTSS providers must give appropriate prominence to (i) DIPS; (ii) their public service programmes; and (iii) where included in the DIPS, listed channels.[85] In this Statement, we consider any relevant stakeholder feedback and reach a final view on whether the context still warrants making recommendations applying to a particular area.
b) **Effectiveness:** In our Consultation, we assessed the effectiveness of our proposed recommended actions in securing appropriate prominence in relation to the area of the UI in question. We took account of the high-level principles set out above and evidence about how our recommendations may affect user engagement and viewing. We considered whether the recommendations would provide sufficient clarity, certainty and flexibility to support the intended outcome in practice. We also considered impacts on audiences in different regions. In this Statement, we update our assessment in light of stakeholder feedback about the effectiveness of our proposals and of potential alternative approaches, where relevant.

[84] The PSBs have duties to deliver a breadth of high-quality programmes which, among other things, supports democratic participation, keeps audiences informed about local, national and international events, and brings the country together around sporting or cultural events, promoting shared values. Although societal impacts are not easily quantifiable, our research has shown, for example, that people using PSB news output are more likely to correctly identify important factual information, have higher levels of trust in institutions, and are less polarised than respondents who did not use PSBs (Ofcom, 2025. The relationship between the use of PSBs for news and societal outcomes: An empirical analysis).
[85] As set out in section 362AM(3) of the Act.

c) **Impacts on providers**: In our Consultation, we assessed the technical feasibility of the recommendations and their likely impacts on providers. In this Statement, we update our assessment in light of stakeholder feedback about impacts on providers, as well as to reflect changes to the consultation proposals, where relevant. We consider different types of provider, as set out below, having regard to service characteristics (e.g. features offered) which may affect impacts.

   i) **Impacts on RTSS providers.** Reserving prominence for DIPS may entail resource costs (e.g. to make software changes) as well as other direct or indirect costs, if changes affect how RTSS providers can present and monetise content. Our assessment seeks to ensure that any such impacts are proportionate given our objectives, allowing RTSS providers to innovate, differentiate their services, and deliver better outcomes for users where appropriate.
   ii) **Impacts on DIPS providers and other IPS providers.** Our assessment considers the extent to which the recommendations may affect awareness of different streaming services and their content, which in turn may affect viewing and revenue.

d) We then set our conclusions on whether the impact of a recommendation would be proportionate, taking into account its effectiveness and the benefits to audiences of securing appropriate prominence.

Regionalisation

4.51 This section is about our approach to regionalisation. In summary, regionalisation is the practice of varying the presentation of services, channels and/or content on an RTSS according to the geographic location of the user.

4.52 We have very carefully considered our approach to regionalisation in the Code. In doing so, we have been particularly mindful that some of the linear PSB services are delivered on a regionalised basis, reflecting their specific remits or geographically restricted transmission areas. Specifically, until the start of this year, S4C was required to focus on the provision of content for people in Wales.[86] Channel 3 is a nationwide network of 15 separate broadcast licences, each serving a particular region of the UK with individual programme commitments.[87]

4.53 In this section we consider the overarching comments we received about regionalisation. Feedback relating to specific areas of regionalised and non-regionalised RTSS, and our decisions on those matters, is set out in the relevant chapters that follow.

[86] The Media Act has changed S4C's public service remit. Previously, S4C's remit was "providing television programme services of high quality with a view to their being available for reception wholly or mainly by members of the public in Wales" (section 204 of the Act). With effect from 1 January 2026, S4C's public service remit is to make a broad range of high quality and diverse audiovisual content (a) a substantial proportion of which is in Welsh; (b) which is all capable of being taken into account for the purpose of determining the extent to which the public service remit for television in the United Kingdom is fulfilled; and (c) which, considered as a whole, constitutes an adequate contribution to the fulfilment of that remit (section 204A(2) of the Act). We also note that the Media Act changed S4C's obligations relating to distribution and transmission of S4C Digital, replacing the previous reference to transmission in Wales with a reference to transmission throughout so much of the United Kingdom as is for the time being reasonably practicable (section 66(7) of the Broadcasting Act 1990).

[87] As well as these 15 regional Channel 3 services, there is also a national breakfast-time service.

What we said in the Consultation

4.54 In the Consultation, we proposed different recommended actions for non-regionalised and regionalised RTSS:

a) On non-regionalised RTSS, we proposed that all six DIPS apps should be immediately visible. We also proposed that the first seven channel slots in live TV areas should be allocated to the main PSB channels.

b) On regionalised RTSS, we proposed a smaller number of DIPS apps and listed channels should be included in the most prominent positions. The relevant apps and channels, and their order, would vary depending on the location of the user.

4.55 In developing our proposals, we recognised the particular relevance of ITV and STV services to audiences in their respective licence areas and of S4C to audiences in Wales. Our research indicated immediate visibility was a key factor shaping user journeys.[88] Accordingly, we considered that a non-regionalised approach would be effective at securing appropriate prominence for each of the DIPS, including those of ITV, STV and S4C, provided that their apps were immediately visible in app menus and their listed channels were prominent in live TV areas.

4.56 We noted that, although some RTSS are already regionalised, the majority are not. We explained that we understood that regionalisation could present implementation challenges and total implementation costs could run into the hundreds of thousands of pounds, although the costs could vary between providers. We also noted that some RTSS could benefit from implementing regionalisation as the number of DIPS apps expected to be immediately visible in app menus would be reduced. This would enable RTSS providers to monetise more of the most prominent app placements if they chose to do so.

Summary of responses

4.57 Several stakeholders made general comments related to regionalisation. Some stakeholders also made more specific comments about the position of STV and S4C on both regionalised and non-regionalised RTSS. Where those comments relate to specific areas of the UI, we address them in the relevant chapters of this Statement.

4.58 Of the stakeholders who commented on our overall approach, Google and techUK broadly supported our proposal that RTSS providers should have the option to maintain either a regionalised or non-regionalised platform. Google said that it considered the "separation" of regionalised and non-regionalised recommended actions to be proportionate.[89] TechUK argued that a recommendation to regionalise would risk "fragmentation" of the UI, and would undermine the ability for providers to "maintain consistent and intuitive user experiences at scale".[90]

4.59 However, the Welsh and Scottish Governments, the Advisory Committee for Wales (ACW) and STV argued that we should only include recommended actions for regionalised RTSS in

[88] 2CV, 2026. Research - Exploring audience journeys on connected TV devices.
[89] Google response, p.1.
[90] techUK response, p.4.

the Code.[91] This would mean that a provider operating a non-regionalised RTSS would not be able to benefit from the "safe harbour" offered by the Code, and would need to take alternative measures to comply with the prominence duty.

4.60 The Welsh Government argued that Ofcom should "mandate" regionalisation to secure prominence of Welsh content and Welsh-language content in Wales.[92] The Advisory Committee for Wales (ACW) also argued for the Code to recommend regionalisation of RTSS, as it was concerned that public service programmes relevant to Wales would otherwise rarely achieve prominence on a UK-wide basis.[93]

4.61 The Scottish Government considered that regionalisation would improve the user experience, and so should be recommended in the Code.[94] It said it was concerned that leaving regionalisation to RTSS providers could result in STV and STV Player receiving less prominence than ITV and ITVX in STV's licence areas to the disadvantage of Scottish viewers, and unfairly impacting STV.[95]

4.62 STV considered regionalisation to be essential, arguing that non-regionalised RTSS would not achieve appropriate prominence for its DIPS, largely because a DIPS provided by ITV would receive higher prominence than an STV DIPS in the northern and central Scotland areas for which it holds the relevant Channel 3 licences.[96] It suggested that the proposals misrepresent ITV as a national broadcaster and STV as a regional broadcaster, and specifically that a discretionary approach to regionalisation would fail to recognise the structure and character of the Channel 3 network and the diverse requirements of each licence area.[97] STV also argued that the Channel 3 networking arrangements, and the associated region-specific terms of each licence, would be at risk if the Code included recommendations for non-regionalised RTSS.[98] It considered that the proposals would therefore neither secure appropriate prominence nor ensure that arrangements did not adversely affect its ability to fulfil its public service remit.[99]

4.63 STV also raised a number of other concerns about the impact of optional regionalisation on audiences and on its business, as well as the technical feasibility of regionalisation.

4.64 In relation to the potential impact on audiences, STV considered that non-regionalised services would result in a poorer viewer experience. It explained that under the terms of the arrangements between ITV and STV, "each has the exclusive right to distribute… network programming in their respective licensed areas". It said that currently, users in the Central Scotland and North of Scotland licence areas are faced with "blank screens" on non-regionalised services because individual content tiles featuring Channel 3 content generally direct users to watch programmes on ITVX. STV considered that the user experience would be better on regionalised platforms, as this would, for example, enable

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[91] S4C did not comment on whether Ofcom should only recommend that RTSS providers regionalise, however it did raise specific concerns about the positioning of its app and channel on regionalised RTSS outside of Wales. This is discussed further in Chapter 5 and Chapter 8.
[92] Welsh Government response, p.1.
[93] ACW response, p.1.
[94] Scottish Government response, p.1.
[95] Scottish Government response, p.1.
[96] STV response, p.2, 6.
[97] STV response, p.6.
[98] STV response, p.3.
[99] STV response, p.6.

viewers across the UK to be able to start relevant Channel 3 content with a single click.[100] It also argued that non-regionalised RTSS could particularly disadvantage older and disabled users and users with lower digital literacy. STV said that such users may no longer be able to rely on finding its listed channel in position 3 and may face a complex journey to locate Channel 3 network content through STV Player.[101]

4.65 STV considered the value of regionalisation could be seen across UIs. It argued that app menus and listed channels were "EPG-like" areas which audiences would expect to resemble a traditional linear EPG, with services presented in a similar order. It viewed the primary content areas and search areas of UI to be of increasing importance to audiences, with the result that it was "especially crucial" that they be regionalised.[102]

4.66 In relation to the impact on its business, STV argued that the Consultation had focused on the costs of regionalisation to RTSS providers, without adequately assessing the potential impact on STV of lost advertising revenue, reduced brand recognition or the wider benefits regionalisation could bring to audiences and PSBs more generally.[103] STV suggested that the cost to it of regionalisation being discretionary could be as high as [✂] per annum, exacerbated by the loss of brand attribution and recognition.[104] [✂] [105] [✂].[106] STV also argued that reaching what it described as the "high bar" for Ofcom to designate its IPS would require STV to undertake "significant financial investment and resource allocation", but that the non-regionalised approach would not, in its view, adequately recognise or reward that investment.[107]

4.67 Regarding technical feasibility, STV argued that both TSS providers' access to location data (e.g. collection of postcodes at sign-up), and their use of regionally targeted advertising campaigns, illustrated the technical feasibility of regionalisation.[108] One RTSS provider stated that it would expect RTSS providers to be able to regionalise parts of the UI but not all of it, as technically some parts of the UI [✂] are more straightforward to regionalise than others [✂].[109]

Our response

4.68 We recognise that several stakeholders, including STV, argued strongly that we should remove recommended actions for non-regionalised RTSS from the Code. This would mean that only RTSS providers that regionalise their service would be able to follow the recommended actions in the Code and benefit from the Code's safe harbour.

4.69 In particular, these responses raise the question of whether our proposed recommended actions for non-regionalised RTSS would secure appropriate prominence for STV and S4C. As explained in Chapters 5 to 9, we consider that the final recommended actions across a range of UI areas and features will be effective in securing appropriate prominence for all

[100] STV response, pp.11-12.
[101] STV response, p.16.
[102] STV response, p.8.
[103] STV response, p.10.
[104] STV confidential response, p.2, 23.
[105] [✂].
[106] [✂].
[107] STV response, p.5.
[108] STV response, pp.10-11.
[109] [✂].

DIPS, their public service programmes and their listed channels, including those provided by STV and S4C. Our assessments in these chapters explain how we have applied our analytical framework, including our consideration of the likely impacts on audiences and providers. They also explain how the recommended actions reflect our high-level principles, in particular by supporting users to discover and access relevant public service programmes, including those intended for audiences in their location. The remainder of this section addresses the specific cross-cutting issues raised by respondents.

4.70 In setting the recommended actions, we have taken account of STV's position within the regional licensing structure for Channel 3. On regionalised RTSS, the recommendations reflect that structure by giving greater prominence to an STV DIPS, its public service programmes and its listed channel in its licence areas. However, we do not agree with STV that regionalisation is the only effective means of securing appropriate prominence for an STV DIPS. On non-regionalised RTSS, our recommendations would ensure that users could easily discover and access STV's DIPS, public service programmes and listed channel, including through immediate visibility in relevant app menus, frequent appearance in primary content areas, prominent display in search results where STV content is relevant, being easy to find and access in live TV areas, and appropriate attribution (including in relation to programmes that are available on both ITVX and STV Player). Chapters 5 to 9 explain how the individual recommendations secure this outcome. Taken together, we consider that these recommendations effectively secure appropriate prominence for STV on both regionalised and non-regionalised RTSS.

4.71 We recognise that some users, including some older and disabled users, may rely on familiar EPG positions to find services. Although STV would appear in a different position on a non-regionalised RTSS, we consider that its inclusion within the first seven positions would give it appropriate prominence and ensure that it remains easy to find and access, for the reasons set out in Chapter 8. We also note the wider accessibility recommendations we have set to support users, including disabled users, to navigate the RTSS UI. We explain these in more detail in Chapter 10.

4.72 In light of stakeholder comments on regionalisation, we gathered additional information from RTSS providers about feasibility and potential costs.[110] This information indicated that the nature and scale of the changes required to regionalise their services could vary significantly between providers, depending on factors including their underlying technical architecture and their approaches to governance, quality assurance and data collection.

4.73 We note, however, one RTSS provider's point that regionalising some elements of a UI may require less substantial change than others. In light of this, we have considered whether it would be appropriate to amend the Code accordingly so that RTSS providers would have flexibility to implement regionalisation for specific features, rather than needing to regionalise the majority of the UI in order to follow the recommended actions included in the Code. We assess this in more detail and set out our decisions in the app menu, primary content areas and listed channel chapters of this Statement.

4.74 We have also given careful consideration to STV's points about the financial impact of our proposals. [✂].[111] In addition, under the Code, a non-regionalised approach would involve

[110] See Annex 4 on our methodology and approach to gathering and analysing the information used to inform our proposals.
[111] [✂].

allocating a greater number of prominent positions to PSB services. This may make such an approach less attractive to RTSS providers and could over time incentivise additional RTSS providers to regionalise, though we recognise this is uncertain.

4.75 Finally, we note that some respondents stated that we should 'mandate' regionalisation for RTSS. It is important to note that, since the legislation establishes the Code as a safe harbour, we cannot require or mandate RTSS providers to take particular actions. The Code sets out the actions that we recommend RTSS providers take to be considered compliant with their duties. As explained in more detail in Chapter 3, RTSS providers may take alternative actions to satisfy their prominence duties, regardless of the approach we set out in the Code. Where they take such alternative actions, providers will not automatically be treated as compliant with this duty. Should we have concerns about those actions, we may take appropriate enforcement action.

Scope of the prominence regime

What we said in the consultation

4.76 The Media Act introduced a new regime to make public service programmes easier to discover and watch on connected TV platforms. It means that regulated connected TVs in the UK must ensure that BBC iPlayer and any other PSB players designated by Ofcom, along with their public service programmes, are available and prominent.[112] Ofcom's role is to produce a Code which sets out recommended actions that RTSS providers can take to comply with their prominence duty.

Summary of responses

4.77 A joint response from Local TV, Latest TV (Brighton) and KMTV supported the consultation proposals, but only if the provisions will also apply to local TV services at an "appropriate time". It said that local TV services have public service content obligations and play an important role in delivering accurate local news and serving digitally excluded audiences. The response also noted that local TV services want to develop an app that can be carried on connected TV platforms but it is "difficult" to secure investment without confidence the app can be found. Local TV, Latest TV (Brighton) and KMTV concluded that "comprehensive positioning" on all platforms for Ofcom-licensed local public service channels would "optimise local content delivery and access for the UK local audience".[113]

4.78 An individual respondent supported the general aim of PSB prominence on connected TV platforms, but said the regime creates "structural unfairness" by excluding dedicated ethnic minority media. The respondent said Bengali channels serving the UK Bangladeshi community provide key cultural and linguistic content but "lack equivalent visibility support under the Broadcasting Code". The respondent recommended that the prominence regime be extended to include "qualifying ethnic minority content", stronger monitoring and enforcement for minority-language services, and to uphold "the principle of non-discriminatory treatment" across all broadcasters.[114]

[112] Paragraph 1.2 of the Consultation.
[113] Local TV, Latest TV (Brighton) and KMTV response, pp.1-7.
[114] Sunahwar Ali response, p.1.

4.79 The British Broadcasting Challenge said that Ofcom should state that the framework is designed to be extended to other digital environments as the regulatory scope develops.[115] It suggested that prominence should be extended to mobile platforms, that the carriage and prominence of PSB content on platforms such as YouTube should be regulated, and that social media platforms should be required to include and give prominence to PSB news during election periods, emergencies and moments of national significance. Additionally, the British Broadcasting Challenge said that Ofcom should consider how the prominence framework would operate if a shared PSB platform existed alongside, or instead of, individual apps.[116] On the other hand, an individual respondent opposed any future legislation that would give prominence to British content on global platforms like YouTube.[117]

4.80 Paramount and Everyone TV suggested that prominence requirements should be extended to TV remotes, noting the key role that remotes can play in user journeys.[118] Everyone TV also suggested that actions such as pressing the guide/live button on a remote, pressing numbered buttons on remotes, and searching for live should direct users to the live TV areas which fall in scope of the Code.[119]

Our assessment and decision

4.81 With regards to comments from Local TV, Latest TV (Brighton) and KMTV, the British Broadcasting Challenge and the individual respondents on the scope of the regime, we note that the Act applies the prominence regime only to BBC iPlayer and any other PSB players designated by Ofcom (along with their public service programmes and listed channels) on RTSS. While we recognise the benefits other content and services bring to audiences, it is not in Ofcom's power to include provision for any other content or services as part of our work to implement the new prominence regime.

4.82 In response to the British Broadcasting Challenge's comments regarding other digital environments, we are mindful that the way content is offered to and sought out by audiences will continue to change. Our Code is therefore designed to be as flexible as possible. We will, however, keep the Code under review to ensure it remains effective in light of market developments, and will also respond accordingly if the regulatory scope of the regime is amended by Government.

4.83 Regarding comments from Paramount and Everyone TV, TV remotes are not currently within the scope of the regime. The duties apply to the RTSS itself, not the hardware used to navigate that service. Any decision to expand the scope of the duties would require new legislation.

[115] British Broadcasting Challenge response, p.2.
[116] British Broadcasting Challenge response, pp.3-4.
[117] Name withheld for publication 2 response, p.1.
[118] Paramount response, p.2; Everyone TV response, p.2.
[119] Everyone TV response, p.12.

5. Prominence Code of Practice: App Menus

App menus are a key route to content for many users. They are therefore an important area where appropriate prominence can and should be secured, supporting audiences in easily finding and accessing the DIPS apps.

We are confirming some of our proposed recommended actions for app menus but, in response to stakeholder feedback, have decided to make changes to others. We provide a summary of the final recommendation at the end of this chapter, including any changes we have made. We consider these changes will secure appropriate prominence for each DIPS, while also ensuring that the Code allows users to access a broad range of IPS and leaves room for RTSS providers to innovate in how apps are presented to users. We consider the likely impact of our decisions on RTSS providers, DIPS providers and other IPS providers to be proportionate.

5.1 In this chapter, we apply our analytical framework to set recommended actions for appropriate prominence for DIPS apps in app menus:

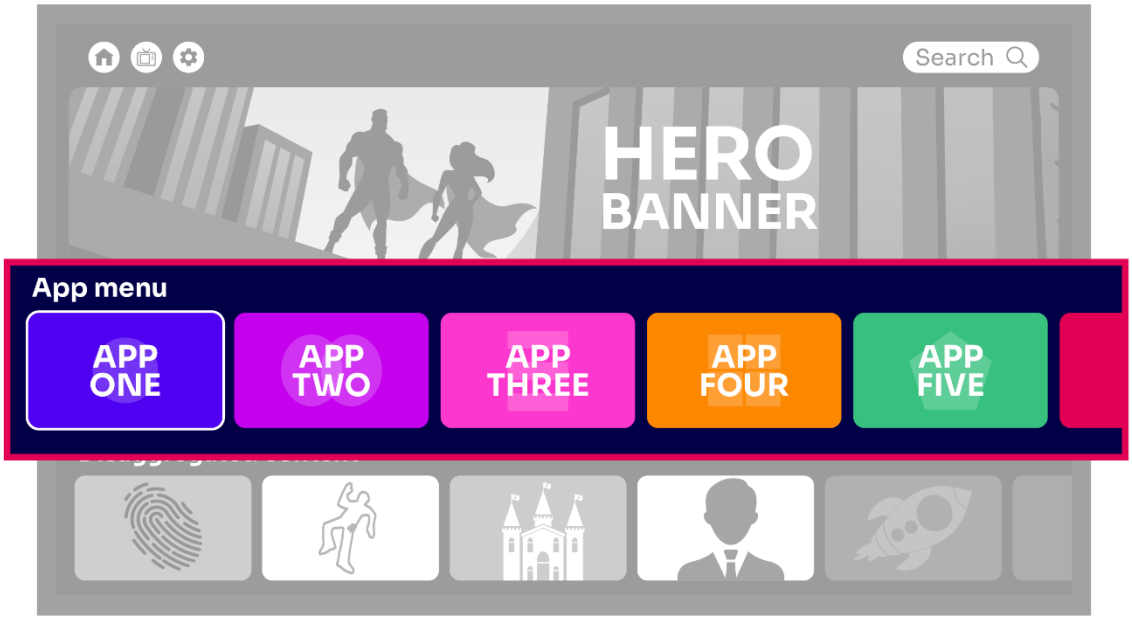
- we summarise our consultation proposals;
- we assess the context, effectiveness and likely impacts of the recommended actions in light of the responses we have received; and
- we set out our final decisions in light of these assessments.

Background

App menus

5.2 App menus are the main place on a UI where the apps of broadcasters or streaming services are shown as clickable tiles. Users can select the app they want to open to browse and watch content. App menus can take the form of a single app row or rail (as in the graphic below), and/or a grid format. In the majority of cases, app menus are displayed prominently, with some apps immediately visible to the user on the platform homepage without needing to scroll or navigate elsewhere. Often, a selection of apps is featured on the homepage and a more comprehensive app menu is accessible separately.

Figure 1: Example of an app menu on the UI



Our consultation proposals

5.3 We set out in the Consultation our evidence and rationale for proposing recommended actions for app menus on the basis of the high-level principles and analytical framework we used to develop the draft Code.

5.4 We explained that the app menu is the primary gateway to content, and the research we carried out to better understand 'user journeys' found that the app menu emerged as the central feature on the TSS, shaping most content journeys. Eye-tracking analysis also showed that app menus were consistently the first feature noticed and the element of the UI looked at for the longest.[120]

5.5 We also analysed audience engagement data which we obtained from RTSS providers. Although we did not have comparable data across all providers and features, we were able to produce indicative estimates of the volumes of clicks made by users across app menus, disaggregated content areas and promotional areas across all RTSS. From this data, we estimated that around 90% of these clicks are on apps.[121]

5.6 We therefore considered that app menus are a key route to content for most audiences, and an important area where appropriate prominence can and should be secured for the DIPS apps, supporting audiences in easily finding and accessing DIPS.

5.7 Taking this context into account, we proposed seven recommended actions that RTSS providers should take, which we considered would be effective in giving an appropriate level of prominence to the DIPS apps in app menus, and of which the impacts would be proportionate. In summary, we proposed that:

[120] 2CV, 2026. Research – Exploring audience journeys on connected TV devices.
[121] Paragraph 3.36 of the Consultation.

Recommendation A1 as proposed in the Consultation: App menus

Action A1.1: The actions in this recommendation A1 apply to a provider in respect of each RTSS it provides which has one or more app menus.

Action A1.2: Where a DIPS is included in the RTSS as an app, the provider should include that app in each app menu on the RTSS.

Action A1.3 and **Action A1.4**: The DIPS apps should be visible in each app menu without the user needing to take any action after having navigated to the relevant app menu. They should be presented in the recommended order and range of positions (though not necessarily placed together), with the precise recommendations varying according to the user's location in the UK and whether the RTSS is regionalised.[122]

Action A1.5: In each app menu, the provider should ensure that the way in which DIPS apps are presented is similar to the way in which other IPS apps are presented, including but not limited to in relation to shape, size, form, contrast and highlighting.

Action A1.6: Nothing in this recommendation should prevent users from deciding the order of IPS apps (including the DIPS) in each of the app menus.

Action A1.7: If an IPS provided by a public service broadcaster other than the BBC is not designated (because Ofcom has not designated that IPS, or Ofcom has revoked the designation of that IPS), it should be disregarded for the purposes of Action A1.

Stakeholder responses and our assessment

5.8 We received a range of views on our proposed recommended actions. Respondents generally recognised the important role that app menus play in user journeys on connected TVs, enabling audiences to access a range of programmes and services. However, stakeholders had different perspectives as to which app menus the recommended actions should apply to, as well as how the DIPS apps are positioned in the app menus.

5.9 Some RTSS providers suggested that the recommendations should apply only to one app menu, e.g. the 'main' one, rather than each app menu. However, some respondents, including some PSBs, suggested that the Code should also recommend that RTSS providers include an app menu, and that the app menu itself should be made prominent.

5.10 Respondents generally agreed that the proposed recommended order for the DIPS apps should follow the EPG Code, but some raised concerns about the proposed position of DIPS apps in the app menu, particularly for STV Player and S4C Clic. There was also general support for users being able to actively choose to reorder apps in the app menu, though some RTSS providers said algorithmic or automatic reordering should also be considered as

[122] On non-regionalised RTSS, we proposed that the DIPS apps should appear within the highest nine positions in the following order: the BBC service, the Channel 3 ITV service, the Channel 4 service, the Channel 5 service, the S4C service and the Channel 3 STV service. On regionalised RTSS for users in Wales, we proposed the DIPS apps should appear in the highest eight positions in the following order: the BBC service, the Channel 3 ITV service, the S4C service, the Channel 5 service and the Channel 4 service. On regionalised RTSS for users outside of Wales, we proposed the DIPS apps should appear in the highest seven positions in the following order: the BBC service, the relevant Channel 3 service, the Channel 4 service and the Channel 5 service, and for the S4C service to be easily discoverable on the RTSS.

user choice. In addition, some RTSS providers queried the installation of DIPS apps at set-up.

5.11 We consider this feedback in more detail below, and in light of it, assess the effectiveness of the recommended actions. In the subsequent sections, we go on to assess the likely impacts of the recommended actions before reaching a final decision on them.

The application of the recommended actions to all app menus

Our proposals

5.12 In our draft Code, we proposed that where a DIPS is included in the RTSS through an app, the provider should include that app in each app menu on the RTSS (action A1.2). This proposed approach meant that RTSS providers should follow the recommendations included in actions A1.3 to A1.7 in every app menu on the RTSS.

Summary of responses

5.13 Some RTSS providers raised concerns about our proposal for the recommended actions to apply to each app menu included in the RTSS. For example, Roku said it would be disproportionate and diminish RTSS providers' ability to offer an "effective and consumer-friendly discovery function". Instead, it suggested that the Code should apply to at least one main app menu that "users reasonably understand to be the primary place to access installed apps", and if there is more than one app menu on the homepage, it would only apply to this menu.[123] Similarly, Samsung said the recommendations should focus only on the app menu on the RTSS homepage, while VMO2 said they should apply only to the main app menu found on platforms "where users would navigate in order to see a list of apps available to them". VMO2 also said that apps may be found in areas such as 'For You' or as individual apps, potentially based on what has previously been viewed, but argued that these areas should be out of scope.[124]

5.14 Sky said the proposals were appropriate for the "main app areas" such as its app menu and app rail on the homepage (subject to its concerns on auto-sort menus, considered below). However, it argued it would be "unreasonable and contrary to viewer interests" to recommend that RTSS providers should include or give prominence to DIPS apps in genre-specific app menus (e.g. sport), if the DIPS does not have relevant programmes for the genre. It suggested that where app menus are dedicated to specific genres, the Code should make clear that RTSS should only (a) include a DIPS app in that app menu where it contains programmes relevant to that genre, and (b) afford the prominence in that app menu where it includes "at least as much relevant content when compared with other apps included within that apps menu".[125] YouView also noted that connected TV UIs increasingly organise apps through "categorised rails" (e.g. 'Free apps', 'subscribed apps' or personalised app groupings). It said Ofcom should clarify how these structures interact with the definition of an app menu, particularly where "user personalisation and categorisation is central to the user experience".[126]

[123] Roku response, p.4.
[124] Samsung response, p.8; VMO2 response, pp.3-4.
[125] Sky response, p.59, 61-62.
[126] YouView response, p.4.

5.15 S4C argued that the Code should protect against services being "segmented" across multiple app menus, particularly where subscription video on-demand (SVoD) services are grouped together in "separate and potentially more prominent rails". It said that this approach risks "isolating" the PSB apps in a single rail as well as "undermining the objective of ensuring their discoverability".[127]

Our assessment

5.16 One of our high-level principles in establishing appropriate prominence is to enable audiences to easily discover and access DIPS and public service programmes. Our research shows that app menus are currently the key route through which users find and access apps on an RTSS, and we consider that for appropriate prominence to be secured, the DIPS apps should be immediately visible in the place where users are most likely to notice and use them, as evidenced in the Consultation.[128]

5.17 However, having carefully considered stakeholder feedback, we do not believe it is necessary for the recommended actions to apply to every app menu on the RTSS (as proposed) for the Code to be effective in achieving appropriate prominence. We recognise that it may be disproportionate for the DIPS apps to be repeated several times on the same page of the UI or to appear in app menus where they are less relevant (e.g. those that are genre-specific, reflect users' subscriptions or are otherwise personalised to each user), as it would likely reduce the range of apps presented to audiences, would mean less variation between RTSS, and may make the UI less user-friendly.

5.18 We therefore consider that the recommended actions should apply to the most prominent app menu on the RTSS (the "main app menu"). Additionally, if the RTSS has a "dedicated app page" that does not include the main app menu, then we think the recommended actions should also apply to the most prominent app menu on any such dedicated app page.[129] We define a "dedicated app page" as a page of the UI which consists principally of one or more app menus, and typically lists all or most of the apps accessible via the RTSS. We believe that these pages should be in scope as they play an important role when users are browsing for programmes or services and will therefore help to secure appropriate prominence for the DIPS apps.

5.19 Collectively, we refer throughout this chapter to the main app menu and the most prominent app menu on any dedicated app pages as the "relevant app menus".

5.20 We consider that it should be for RTSS providers to determine which app menu is the most prominent on the RTSS, or on a dedicated app page (as applicable). However, we think that specifying principles which, taken together, are relevant to making this determination would help to secure appropriate prominence in the app menus that users are most likely to see and engage with. We believe the following principles are relevant:

- An app menu that is immediately visible after the user has navigated to the page on which the app menu is located is more prominent than other app menus on that page;[130]

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[127] S4C response, p.3.
[128] Paragraph 3.64 of the Consultation.
[129] If there is only one app menu on a dedicated app page then the recommendation will apply to that app menu.
[130] We discuss including "immediately visible" as a defined term in paragraph 5.36 below.

- The nearer to the top of the page the app menu is positioned, the more prominent it is; and
- The fewer the number of clicks (or equivalent) to reach the app menu, the more prominent it is.

5.21 This is not an exhaustive list of the principles that may be relevant to giving prominence to app menus on the RTSS. Other principles may be relevant to particular RTSS, where anything that is more likely to increase the visibility of, attention given to, or ease of access to apps included in an app menu makes it more prominent. We consider it would be helpful to providers to make this clear in the Code.

5.22 Based on these principles, an app menu that is immediately visible near the top of the homepage is likely to be more prominent than one placed lower down or requiring further navigation. However, which app menu is the most prominent should be decided on a case-by-case basis, in the context of the specific RTSS in question.

5.23 We consider that applying this recommendation to the relevant app menus would be effective in securing appropriate prominence as it would ensure that the DIPS apps are immediately visible in the app menus that users are most likely to notice, and in the areas that users are most likely to turn to if they are looking for an app. This approach should also support RTSS providers to innovate, for example by providing targeted app menus, such as on specific genres, if they wish to do so.[131] In addition, it should address S4C's concerns that other IPS apps could be included in more prominent app menus than the DIPS apps.

5.24 This recommendation does not prevent RTSS providers from including the DIPS apps in other app menus where they choose to do so.

The inclusion and position of the app menu

Our proposals

5.25 In the Consultation, we proposed that the recommended actions for securing appropriate prominence would only apply where an RTSS includes one or more app menus.[132] In addition, we proposed that once a user has navigated to an app menu, the relevant DIPS should be immediately visible without the user taking any further action, such as scrolling or navigating to sub-menus.[133] The draft Code did not comment on where or how app menus should be presented to ensure that RTSS providers have flexibility in designing and innovating their UIs, and to avoid any unnecessary homogenisation of services.

Summary of responses

5.26 Some respondents raised concerns that prominence for DIPS apps could be undermined by how RTSS providers choose to design their UIs. For example, Channel 4 argued that there should be a recommended action for the app menu itself to be prominent, as well as the PSB apps included in it, otherwise "one of the most important mechanisms for securing appropriate prominence could be easily undermined". It also said it is essential that the

[131] The third Agreement Objective states that "the arrangements do not disproportionately restrict how an RTSS provider may make innovations in the ways that users may select and access IPS or IPS programmes on its service." We refer to this as the 'Innovation Objective'. See Chapter 11 for more detail.
[132] Paragraph 3.50 of the Consultation.
[133] Paragraph 3.52 of the Consultation.

app menu is visible without user action and users should not have to scroll or navigate to sub-menus to see PSB apps, which it argued should apply to every app menu in the UI (both app rails on the homepage or on separate pages).[134]

5.27 Similarly, S4C argued that the proposed recommendation would have little impact unless the Code also recommended that RTSS providers should include an app menu and make it clearly visible on the homepage. It suggested that, without such a recommendation, RTSS providers could circumvent the Code by "facilitating other presentation methods that can be commercialised and benefit non-PSB apps".[135] S4C also said that "evidence from audience behaviour research indicates that users primarily interact with services visible on the first screen of a [connected TV] interface, especially above and to the left of the fold", and noted that engagement declines as services are placed further down. It suggested that Ofcom should therefore clarify that "immediately visible" means the full title of each DIPS app should be positioned on the first screen of the UI, including within the area to the left of, and above, the fold.[136]

5.28 Paramount raised concerns that our proposals may not be sufficiently future-proofed and suggested the DIPS apps should always be visible in some form above the homepage fold, even where platforms move away from traditional app menus.[137] Everyone TV suggested there must always be visible access to the DIPS or an app menu above the fold.[138] Additionally, the VLV said that the proposals should be strengthened to ensure PSB apps are visible on the homepage and to prevent "UI designs that could bury PSB apps within menus or secondary navigation layers".[139] An individual respondent said that where an app rail is visible on the homepage, the PSB apps should also be visible on the homepage.[140]

5.29 ITV suggested that proposed recommended action A1.2 (that RTSS providers should include the DIPS apps in each app menu) should be expanded to ensure that the DIPS apps are also prominent in "app-like" menus in the event a platform decides to host and deliver content itself (an 'ingest model'), but present the choice of streaming services in the format of apps.[141] S4C also suggested that the focus on "app-based integrations" gives "limited consideration of ingest or native content integrations". It called for clarity on how public service programmes should be treated when "ingested and presented natively within platform environments", including in recommendations, curated rails and other discovery areas, so that the most prominent areas of some UIs do not "fall outside of the regime".[142]

5.30 ITV also argued that, where app tiles are visible in "mixed-use areas" alongside programmes, users should be treated as having navigated to the relevant app menu as soon as they reach that mixed-use area. It asked Ofcom to make explicit that PSB apps must be immediately visible in such mixed-use areas, without requiring any further

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[134] Channel 4 response, pp.9-10.
[135] S4C response, p.3.
[136] S4C response, pp.3-4. We understand "above the fold" and "to the left of the fold" to mean the areas of a connected TV UI that are visible to users when the UI first loads or is first presented, without the need for scrolling or further navigation.
[137] Paramount response, p.2.
[138] Everyone TV response, p.2.
[139] VLV response, p.5.
[140] Professor Catherine Johnson response, p.7.
[141] ITV response, p.5.
[142] S4C response, p.1.

navigation to a specific app rail. ITV said this would avoid an interpretation that prominence obligations apply only to standalone app menus, or that PSB apps need only become visible after additional navigation in a mixed-use area. ITV also raised a similar concern in relation to programme prominence in mixed-use primary content areas.[143]

5.31 In contrast, other respondents said that the Code should not recommend specific UI or app menu designs. For example, BT Group said that it supported that the proposal did not create an "obligation" to introduce or retain a particular menu structure.[144] Sky suggested that Ofcom should clarify that app menus themselves do not need to be immediately visible on UIs.[145] YouView said that if prominence recommendations are framed around specific UI structures (e.g. app icons or tile positions), there is a risk that some platforms may redesign their UIs to avoid these features altogether.[146]

Our assessment

5.32 We have carefully considered stakeholder feedback and assessed whether the Code should recommend that RTSS providers include an app menu or make an app menu prominent where one is included.

5.33 In our view, differentiation in RTSS features can benefit users by allowing providers to innovate and offer different user experiences. Recommending that specific features be included could limit that flexibility. We also consider that recommending a specific feature be made prominent (where an RTSS provider chooses to include it) would limit the provider's ability to adapt its service to changing user behaviours. While we acknowledge that our proposed recommendation would permit RTSS providers to make changes to their UI that make the recommended actions for app menus less effective, for example by making the app menu smaller, less prominent or removing it altogether, we consider this is unlikely in practice for the foreseeable future given current high user engagement with app menus and the potential negative impact such changes would have on the user experience.

5.34 We recognise stakeholder concerns, such as those raised by the VLV, that the DIPS apps may not be as easy to discover and access as other apps. These concerns are addressed by our approach that, where RTSS providers choose to include an app menu, the recommended actions should be followed, and the DIPS apps should be presented in a similar way to other apps. We consider that this would be effective in securing appropriate prominence as it ensures similar treatment between the DIPS and other IPS apps in the relevant app menus (which includes the most prominent one). It also means that if an RTSS provider were to make app menus less prominent or remove them all together, this would affect all IPS apps, not just the DIPS apps.

5.35 As explained in our analytical framework, we have sought to ensure that the Code provides flexibility for RTSS providers to innovate and differentiate their services to deliver better outcomes for users. We believe our approach supports this by permitting providers to adapt their service in response to changing trends and behaviour in future (e.g. if app menus become less prevalent), while still ensuring that audiences can easily discover and access DIPS and public service programmes where the RTSS has one or more app menus. The Code also secures that the DIPS receive appropriate prominence in other important

[143] ITV response, p.4.
[144] BT Group response, p.4.
[145] Sky response, p.59, 60-61.
[146] YouView response, p.4.

areas of the RTSS. Therefore, on balance, our view is that recommending RTSS include an app menu, or that app menus be made prominent where they are included, is not necessary to secure appropriate prominence, and the approach proposed in the Consultation would be effective.

5.36 We have considered feedback from ITV that the DIPS apps should be immediately visible as soon as users can see the relevant app menu, not just once they have navigated to it. This was our intention, but we agree with ITV that the proposed Code wording could have been interpreted as recommending that the DIPS apps may be made visible only once a user has highlighted or clicked on the relevant app menu. We consider it would therefore be clearer to replace the wording in actions A1.3 and A1.4 – that the DIPS should be "*visible in each app menu without the user needing to take any action after having navigated to the relevant app menu*" - with a recommendation that the DIPS are "immediately visible", and to define the term in the Code as something being visible to the user without the user needing to take any further action to make it visible, such as scrolling or clicking. We consider that this approach would remove the possible interpretation raised by ITV while maintaining the intended effect that the DIPS apps should be immediately visible in the relevant app menus as soon as these menus are visible on their screen, without the need for further navigation, which we consider will be effective in securing appropriate prominence.

5.37 We have also considered ITV's suggestion to expand the recommendation so that the DIPS apps are prominent in 'app-like' menus, as well as S4C's comments about "ingest or native content integrations". We will continue to monitor such developments, but currently all RTSS include app menus and we consider the recommended actions would be effective in securing appropriate prominence for the DIPS apps. With regards to S4C's concern about prominence in programme discovery areas, we consider this is addressed by the recommended actions for other areas of the UI, including the primary content areas where users find and discover programmes.

5.38 With regards to ITV's concern that the recommendations would apply only to standalone app menus, we note that our definition of app menu captures different kinds of app menus. This includes an app menu on a dedicated app page separate to the homepage, as well as any main app menu that appears alongside disaggregated content areas, navigational buttons and other features.

5.39 Overall, we consider that our approach regarding the inclusion and position of the app menu would be effective at securing appropriate prominence for the DIPS apps, while allowing flexibility for RTSS providers in relation to the design and layout of their UI, and to account for future changes in audience behaviour.

The order and position of the DIPS apps in the app menu

Our proposals

5.40 The draft Code proposed to recommend the order in which DIPS apps should appear in an app menu, dependent on whether the presentation of IPS and programmes varies based on the location of the user in the UK ("regionalisation" or "regionalised RTSS"). We explained in the Consultation that the DIPS apps should appear broadly in the same order

in which their corresponding PSB channels are set out in the EPG Code, depending on regionalisation and user location.[147] We proposed that:

- RTSS that are not regionalised: All six DIPS apps should be immediately visible on the app menu in the following order: BBC iPlayer, ITVX, Channel 4 player, Channel 5 player, S4C Clic and STV Player.
- RTSS that are regionalised and the user is in Wales: BBC iPlayer, ITVX, S4C Clic, Channel 5 player and Channel 4 player should be immediately visible on the app menu in that order.
- RTSS that are regionalised and the user is outside of Wales: BBC iPlayer, ITVX or STV Player, Channel 4 player and Channel 5 player should be immediately visible on the app menu in that order. Users based in the ITV Channel 3 licence areas should be shown ITVX, and users based in the STV Channel 3 licence areas – the North of Scotland and Central Scotland – should be shown STV Player. S4C Clic should be easily discoverable on the RTSS.

5.41 We noted that the recommended order for BBC iPlayer, ITVX, Channel 4 player and Channel 5 player is in line with weekly reach of the PSB players, with BBC iPlayer having the highest weekly reach, followed by the Channel 3 apps (ITVX and STV Player combined), Channel 4 player, and the Channel 5 player.[148]

5.42 The Consultation also set out minimum positions for the DIPS apps. We proposed that the relevant DIPS apps appear within the highest nine positions on RTSS that are not regionalised, in the highest eight positions on regionalised RTSS for users in Wales, and the highest seven positions on regionalised RTSS for users outside of Wales. We also proposed that the DIPS apps need not necessarily be placed together, such that non-DIPS apps could be placed between the DIPS apps, provided that all of the relevant DIPS apps are immediately visible and placed within the recommended minimum positions.[149]

Summary of responses

5.43 We received a range of comments on our proposals for the order and position of the DIPS apps in the app menu. Some stakeholders also raised specific concerns about our proposals on both regionalised and non-regionalised RTSS. Below we first summarise the broader comments we received, and then summarise feedback on our proposals for regionalised and non-regionalised RTSS.

The order of DIPS apps in the app menu

5.44 Channel 4 agreed that the DIPS apps should follow the same order as the corresponding PSB channels in the EPG Code, depending on regionalisation and user location, as this reflects current practice and would align with audience expectations. It also agreed with the proposal that DIPS apps need not appear contiguously, noting that non-contiguous ordering may in practice encourage platforms to position DIPS apps alongside other high-use IPS, which may drive overall visibility and usage.[150] VMO2 also agreed in principle with

[147] Paragraph 3.58 of the Consultation.
[148] Paragraph 3.69 of the Consultation.
[149] Paragraph 3.59 of the Consultation.
[150] Channel 4 response, p.10.

the proposed ordering of the DIPS apps and appreciated the provision for RTSS with regional UIs.[151]

The position of DIPS apps in the app menu

5.45 Several respondents agreed with our proposals on the position of the DIPS apps in the app menu, including Sky, Pact, the CTVMA and the University of Sheffield.[152] Channel 4 also said it broadly supported the six DIPS apps being immediately visible in the top nine positions (with regional variation) and considered the minimum thresholds for app placement to be "reasonable".[153]

5.46 However, some respondents argued that our proposals on app positions needed to be stronger. Channel 4 said that to ensure clarity and help guide negotiations between DIPS providers and RTSS providers, the Code could include practical examples of how the recommended actions would apply in different scenarios. It suggested that if an app menu only has six visible slots, it should be clear that the six DIPS apps should occupy them. Channel 4 also said it should be clear that the DIPS apps should be prominent regardless of whether the user is signed in to those apps. In addition, Channel 4 asked for clarity on how the action applies where an app menu has fewer than six visible slots.[154] Directors UK also raised concerns that some PSBs could be disadvantaged if RTSS do not have as many as nine tiles immediately visible.[155]

5.47 Several respondents thought that the proposals should be more aligned with the EPG Code and be strengthened so that the DIPS apps appear in the first six slots in the app menu.[156] An individual respondent said a DIPS app should appear in the first tile to prevent RTSS providers from selling the "default position" to the highest bidder.[157] The BBC argued that, instead of aligning the app menu recommendations with current default app placements, the ordering in the EPG Code should "read-across" to secure appropriate prominence in the app menu. It also said that BBC iPlayer should be in the top position in the app menu to "meaningfully fulfil the intent of parliament".[158]

5.48 The BBC and ITV also highlighted that the proposals could result in less prominent app placements than they have now under commercially negotiated agreements.[159] The BBC said that the proposals only guaranteeing fourth position in the app menu for BBC iPlayer will have "significant adverse implications" on its ability to meet its Mission and Public Purposes and to serve audiences. It also suggested that the proposals will weaken the BBC's negotiating position and that RTSS providers will seek to monetise the top three positions in the app menu.[160] Similarly, ITV said that ITVX is already often in a better position than the minimum fifth slot guaranteed by our proposals and suggested that RTSS providers may be encouraged to "threaten" to move ITVX into less prominent slots. It

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[151] VMO2 response, p.3.
[152] Sky response, pp.35-36; Pact response, p.3; CTVMA response, p.2; University of Sheffield response, p.2.
[153] Channel 4 response, p.10.
[154] Channel 4 response, pp.9-10.
[155] Directors UK response, p.2.
[156] VLV response, pp.4-5; British Broadcasting Challenge response, pp.2-3; Directors UK response, p.2; Professor Steven Barnett response, p.2; Professor Catherine Johnson response, pp.5-7; Bectu response, p.2.
[157] Stephen Temple CBE response, p.3.
[158] BBC response, p.4.
[159] BBC response, p.4; ITV response, p.3.
[160] BBC response, pp.3-4.

proposed that the Code should include a recommendation that the position of apps should be no less prominent than under previously agreed commercial deals.[161]

5.49 On the other hand, some RTSS providers thought the proposals went too far and were too prescriptive. LG argued that the proposals would give PSBs a "dominant position" in the app menu by occupying approximately 66% of slots in the first nine tiles.[162] It said that LG already gives "free exposure" to four PSB apps in the UK and "additional exposure is practically equivalent" to making the operation of its platform business "impossible".[163] Similarly, Google suggested the proposals on app menus amount to "significant" prominence and do not reflect that PSBs deliver 18% of video on-demand (VoD) viewing (of which roughly half comes from BBC iPlayer). An individual respondent also strongly disagreed that DIPS apps should be "gifted" positions in the first nine tiles, suggesting it goes against consumer choice.[164]

5.50 YouView noted that some RTSS providers currently monetise certain app placements and said that "mandating" specific app positions for the DIPS may reduce the ability of RTSS providers to generate revenue from interface real estate. It said it is important that the regime does not "unnecessarily constrain legitimate platform monetisation models where the prominence objective can be achieved through alternative interface structures".[165]

Approaches to prominence for DIPS apps in the app menu

5.51 Some respondents suggested alternative approaches for placement of the DIPS apps, such as a more outcomes-based approach. For example, YouView suggested that visibility may in practice be a more meaningful indicator of prominence than absolute position, and that "prescribing" slot positions or tile counts risks "regulating the visual structure" of the UI rather than prominence outcomes. It suggested that Ofcom should adopt a "design-neutral and outcome-focused" approach that ensures the DIPS apps appear in the most prominent "app-launch areas" relative to other apps on the same interface, rather than "mandating" specific positional thresholds.[166]

5.52 Google proposed that the DIPS apps could be contained in a "folder" on the app menu, suggesting that it would help users to quickly and easily access the DIPS.[167] It also suggested that the proposed recommendation for all DIPS apps to be immediately visible without scrolling should be removed, as it would limit RTSS providers' ability to "apply positive user experience principles in design", reduce the ability for accessible interfaces by making the UI busier, and limit the scope for innovation.[168] Google also queried whether a greater degree of prominence in the app menu can be "balanced" by a different approach in other areas of the RTSS.[169]

Existing arrangements in the app menu

5.53 Some respondents asked how the proposed recommendations would apply when existing deals are in place. YouView said that app positioning may reflect historic commercial

[161] ITV response, p.3.
[162] LG response, p.10.
[163] LG response, p.1.
[164] Name withheld for publication 1 response, p.1.
[165] YouView response, p.4.
[166] YouView response, p.4.
[167] Google response, pp.1-2.
[168] Google response, p.3.
[169] Google response, p.4.

arrangements entered into before the regime is commenced and suggested that Ofcom should consider transitional arrangements where "platform launch agreements were predicated on specific app placements".[170] Google asked whether Ofcom would expect a DIPS provider to reduce its current commercial requirements to align with the recommended actions "to support the commercial mitigation" of the regime.[171]

DIPS apps on non-regionalised RTSS

5.54 Regarding non-regionalised RTSS, some RTSS providers raised concerns about the proposed positions of STV Player and S4C Clic in the app menu. Samsung argued that the proposals would give prominence to services that are "not universally available across the UK". It said that STV Player and S4C Clic are "regional services whose audiences are geographically limited", and suggested that recommending these services appear in the highest value positions on a national UI would extend prominence beyond the audience these DIPS are intended to serve.[172] LG also argued that the proposals "require material prominence" for all DIPS apps, regardless of where the device is located. It said that the proposals went beyond its expectation that, in any location, a total of four DIPS would receive prominence, and would therefore reduce "available commercial space and value" with "considerable consequences" for LG's business.[173]

5.55 Google argued that the proposals go beyond appropriate prominence by recommending that RTSS providers should "provide two-thirds of the top nine positions" to DIPS apps on non-regionalised RTSS. It said that while the proposals for BBC iPlayer, ITVX, Channel 4 player and Channel 5 player are "proportionate", STV Player and S4C Clic should only need to be in the top 15 positions and not necessarily immediately visible, suggesting instead these DIPS could be "easily discoverable".[174] Google and Samsung also argued that S4C channels and programmes already receive prominence as they are carried in BBC iPlayer.[175]

5.56 TechUK echoed the concerns of its members and disagreed with proposals for more than four PSB apps to receive prominence in a "country-specific apps rail". It suggested that "prescriptive requirements" on the placement of "regional PSB apps" on a national app menu risks "skewing the experience" for users who do not consume "significant volumes of regional content". It suggested that "regional services" should instead be "easily discoverable" on the platform, rather than prominent to all users on non-regionalised RTSS.[176]

5.57 However, STV raised significant concerns about the position of STV Player on non-regionalised RTSS. It said our proposals would impact the discoverability, ease of access and user engagement of STV Player if it is placed in ninth position for audiences in the STV licence areas. STV also raised concerns that STV Player may appear separately from other PSBs and below global players who can pay for more prominent positions.[177] The Scottish

[170] YouView response, p.4.
[171] Google response, p.4.
[172] Samsung response, p.6.
[173] LG response, pp.13-14.
[174] Google response, pp.1-2.
[175] Google response, p.2; Samsung response, p.7.
[176] techUK response, pp.3-4.
[177] STV response, pp.6-7.

Government was concerned that the proposals would mean STV Player could be less prominent than ITVX in the STV licence areas. [178]

5.58 TAC raised concerns about the proposed position for S4C Clic on non-regionalised RTSS. It suggested that the Code should clearly state that the S4C Clic tile must be fully visible in the app menu, without users needing to scroll or click through. [179]

DIPS apps on regionalised RTSS

5.59 We received a range of comments on our proposals for the app menu on regionalised RTSS. For example, the BBC said it supported the proposal to bring S4C Clic and STV Player "higher up" in their respective nations, and the British Broadcasting Challenge supported the "regionalised provisions" for Scotland and Wales. [180]

5.60 On regionalised RTSS for users in Wales, S4C welcomed the proposed position of S4C Clic in the app menu. It said it is "entirely appropriate" for S4C Clic to be positioned alongside BBC iPlayer and ITVX as a service that is "specifically serving audiences in Wales", to ensure that viewers can discover the "full range" of public service programmes in a single location. [181] However, Google argued that the proposal for Channel 4 to be immediately visible in the first eight slots in Wales is not appropriate as there are "material additional requirements to promote DIPS content" on the RTSS, compared to the EPG Code. Google suggested that Channel 4 should instead be "easily discoverable" in Wales. [182]

5.61 On regionalised RTSS for users outside of Wales, S4C raised concerns about the proposal for S4C Clic to be "merely… easily discoverable" with "no direction" on how this is to be achieved. It instead proposed that S4C Clic should be guaranteed inclusion in the app menu and in a position "reasonably close" to other PSBs, even if not immediately visible or above the fold. S4C said this would be a "proportionate mechanism" to ensure audiences across the UK can easily discover S4C services, given its expanded UK-wide remit. [183] Similarly, TAC raised concerns about the proposal for S4C Clic to be "easily discoverable" outside of Wales and argued that, given S4C's UK-wide remit, it should not be "demoted in terms of visibility, in circumstances where there was regional user variation in the service". [184]

5.62 ITV raised concerns about the proposed approach for ITVX and its programmes on regionalised RTSS outside of Wales. It said the proposals suggest that ITVX is a regional service, like the linear Channel 3 services, which it considers is not the case. ITV noted that ITVX and its programmes are available across the UK, including in STV's licence areas, meaning users in these areas can watch public service programmes via ITVX. It also said that many of its contracts reflect the UK-wide availability of ITVX. ITV suggested that while STV should be most prominent in its licence areas, ITVX should still be included and appropriately prominent in Scotland. [185] On the other hand, Google agreed with the proposal to "swap" ITVX with STV Player for users in Scotland. [186]

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[178] Scottish Government response, p.1.
[179] TAC response, p.3.
[180] BBC response, p.3; British Broadcasting Challenge response, p.3.
[181] S4C response, p.2.
[182] Google response, p.2.
[183] S4C response, p.3.
[184] TAC response, pp.3-4.
[185] ITV response, pp.9-10.
[186] Google response, p.2.

5.63 More generally, in relation to our approach to including different recommended actions depending on whether an RTSS is regionalised or not, as explained in Chapter 4, one RTSS provider also noted that it would expect RTSS providers to be able to regionalise parts of the UI but not all of it.[187]

Our assessment

The order of DIPS apps in the app menu

5.64 The app menu is a key route to content for audiences and it is therefore important that users are able to easily discover and access the DIPS apps in the relevant app menus. To support this, the approach we set out in the Consultation proposed the recommended order of DIPS apps should broadly align with the corresponding PSB channels in the EPG Code, consistent with the average weekly reach of the PSB players.[188] We note the responses from stakeholders supporting this position and continue to consider it will provide regulatory certainty for all parties in line with audience expectations and be effective in securing appropriate prominence.

The position of DIPS apps in the app menu

5.65 Our analysis in the Consultation was that the immediate visibility of the DIPS apps is a key component for enabling audiences to easily discover and access DIPS and public service programmes. Although some respondents agreed with our proposals for the position of DIPS apps in app menus, we recognise that others raised concerns, including about other IPS apps appearing above or between the DIPS apps.

5.66 As set out in our high-level principles, we consider that audiences benefit from easy access to a variety of apps, both DIPS and other IPS. We also consider that, for appropriate prominence to be secured, DIPS apps should be immediately visible in the relevant app menus regardless of whether the user is signed into an app, as queried by Channel 4. However, we do not consider that appropriate prominence requires the DIPS apps to occupy all of the first positions or to appear together as an uninterrupted group. Allowing other apps to appear above or between DIPS apps enables RTSS providers to reflect audience preferences and differentiate their services, while ensuring that DIPS apps remain easy to discover and access. The evidence suggests our proposed approach is in line with audience expectations; data shows that on average, UK households subscribe to around two subscription VoD services, and therefore they are likely to expect to see both DIPS and other apps in the relevant app menus.[189]

5.67 In making our assessment, we have taken account of the wide range of feedback on the proposals, including that they do not go far enough and need strengthening. For example, Channel 4 suggested examples could be added to the Code to explain how the actions should be followed when an app menu has a limited number of immediately visible slots. We consider that the Code is clear that all of the relevant DIPS should be immediately visible within the recommended positions. This means if an RTSS provider does not have enough immediately visible slots in its relevant app menus, it will need to include

[187] [✂].

[188] BBC iPlayer has the highest average weekly reach, followed by the Channel 3 apps (ITVX and STV player combined), Channel 4 player, and the Channel 5 player. Barb, as viewed, devices connected to the home broadband and TV sets, individuals 4+, reach criteria 15+ consecutive minutes.

[189] Barb Establishment Survey. Includes paid-for subscriptions and free trials. UK households had access to an average of 1.7 subscription VoD services in Q2 2026.

additional slots to comply with the Code. We also consider it clear that if a provider only has six immediately visible slots in the relevant app menus and does not add additional visible slots, the DIPS apps will need to fill all of those slots for the recommended action to be taken. Given the above, we do not agree with Directors UK's suggestion that some PSBs may be disadvantaged if an app menu has a smaller number of app tiles immediately visible.

5.68 We have also considered the suggestions made by some stakeholders that the proposals should be more aligned with the EPG Code, specifically that the DIPS apps should be allocated the top six slots in an app menu, and that BBC iPlayer should be allocated the first slot. As explained above, while we have had regard to the order of the PSB channels in the EPG Code, we do not consider that placing all of the DIPS apps in the first slots in the app menu is necessary to secure appropriate prominence; ensuring all of the DIPS apps are immediately visible will be sufficient to allow audiences to discover and access the DIPS apps easily, alongside other apps and content.

5.69 In response to the BBC and ITV's comments, we believe that the recommended positions we have included would be effective (for the reasons set out above) in securing appropriate prominence for the DIPS apps. We have considered the impacts on DIPS providers, including where they may have negotiated positions on some RTSS that are higher than the minimum we have recommended (see paragraphs 5.131 to 5.136 below).

5.70 With regards to concerns about the proportionality of the recommendations, RTSS providers would retain some flexibility to monetise slots in the app menu – which YouView noted is an area where providers generate revenue – while delivering prominence to the DIPS apps. We consider this further in the impact assessment below.

5.71 We have also considered Google's concern that the proposals do not reflect the share of viewing to PSB players. Current viewing figures may provide relevant context, however, they are not determinative of what constitutes appropriate prominence. The regime is intended to secure appropriate prominence for public service programmes, including content that audiences may not currently seek out, thereby helping to realise its societal value.

5.72 Regarding LG's concerns about the number of DIPS apps appearing in the app menu, we consider that for appropriate prominence to be secured, all the relevant DIPS should be immediately visible to users across the UK, so they can easily find and discover public service programmes and listed channels that are relevant to them. This means that, where an RTSS is not regionalised, all DIPS apps should receive appropriate prominence to ensure that all users benefit across the UK.

5.73 We therefore consider that our recommended actions on the position of DIPS apps in the app menu are effective in securing appropriate prominence.

Approaches to prominence for DIPS apps in the app menu

5.74 Some respondents proposed alternative approaches to securing prominence for DIPS apps, rather than relying on the positional thresholds in the draft Code. We have considered YouView's suggestion for an outcomes-based approach focused on the most prominent app areas and visibility, rather than specific positional thresholds. We note that our recommended actions do now focus on the most prominent app menus (as explained in paragraphs 5.16 to 5.24 above). However, we consider that minimum threshold positions, and ensuring that the DIPS apps are immediately visible in the relevant app menus, are

important to ensure that appropriate prominence is effectively secured. Where an app menu contains many visible apps, the recommendations prevent the DIPS apps from being placed in lower, less noticeable positions.

5.75 We have also considered Google's query about whether an RTSS provider may provide a greater degree of prominence in the app menu and balance that against taking a different approach in other areas of the RTSS. The purpose of the Code is to set out the actions we recommend RTSS providers take to be treated as compliant with their prominence duty. RTSS providers would therefore need to take all of the recommended actions to be in the 'safe harbour' that following the Code offers. Providing greater prominence in one area would not therefore allow a provider to depart from a recommended action in another area. It is however open to RTSS providers to take alternative actions where they consider these will secure appropriate prominence. When the regime comes into force, if we have concerns about whether alternative actions are compliant with the prominence duty, we may consider taking appropriate enforcement action.

Existing arrangements in the app menu

5.76 Google and YouView also raised questions about how the recommended actions would affect existing app menu arrangements. In response to YouView's suggestion of a transitional period, we note that once the regime is commenced, RTSS providers will need to follow the recommended actions in the Code (or take alternative ones) to secure appropriate prominence. Regarding Google's query about whether Ofcom would expect a DIPS provider to reduce its current commercial requirements to mitigate the impact of the recommended actions on an RTSS provider, we consider that any contractual agreements required to achieve the recommendations is a matter for the parties to negotiate in accordance with their statutory duties, including the duty to act consistently with the Agreement Objectives.[190] We discuss comments about implementation timelines and commencement in Chapter 13.

DIPS apps on non-regionalised RTSS

5.77 We have considered the views we received on the placement and position of the DIPS apps on non-regionalised RTSS. We note that a number of stakeholders considered that the proposals for non-regionalised RTSS go too far, particularly the recommended positions and immediate visibility for S4C Clic and STV Player. We also note comments from others that S4C programmes and services are already available in BBC iPlayer and so the S4C Clic app should not also need to be immediately visible in the app menu.

5.78 Our view remains that it is important that on non-regionalised RTSS all users, regardless of their location, can easily access the DIPS apps and programmes that interest them. This is consistent with our high-level principle that appropriate prominence should support user discovery and access, including programmes intended to serve audiences in the user's location. Where an RTSS is not regionalised, our recommended actions still need to ensure that audiences in Wales and Scotland are able to easily discover and access the DIPS apps (i.e. S4C Clic and STV Player) that are relevant to them. We therefore do not consider that recommending only that S4C Clic and STV Player be easily discoverable, without also recommending that they are immediately visible, would be sufficient to secure appropriate

[190] The Guidance is intended to help RTSS and DIPS providers understand how they may act consistently with the Agreement Objectives when entering into agreements to include DIPS in RTSS and while those agreements are in force.

prominence on non-regionalised RTSS. Similarly, the availability of some S4C programmes through another DIPS does not remove the need to give appropriate prominence to S4C Clic as a DIPS in its own right.

5.79 We also recognise the concerns raised by STV about the position of its app on non-regionalised RTSS. Our proposal reflected the fact that, by definition, a non-regionalised RTSS cannot vary the ordering of ITVX and STV Player according to the user's location. We acknowledge that this means that the position of STV's app on such RTSS would not be consistent with the position of the STV channel in the EPG for users in the STV licence area, as it would occupy a lower position.

5.80 However, we recognise the importance, if appropriate prominence is to be secured, of the STV player being easy for users to find and access. Observations from our own testing undertaken for the Consultation found that STV Player was not typically visible on the homepage on the majority of RTSS.[191] We consider that our recommendations, which should significantly improve the visibility and discoverability of STV Player, would be effective in securing appropriate prominence on non-regionalised RTSS, in particular by ensuring that it is immediately visible on all RTSS. We explain our approach to regionalisation in more detail in Chapter 4.

5.81 In response to TAC's comments about the visibility of the S4C Clic app on non-regionalised RTSS, we can clarify that to meet the Code recommendations, the full app tiles would need to be immediately visible without the user needing to scroll.

5.82 Overall, we consider our recommendations for DIPS apps on non-regionalised RTSS will be effective in securing appropriate prominence, and provide flexibility for both users and RTSS providers. Users would have the choice to reorder the DIPS apps if our recommended order does not meet their personal preferences (where RTSS providers offer the feature), as explained in paragraphs 5.98 to 5.105 below. RTSS providers may also choose to regionalise their service to reduce the total number of DIPS apps that should be made immediately visible in the relevant app menus.

DIPS apps on regionalised RTSS

5.83 In developing our proposed positions for DIPS apps on regionalised RTSS, we considered which DIPS are particularly relevant to audiences in each area, as well as the need to maintain appropriate prominence for other UK-wide DIPS. Having considered the views expressed by stakeholders, we continue to consider that, on regionalised RTSS, S4C Clic should be the third DIPS app presented to users in Wales and STV Player should be the second DIPS app presented to users in STV's licence areas. These positions broadly reflect the established approach in the EPG Code. In our view, this would secure appropriate prominence for both DIPS in the relevant app menus.

5.84 We also note Google's proposal that Channel 4 should not remain immediately visible within the first eight positions on regionalised RTSS in Wales. We do not consider that this

[191] STV Player was immediately visible in one instance on an RTSS in Scotland (observed on Hisense VIDAA U9 using regionalised testing performed by entering a postcode relevant to the region). We also observed STV Player on Sky Q, Sky Stream, VIDAA U8, Virgin360 and YouView on EE TV and its median position was 17th. This testing was conducted in London. We are aware that Sky and VMO2 are able to change their UIs based on a user's location, and so STV's placement may be higher if the testing was conducted in Scotland. We also observed the position of S4C Clic on VIDAA U8 and YouView on EE TV (it was not available on other RTSS) and its median position was 23rd.

would secure appropriate prominence for Channel 4. Channel 4 has a remit to serve audiences across the UK and is not a substitute or alternative service to S4C. We therefore consider that the Code should recommend that both services are immediately visible and appear in the highest eight positions in the relevant app menus in Wales, so that audiences can easily discover and access them.

5.85 We have considered S4C's concern that a general recommendation that its S4C Clic app be 'easily discoverable' outside Wales could give RTSS providers too much discretion over where and how the app is presented on UIs. It is our view that the Code should make clear that RTSS providers should include S4C Clic and make it easily discoverable specifically in the relevant app menus (rather than just on the RTSS, as proposed). This does not mean that S4C Clic must be immediately visible for viewers outside Wales, but rather that users should be able to access it without navigating through a significant number of screens or clicks. We consider this approach would appropriately reflect S4C's recently expanded remit and enable audiences outside Wales to easily discover and access the S4C Clic app, while preserving flexibility for RTSS providers over how it is presented in their UI.

5.86 In response to ITV's comments that the ITVX app should also be included and made appropriately prominent in STV's licence areas, we note that the recommended actions for regionalised RTSS reflect the statutory Channel 3 licensing framework and secure appropriate prominence for the DIPS app of the relevant Channel 3 regional service. On regionalised RTSS, that means STV Player in the North of Scotland and Central Scotland licence areas, and ITVX in the remainder of the UK. It is open to STV and ITV to negotiate with RTSS providers for further prominence if they wish to do so.

5.87 We have considered one RTSS provider's comments that RTSS providers may be able to regionalise some elements of their UI more easily than others. We recognise that RTSS providers may be able to regionalise the app menu, while facing constraints in regionalising other parts of the UI. We do not wish to discourage providers from offering regionalised UI elements by recommending that either all or none of the UI is regionalised. Accordingly, we consider that the regionalised app menu actions should apply only where an RTSS provider chooses to regionalise the presentation of IPS apps on the RTSS, whether or not it also regionalises other parts of the UI.

5.88 Overall, having carefully considered stakeholder comments, we remain of the view that our recommended actions on the position of the DIPS apps in regionalised app menus would be effective in securing appropriate prominence, subject to the amendment explained above. This amendment would make clear that the regionalised recommendations apply separately to each part of the UI that an RTSS provider chooses to regionalise.

User choice in the app menu

Our proposals

5.89 We proposed that the draft Code permit users to reorder the apps in an app menu (action A1.6), where RTSS providers choose to offer this option. We acknowledged this would mean users could choose to order the apps differently from the order we recommend in actions A1.3 and A1.4.[192]

[192] Paragraph 3.62 of the Consultation.

Summary of responses

5.90 Some respondents considered that DIPS apps should not be capable of being reordered at all. TAC said that allowing users to "deprioritise" DIPS apps undermines the regime, while Directors UK said the Code should ensure that the DIPS apps remain prominent and users do not have the option to "demote" them.[193]

5.91 ACW was particularly concerned that, if reordering was possible, users could move S4C Clic so that it was no longer immediately visible. The ACW said that user choice must be balanced against the need to make public service programmes in both languages in Wales easily discoverable.[194] STV said that allowing users to reorder apps could result in users removing STV Player or placing it further down the app menu, particularly if it is in ninth position at set-up.[195]

5.92 Other respondents accepted that users should be able to reorder apps in principle, but considered that this should be limited to active user choice and subject to safeguards.[196] The BBC, Channel 4, Paramount and Everyone TV argued that the Code should be clearer that only app reordering through active user choice should be permitted. They were concerned that automatic or prompted reordering could reduce the visibility of DIPS apps, particularly for users who engage less with public service programmes, leading to patterns of lower engagement being reinforced over time.[197] Similarly, S4C raised concerns that the DIPS apps could be "deprioritised" through platform design or behaviour prompts, and ITV argued that dynamic app menus or app rails based on "most used" apps could reduce the value of prominence if these features result in lighter PSB users not seeing DIPS apps or programmes.[198]

5.93 Some respondents also suggested that, if app reordering is allowed, DIPS apps should not be treated less favourably than other IPS apps. For example, the BBC and Channel 4 argued that, if reordering is permitted, it should apply equally to DIPS and other IPS apps. The BBC was concerned that, otherwise, SVoD service providers could agree and pay for fixed app positions through their commercial arrangements, while DIPS apps remained movable.[199] STV argued that no IPS provider should be able to pay to retain their position in the app menu and that RTSS should not be permitted to influence user choice or favour their own services, e.g. by "anchoring" them in a fixed position.[200]

5.94 In contrast, VMO2 and Sky argued that dynamic or automatic reordering of app menus should be permitted under the Code.[201] VMO2 suggested that the Code should clarify that platforms can change the order in which apps are presented "based on viewer usage habits". It argued that, in these circumstances, ordering would reflect a user's previous choices and that platforms should be able to "curate content accordingly".[202]

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[193] TAC response, pp.3-4; Directors UK response, p.2.
[194] ACW response, pp.1-2.
[195] STV response, p.7.
[196] BBC response, p.4; Everyone TV response, p.1; LG response, p.17; VMO2 response, p.3; Google response, p.3; British Broadcasting Challenge response, p.3.
[197] BBC response, p.4; Channel 4 response, pp.10-11; Paramount response, p.2; Everyone TV response, pp.1-2.
[198] S4C response, p.2; ITV response, p.5.
[199] BBC response, p.4; Channel 4 response, p.11.
[200] STV response, p.13.
[201] VMO2 response, p.3; Sky response, p.6, 35-41.
[202] VMO2 response, p.3.

5.95 Similarly, Sky argued that the Code should clarify that "auto-sort" technology driven by user viewing and choice is permitted. It said that this functionality is designed to enhance user experience by "dynamically reordering content in line with individual usage". It said it does not sell prominent app placements, so it derives no commercial benefit from maintaining a "static" app menu. Sky argued that restricting reordering to changes made directly by users would require the removal of "valuable consumer centric technology", which it considered would be contrary to the Innovation Objective.[203] [✂].[204]

5.96 In addition, Sky argued removing auto-sort functionality would particularly disadvantage users with accessibility needs. It referred to the Web Content Accessibility Guidelines, an internationally recognised framework for improving the accessibility of digital content. Sky argued that ordering apps based on customer use was consistent with the Guidelines' principles of making content understandable and interfaces operable, and with associated guidance supporting adaptation and personalisation. Sky said that its "personalised, usage led sort ordering" reduces the number of interactions required to reach frequently accessed apps without introducing additional controls or complexity. It said that this supports Ofcom's broader duty to ensure that TV services are "inclusive, usable and do not unduly disadvantage particular groups of viewers". [205]

5.97 Roku, LG and an individual went further and considered the Code should make clear that users can delete or uninstall DIPS apps.[206]

Our assessment

5.98 Securing appropriate prominence will enable all audiences to easily discover and access the DIPS, and public service programmes and listed channels included in them, including those who do not regularly consume them. We recognise however that some users would want the option to reorder or remove apps (both DIPS and other IPS) in the app menu away from the recommended positions, to improve ease of access to their preferred apps. We acknowledge stakeholder concerns that the DIPS apps may appear less prominently to users who choose to reorder or remove them, which our recommendation would allow. However, we consider that the duty to give appropriate prominence should not override a deliberate choice made by a viewer to change the app menu they are using to reflect their personal preferences.

5.99 We have also considered stakeholder concerns that DIPS apps could be moved or removed while other IPS apps remain fixed in prominent positions. We agree that this could undermine the effectiveness of the recommended actions in securing appropriate prominence. We also note the views of other stakeholders that users should be able to delete or uninstall apps and may choose to do this for a number of reasons, including to free up storage space. We therefore consider that the Code should be clear that users should not be prevented from removing or deciding the order of DIPS apps in the relevant app menus, provided that such functionality is available on an equivalent basis for DIPS apps and other IPS apps.

5.100 We also recognise respondents' concerns that prompts could influence users to move or remove DIPS apps. However, we do not consider that a separate recommended action

[203] Sky response, p.6, 35-41.
[204] [✂].
[205] Sky response, p.39.
[206] Roku response, pp.4-5; LG response, p.17; Name withheld for publication 1 response, pp.1-2.

relating to prompts is necessary to secure appropriate prominence. Any reordering or removal functionality would still need to operate on an equivalent basis for DIPS and other IPS.

5.101 We have also considered whether a decision by a user to delete a DIPS app should affect the application of the Code in other areas of the UI. We understand that if a user deletes an app, it is still possible for content included in that app to be promoted in other parts of the UI. For example, public service programmes included in a deleted DIPS apps could be given prominence in the primary content areas, and if a user clicks on the programme, the relevant app would likely either be automatically re-installed, or they will be given a link and asked to confirm installation. We therefore consider that, for appropriate prominence to be secured, if a user has chosen to delete a DIPS, this does not mean that the Code should no longer apply to the presentation of the programmes or listed channels included in that DIPS elsewhere on the UI.

5.102 We note STV's suggestion that no IPS providers should be able to pay to retain the position of their app in the app menu. The recommended actions do not prevent an IPS provider from doing this, provided all recommendations about the prominence of DIPS apps are still met. This would include, as explained above, that any functionality to delete or reorder apps is made available in relation to both DIPS and other IPS apps on an equivalent basis.

5.103 We have also carefully considered the arguments made by stakeholders about automatic reordering of app menus. We recognise that app menus that 'auto-sort' based on user behaviour may in some cases increase user convenience. However, we are concerned that this functionality could have the effect of reinforcing previous patterns of lower engagement with the DIPS, significantly reducing their discoverability and undermining the aim of the prominence regime. We therefore consider that automatic app reordering should only be used in the relevant app menus where the DIPS apps remain immediately visible and within the minimum positions specified in the Code. We note that RTSS providers could deploy this functionality in any other app menu, i.e. those that are not relevant app menus, as these are not in scope of the recommendation. As a result, we consider that the recommended actions would not have a material impact on innovation.

5.104 With regards to Sky's concerns that limiting auto-sort technology could disproportionately impact users with accessibility needs, we believe that this technology has mixed impact for disabled users. Customisation can support accessibility where the customisation features themselves are accessible and easy to use. On the other hand, users may rely on a particular app order that is disrupted by auto-sort functionality. We also note that it is important that disabled audiences have the ability to discover and access the DIPS, and the public service programmes and listed channels included in them. Therefore, we do not agree with Sky's assessment of the impact of our proposals on disabled people. In addition, our recommendations around accessibility aim to ensure that disabled people are able to navigate the UI however it is presented to them.

5.105 We therefore consider that our recommended actions regarding user choice in the app menu would be effective in securing appropriate prominence for the DIPS apps, while respecting user choice and enabling variation and innovation between RTSS.

Installation of the DIPS apps

Our proposals

5.106 In the draft Code, we recommended that where a DIPS is included in the RTSS through an app, the provider should include that app in each app menu on the RTSS (action A1.2).[207]

5.107 We explained in the Consultation that to meet this recommended action, RTSS providers should ensure that each of the DIPS apps are available in the relevant app menus. This would typically mean DIPS apps being pre-installed or displayed as a tile which causes the app to download when users first click on it. We noted that most RTSS providers already do this for a selection of third-party apps in some manner.[208] However, we also noted that there are a small number of providers that do not necessarily make apps available in the app menu by default. These providers instead display a list of third-party apps for the user to select and download when first setting up the device.[209] We said RTSS providers should take any necessary steps to ensure that the DIPS apps are available and immediately visible in the app menu.[210]

Summary of responses

5.108 Some respondents asked for clarity on the installation of the DIPS apps. S4C and an individual respondent considered that DIPS apps should be "pre-loaded" on RTSS, rather than requiring users to take active steps to download them.[211] Roku said other approaches to app installation than those set out in our Consultation should also be considered as consistent with the Code. Specifically, it noted its own approach where users are presented with a list of apps at first set-up and can choose what to install, with the available PSB apps pre-selected.[212]

5.109 ITV raised concerns that RTSS providers could ask users during the set-up process if they want non-PSB services to be included at the top of key UI areas, like homepage app menus, or periodically present users with an option to remove PSB apps. It said Ofcom should be clear these features are not allowed "if the effect is to reduce PSB prominence".[213] Amazon argued that if a user does not select or engage with a DIPS app during the set-up process, they should not subsequently be presented with public service programmes from that DIPS.[214]

Our assessment

5.110 For the DIPS apps to receive appropriate prominence in the relevant app menus, we consider that all DIPS apps should be available to all users in these menus. For new devices, this would mean the app being available from the point of device setup. We therefore consider that including each DIPS app in the relevant app menus, as set out in action A1.2, would be effective in securing appropriate prominence.

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[207] The draft Code referred to DIPS being included in an RTSS as an app. For accuracy, we have amended this wording to refer to DIPS being included in an RTSS through an app.
[208] Google, VIDAA, VMO2, Sky, Samsung, Apple and LG responses to Media Act Part 2 July 2025 RFI.
[209] Roku and Amazon responses to Media Act Part 2 July 2025 RFI.
[210] Paragraph 3.53 of the Consultation.
[211] S4C response, p.4; Professor Catherine Johnson response, p.7.
[212] Roku response, pp.3-4.
[213] ITV response, pp.4-5.
[214] Amazon response, p.3.

5.111 In response to feedback from S4C and an individual, this means that, for new devices, the DIPS apps should be pre-installed or displayed as tiles from which they can be downloaded when first selected. For the avoidance of doubt, as explained in Chapter 3, the recommended actions should also apply to RTSS on devices already in users' homes, e.g. by software update, to ensure that the DIPS apps are included in all relevant app menus in accordance with the Code.

5.112 Regarding Roku's comments, we set out in the Consultation that apps do not have to be pre-installed and instead can be downloaded on first use, as long as they are immediately visible to the user and within the recommended positions. There may be other approaches that would secure appropriate prominence. Where a provider takes an alternative action, if we had concerns, we would assess whether it was compliant with the prominence duty on a case-by-case basis.

5.113 In response to Amazon's feedback, we consider that public service programmes from each DIPS should appear elsewhere on the RTSS even if a user does not select a DIPS app during the set-up process. The purpose of the prominence regime is to ensure that the DIPS, and the public service programmes and listed channels included in the DIPS, are easily discoverable and accessible to all users, including those who do not use them on a regular basis. Therefore, if a user decides not to select a DIPS app in the app menu during the set-up process, it is still important that RTSS providers give appropriate prominence to public service programmes from that DIPS elsewhere on the UI, to ensure they are meeting their duties.

5.114 With this in mind, we consider that the recommended actions would be effective in securing appropriate prominence for the DIPS apps, because it would ensure that each app is available, immediately visible and easily accessible in the relevant app menus from the outset of using the RTSS, as well as applying to RTSS on devices already in users' homes.

Presentation of the DIPS apps

Our proposals

5.115 The draft Code included a proposed recommended action that in each app menu, the provider should ensure that the way in which DIPS apps are presented is similar to the way in which other IPS apps are presented, including but not limited to in relation to shape, size, form, contrast and highlighting (action A1.5).

Summary of responses

5.116 Only Channel 4 commented on this proposal. It said that Ofcom should specify that the DIPS apps should receive "equal" presentation relative to other IPS apps, rather than "similar" presentation. It expressed concern that the current wording is "too vague and subjective" and RTSS providers may interpret it in a way that disadvantages PSBs.[215]

Our assessment

5.117 We acknowledge Channel 4's feedback that recommending DIPS apps be presented in a "similar" way to other IPS apps may mean there is some variation in the way they are presented. However, we consider that some variation is reasonable to ensure that the recommendation remains flexible. The term "similar" makes clear that DIPS apps should

[215] Channel 4 response, p.11.

not be presented materially less favourably than other IPS apps in any app menu. The examples in the recommended action, including shape, size, form, contrast and highlighting, provide further clarity about the aspects of presentation to which this applies. Recommending that presentation be "equal" would not account for any reasonable variation that may be unavoidable in practice, for example the form of logos will naturally differ between providers. We therefore consider that our recommendation as proposed in the Consultation would be effective in securing appropriate prominence.

Impacts on providers

Technical feasibility

Our position at consultation

5.118 We considered the proposed recommended actions to be technically feasible because they would apply only to RTSS that already have an app menu and would allow RTSS providers to determine how to implement the recommended actions within different UI designs. We recognised that implementation of the recommendations could vary between providers, and depend on the approach taken to regionalisation.

Summary of responses

5.119 Google raised concerns about the technical and practical feasibility of implementing the app menu recommendations on devices already in market, and argued that the proposals are not proportionate for devices already set up by users,[216] [✂].[217] [✂].[218]

Our response

5.120 We recognise that RTSS providers operate a range of commercial models, [✂]. However, we do not consider that this demonstrates that the recommended outcomes are technically or otherwise incapable of being implemented. [✂]. We discuss application of the Code to devices already in users' homes more generally in Chapter 3.

5.121 Having considered the stakeholder feedback, we remain of the view that the final recommended actions would be technically capable of implementation.

5.122 We recognise that implementation may be more complex or costly on devices already in users' homes, or where an RTSS provider relies on manufacturers or other third parties. We nevertheless consider that the recommended actions are proportionate.

Impacts on RTSS providers: Direct resource costs

Our position at consultation

5.123 We recognised that some RTSS providers might need to amend the order of apps or make changes to increase the number of apps visible or available by default. We expected simple reordering changes to involve relatively small costs. We recognised that more substantive development could entail greater costs, depending on the provider's existing UI and implementation approach, for instance to add more visible app slots.

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[216] Google response, p.3.
[217] [✂].
[218] [✂].

Summary of responses

5.124 Some RTSS providers said that implementing our proposals could require changes to their existing systems and arrangements. As discussed above in relation to technical feasibility, [✂].[219]

Our response

5.125 We consider that the costs of implementing our final app menu recommendations are likely to be limited in most cases. The narrower scope of action A1.2 reduces the number of app menus and systems likely to require changes.[220]

5.126 Providers may incur one-off engineering, testing, contractual and deployment costs, together with ongoing monitoring and maintenance costs. We remain of the view set out in the Consultation that simple reordering changes are likely to involve relatively small costs. Some providers may undertake more substantive development, including in any cases where there is no existing capability for the RTSS provider to update or reorder app menus, or where the position and design of different app menus is altered to ensure that the relevant menus align with the recommended actions. The focus on only relevant app menus gives providers flexibility in how they do this.

5.127 Taking these factors together, we consider the likely resource costs proportionate, given the importance of making DIPS apps prominent.

Impacts on RTSS providers: Value transfers and other costs

Our position at consultation

5.128 We recognised that providing appropriate prominence without payment could create opportunity costs for RTSS providers, where positions that might otherwise be monetised were allocated to DIPS apps. We considered that the scale of impact would depend on the number of DIPS apps already visible, the total number of visible tiles and the value of the positions affected. Although the proposals may reduce the number of available slots for other IPS apps, we also took into account that they involve minimum position thresholds rather than specifying exact positions. Therefore, providers would have discretion in how they allocate the most prominent slots (e.g. three of the most prominent slots may feature other IPS apps), limiting the size of adverse impacts on RTSS providers.

Summary of responses

5.129 YouView said that some providers monetise app placements and that requiring particular positions for DIPS could reduce revenues.[221] [222] LG said that it already provides free exposure to four PSB apps. It argued that requiring additional free prominence would reduce the commercial areas available to generate revenues and that this could affect the sustainability of its platform business.[223]

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[219] [✂].
[220] See subheading 'The application of the recommended actions to all app menus – Our assessment'.
[221] YouView response, p.4.
[222] See subheading 'The order and position of the DIPS apps in the app menu – Summary of responses'.
[223] LG response, p.1.

Our response

5.130 Our assessment remains broadly unchanged. We recognise that our recommended actions may reduce the number or value of positions available for commercial allocation, which could affect RTSS providers' revenues. The extent of any impact will depend on existing app arrangements, including the number and position of DIPS apps already visible and the value of the positions affected. We have taken into account that RTSS providers would still retain scope to monetise some of the most prominent positions and that we have narrowed our recommended actions so that they apply to main app menus (and any dedicated app page), rather than all app menus. We consider these impacts proportionate given the importance of securing appropriate prominence for DIPS apps.

Impact on DIPS and other IPS providers

Our position at consultation

5.131 We said we expected the proposed actions to increase the visibility of some DIPS apps, particularly STV Player and S4C Clic, which occupied less prominent positions on some RTSS. We expected BBC iPlayer and ITVX to be less likely to benefit from immediate changes, because they already tended to secure immediately visible placements, though the recommendation would help to ensure they continue to do so in future. In terms of specific app positions, we expected PSB apps to receive similar or higher positions than currently observed in most cases.

5.132 We also recognised that other IPS providers could experience reduced visibility, viewing or awareness where DIPS apps displaced them from immediately visible or higher positions. We said this should affect only a small number of other IPS, as most RTSS already show at least four DIPS apps in the visible app menu.

Summary of responses

5.133 As set out in previous sections, stakeholders broadly agreed that making DIPS apps immediately visible would tend to benefit DIPS providers, with potential negative impacts on any other IPS providers who may be displaced. Some PSBs expressed concern about how they may be impacted, including where the recommended minimum positions may be lower than positions already secured in some cases (BBC and ITV),[224] [225] or where app prominence may be lower if the RTSS is not regionalised (STV).[226] Samsung said that smaller UK and European IPS providers in particular could be displaced as a result of the recommended actions.[227]

Our response

5.134 We set out above our assessment that the recommended actions are effective in securing appropriate prominence for each DIPS, by making the relevant DIPS apps easy to discover and access. We recognise that the recommended actions may not increase the prominence of all DIPS apps on all RTSS, and that the degree of prominence for some DIPS providers varies depending on RTSS regionalisation. For users in STV licence areas, STV Player will appear in a lower position on non-regionalised RTSS than on regionalised RTSS. Position in

[224] BBC response, p.5
[225] ITV response, p.3
[226] STV response, p.7.
[227] Samsung response, p.8.

an app menu can affect visibility and engagement, and therefore a lower position has the potential to result in lower viewing. However, we consider that ensuring STV Player is immediately visible in the relevant app menus would itself represent an important benefit, particularly given that smaller PSB apps such as STV Player are currently less likely to be immediately visible on some RTSS.

5.135 We have also explained above why we consider such variation in outcomes to be consistent with appropriate prominence. We remain of the view that the recommendations would benefit all DIPS providers overall, providing them with a regulated baseline for app placement that is not solely dependent on commercial negotiations, and certainty that their apps will continue to receive appropriate prominence in future.

5.136 We recognise that our proposals may reduce the space available for other IPS apps in the most prominent parts of app menus, and that this may particularly affect smaller providers that are less able to secure prominent positions through commercial arrangements. However, we consider this impact to be proportionate in light of the clear statutory objective to secure appropriate prominence for DIPS. Our recommendations do not reserve all the most prominent positions for DIPS apps and therefore continue to leave space for other IPS apps to be prominently presented. We have also amended the recommended action to focus only on the main app menu (and the most prominent app menu on any separate dedicated app page), allowing for smaller IPS providers to feature in secondary app menus.

Our decisions and final recommended actions

5.137 Taking the stakeholder responses, our assessment of effectiveness and the likely impacts set out above into account, we have decided to include the recommended actions for app menus in the Code, with the amendments explained in this chapter. We consider that these recommended actions will be effective in securing appropriate prominence for the DIPS apps by ensuring that they are immediately visible and easily accessible in the most prominent app menus on the RTSS. Providers will remain free to include other IPS apps in the relevant app menus, and decide what to do with any other app menus on the service. We consider that the likely impacts of this recommendation will be proportionate.

5.138 The box below summarises our final recommended actions and the principal changes from our consultation proposals. It also summarises some other relevant amendments that we have made for consistency and clarity.[228] The recommended actions are set out in full in the final Code at recommendation A1 (see Annex 2).

Summary of our final recommended actions and changes from our proposals:

- **Action A1.1:** The app menus recommendation applies to RTSS that have one or more app menus.
  Changes from consultation proposals: None.

- **Action A1.2(a):** Where a DIPS is included in the RTSS through an app, the provider should include that app in: (i) the most prominent app menu on the RTSS (the "main app menu"); and (ii) the app menu (or where there is more than one app menu, the

[228] The changes to the draft Code are set out in Annex 6: Comparison of the Draft and Final Code of Practice.

most prominent app menu) on any dedicated app page that does not include the main app menu (together, the "relevant app menus").
Changes from consultation proposals: We have changed the scope of the recommendation so that it applies only to the relevant app menus, rather than every app menu on the RTSS as proposed. For clarity, the recommended actions refer to DIPS and IPS being included on the RTSS "through" an app rather than "as" an app.

- **Action A1.2(b):** To determine which app menu is the most prominent, the provider should have regard to these principles: an app menu that is immediately visible once the user has navigated to the relevant page is more prominent than an app menu that is not immediately visible on that page; the nearer to the top of the page, the more prominent the app menu; the fewer clicks (or equivalent) to reach the app menu, the more prominent it is; and any other principle relevant to giving prominence to app menus on the RTSS.
  Changes from consultation proposals: This is a new provision setting out how providers should determine which app menu is the most prominent on the RTSS and, if relevant, on any dedicated app page.

- **Action A1.3:** Where the presentation of IPS included through an app does not differ for users in different areas of the United Kingdom, the provider should make the following DIPS apps immediately visible in the relevant app menus and present them in the following order within the highest nine positions: BBC iPlayer, ITVX, Channel 4 player, Channel 5 player, S4C Clic, and STV Player.
  Changes from consultation proposals: We have changed the condition regarding when the recommended actions for regionalised RTSS apply. The condition is now whether the presentation of IPS included through an app differs for users in different areas of the United Kingdom, rather than the proposed approach of whether the presentation of IPS and/or programmes so differ.

- **Action A1.4:** Where the presentation of IPS included through an app differs for users in different areas of the United Kingdom, the provider should make the following DIPS apps immediately visible in the relevant app menus and present them within the specified number of positions in the following order: (a) for users in Wales, within the highest eight positions: BBC iPlayer, ITVX, S4C Clic, Channel 5 player, and Channel 4 player; and (b) for users outside of Wales, in the highest seven positions: BBC iPlayer, the relevant Channel 3 service for the user's location, Channel 4 player, and Channel 5 player. For users outside of Wales, S4C Clic should be easily discoverable in the relevant app menus.
  Change from consultation proposals: As above for action A1.3. We have also changed the recommended action for users outside of Wales so that S4C Clic is easily discoverable in the relevant app menus, rather than anywhere on the RTSS.

- **Action A1.5:** In the relevant app menus, the provider should ensure that the presentation of the DIPS apps is similar to that of other IPS apps, including in relation to shape, size, form, contrast and highlighting.
  Change from consultation proposals: No substantive changes.

- **Action A1.6:** Users may remove or decide the order of the DIPS app in each relevant app menu, provided that such functionality is available on an equivalent basis for the DIPS apps and other IPS apps in those app menus.

  Change from consultation proposals: We have changed this action to expressly provide for users to be able to remove DIPS apps in the relevant app menus, as well as reorder them. However, we have made this option conditional on this functionality being available for non-DIPS apps on an equivalent basis.

Other relevant changes

- **Removal of proposed action A1.7 and inclusion of paragraph 3.5 in Section 3:** We have removed proposed action A1.7, which said the recommendation should be interpreted as if it did not refer to any DIPS app that is not designated. We have instead included a new paragraph 3.5 in Section 3 of the Code which explains that any action in the Code that refers to a DIPS that is not designated should be interpreted as if it does not refer to that DIPS, as this is a matter of interpretation of the Code as a whole rather than being limited to the app menus recommendation.
- **Definitions of PSB DIPS in Section 3:** To better align with the wording of section 362AA of the Act, we have changed the definition of Channel 3 ITV service, Channel 3 STV service, Channel 4 service, Channel 5 service and STV service to refer to a DIPS that is designated as making, or capable of making, a significant contribution to the fulfilment of the public service remit for the channel in question.
- **New defined terms in Section 3:** We have included new defined terms for “dedicated app page” and “page”, to support the determination of which app menus are in scope of the recommendation. We have also defined “immediately visible” to make the recommended actions more easily readable.

6. Prominence Code of Practice: Primary Content Areas

Primary content areas are an important way for audiences to discover and access a wide range of programming that may be of interest to them. These areas can help secure the aims of the prominence regime by raising awareness and encouraging greater viewing of public service programmes.

We are confirming some of our proposed recommended actions for primary content areas but, in response to stakeholder feedback, have decided to make changes to others. We provide a summary of the final recommendation at the end of this chapter, including any changes we have made. Overall we consider that our recommended actions will ensure that appropriate prominence for public service programmes from each DIPS is delivered, while continuing to ensure that the Code reflects the dynamic nature of primary content areas, allows users to access a broad range of programmes, and leaves room for RTSS providers to innovate and present programmes in different ways. We consider the likely impact of our decisions on RTSS providers, DIPS providers and other IPS providers to be proportionate.

6.1 In this chapter, we apply our analytical framework to set recommended actions for appropriate prominence for public service programmes in primary content areas:

- we summarise our consultation proposals;
- we assess the context, effectiveness and likely impacts of the recommended actions in light of the responses we have received; and
- set out our final decisions in light of these assessments.

Background

Content areas

6.2 'Content areas' are parts of the UI which feature individual programmes (e.g. TV shows or films). These areas are typically the disaggregated content areas and promotional areas.

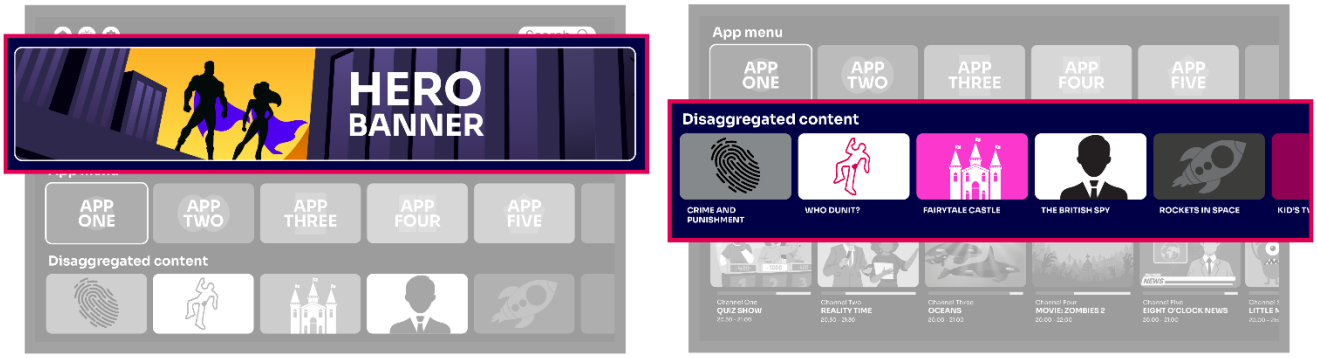
6.3 Disaggregated content areas, often in the form of content rows, present individual programmes outside of the streaming apps. These rows are dynamic, with the range and order of featured programmes updated regularly. Disaggregated content rows vary according to how the featured programmes are selected. For example, some are driven by user behaviour (e.g. 'continue watching'),[229] some are editorially curated, where programmes are selected and organised by the RTSS or content provider, and some are algorithmically curated.

6.4 Promotional areas differ from disaggregated content areas in that they normally occupy a larger part of the UI and usually promote, at any one time, only a single programme, series

[229] By 'continue watching' we mean a feature that enables TSS users to resume programmes they have previously started watching. These features typically involve programmes from different content providers being displayed in a dedicated row, rail or area on the TSS UI. In some cases, different names may be used for this feature, but, for simplicity, we refer to these features as 'continue watching' in the rest of this Statement.

or film. They may also be used to advertise other goods and services. The hero banner is generally the primary promotional area on an RTSS. It usually consists of a large panel at the top of the homepage, used to feature a single programme, or to cycle between multiple programmes or other advertisements, with the features updated regularly. Other promotional areas, such as screensavers and smaller secondary banners, are more varied and less common.

Figure 2: Example of a promotional area (left) and disaggregated content area (right) on the UI



Our consultation proposals

6.5 We set out in the Consultation our evidence and rationale for proposing recommended actions for the primary content areas based on the high-level principles and analytical framework we used to develop the Code.

6.6 We explained that the primary content areas were the second most popular route to content taken by audiences, behind app menus (which represented around 90% of the 'clicks' analysed in our research). We said that the primary content areas nevertheless accounted for a large number of programme choices in absolute terms.

6.7 We also highlighted the important role that the primary content areas can play in influencing user choice and viewing. The research we carried out to better understand 'user journeys' on TSS found that people valued the process of browsing programme suggestions which then shaped their decision making.[230] We said that prominence for public service programming in disaggregated content areas could therefore play an important role in raising user awareness, making these programmes easily discoverable and accessible at the point when users are actively browsing for new content to watch.[231]

6.8 We noted that a similar rationale applied in relation to promotional areas. Although these accounted for a smaller share of direct user engagement than disaggregated content areas, we set out that promotional areas can raise awareness of programmes even where users do not click on them directly. We also noted that RTSS providers generated significant amounts of revenue from the sale of placements in promotional areas, indicating that content providers perceive them to be valuable in securing the attention of viewers.[232]

6.9 Our analysis at the time indicated that, as a whole, programmes from PSBs tended to receive less prominence on average than other programmes across content areas. We

[230] 2CV, 2026. Research – Exploring audience journeys on connected TV devices, p.5.
[231] Paragraphs 3.35 and 3.36 of the Consultation.
[232] Paragraph 3.41 of the Consultation.

noted that this balance varied significantly and on some RTSS, public service programmes may have similar prominence to other programmes, or even greater prominence. Further data analysis since consultation has corroborated this assessment of current practice and informed our final assessment (see 'Impact on providers' section below for more details).

6.10 Taking this context into account, we proposed five recommended actions that RTSS providers should take. We considered these would be effective in giving an appropriate degree of prominence to public service programmes in the primary content areas and that the impacts of our proposals would be proportionate. In summary, we proposed that:

Recommendation A2 as proposed in the consultation: Primary content areas

Action A2.1: The actions in this recommendation A2 apply to a provider in respect of each RTSS it provides which has either or both of the following: (a) one or more disaggregated content areas; and (b) a primary promotional area.

Action A2.2: RTSS providers should give public service programmes (taken together) a degree of prominence across the primary content areas (taken together) that is no less than the degree of prominence given to other programmes (taken together), in terms of the following factors (taken together): the number of programmes presented in the primary content areas; the length of time for which they are presented; their positions; the times of day they are presented; the manner of presentation (e.g. size of content tiles); and any other factor which is relevant to giving prominence.

Actions A2.3 and **A2.4**: RTSS providers may give a different degree of prominence to the public service programmes in each DIPS, in which case they should have regard to the order of DIPS set out in the app menus recommendation.[233]

Action A2.5: Users should be able easily to access public service programmes from the primary content areas in which the programmes are presented.

Stakeholder responses and our assessment

6.11 We received a range of views on the recommended actions we proposed. Respondents generally recognised the role that content areas can play in enabling audiences to discover and access programmes, but expressed different views as to which, if any, content areas should be in scope of the Code and how the recommended actions should work in practice.

6.12 Some RTSS providers strongly opposed the inclusion of the primary promotional area, and some argued more broadly that our proposal that public service programmes should receive no less prominence than non-public service programmes went beyond appropriate prominence and could have disproportionate impacts. By contrast, some other respondents, including PSBs, representative bodies and academics argued either that our proposals did not go far enough to secure appropriate prominence, or that additional safeguards were needed. In addition, some PSBs said that public service programmes from each DIPS should receive a guaranteed minimum amount of prominence in the primary content areas.

[233] On non-regionalised RTSS, the proposed order was: BBC DIPS; ITV DIPS; Channel 4 DIPS; Channel 5 DIPS; S4C DIPS; and STV DIPS. For users in Wales on regionalised RTSS, the proposed order was: BBC DIPS; ITV DIPS; S4C DIPS; Channel 5 DIPS; and Channel 4 DIPS. For users outside of Wales regionalised RTSS, the proposed order was: BBC DIPS; relevant Channel 3 DIPS; Channel 4 DIPS; Channel 5 DIPS; and S4C DIPS.

6.13 There were also mixed views about the degree of discretion the proposals would give to RTSS providers in deciding how to deliver appropriate prominence in the primary content areas. RTSS providers generally argued that the draft recommendations did not give them enough discretion, while others, generally the PSBs, argued that it gave RTSS providers too much. There were also concerns about the clarity and workability of the proposed recommendations, including how RTSS providers would be able to demonstrate compliance and how DIPS providers would be able to verify this.

6.14 We consider this feedback in more detail below, and in light of it, assess the effectiveness of the recommended actions. In the subsequent sections, we go on to assess the likely impacts of the recommended actions before reaching a final decision on them.

Context and rationale for recommended actions in the primary content areas

Our proposals

6.15 As explained in paragraphs 6.5 to 6.9 above, we considered that the primary content areas play an important role in shaping user choice and viewing decisions, and in raising awareness of public service programmes by making these programmes easy to discover and access when browsing.

Summary of responses

6.16 A number of respondents – including PSBs, representative bodies, academics and civil society groups – supported the inclusion of recommended actions for the primary content areas, noting the important role these areas can play in audiences discovering programmes.[234] For example, Channel 4 said that prominence for public service programmes outside of apps is important for the future sustainability of public service media, especially as more RTSS providers shift towards a content-led rather than app-led experience.[235] [✂].[236]

6.17 However, Sky questioned the importance and proportionality of applying the Code to these areas. For example, it said that the evidence presented in the consultation that 10% of user journeys go through these areas does not justify the proposed intervention. Sky suggested that these areas are where "user engagement is lowest and the evidence of impact on PSB viewing weakest".[237]

Our assessment

6.18 Our high-level principles for securing appropriate prominence reflect that the appropriate prominence regime is intended to enable audiences to easily discover and access public service programming from each DIPS, and that we consider it appropriate that users are also able to discover and access content from other providers. Primary content areas help to achieve this by bringing individual programmes to the attention of viewers, supporting content discovery while they browse.

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[234] Paramount response, p.2; CTVMA response, pp.3-4; British Broadcasting Challenge response, p.3; Pact response, p.3; VLV response, p.5; Professor Catherine Johnson response, p.8.
[235] Channel 4 response, p.12.
[236] [✂].
[237] Sky response, pp.20-21.

6.19 The value of primary content areas in achieving this aim is therefore not captured solely by the number of clicks they generate directly. As noted above, our audience research found that some people valued browsing programme suggestions because they could help to shape their decisions about what to watch. By making a range of public service programmes visible in this way, primary content areas can therefore raise awareness and influence future viewing, even if users do not access a programme directly at that time.

6.20 It also remains the case that primary content areas provide routes through which many viewers access programmes. As we explained in the consultation, disaggregated content areas still account for a large number of journeys to content in absolute terms. Research by 2CV found that some user journeys are "TSS recommendation-led, where the process of browsing suggestions on the TSS was valued in itself and often shaped decision making".[238]

6.21 We also note that some RTSS providers have published findings on the role that primary content areas, including the hero banner, can play in engaging audiences (see paragraph 6.33 below). In addition, some RTSS providers' responses emphasised that UIs are increasingly dynamic and are often driven by algorithms to personalise programme recommendations (see paragraphs 6.125 to 6.127). We also note that Channel 4 said that RTSS are increasingly moving towards being content-led rather than app-led. We consider this suggests that RTSS providers themselves recognise the influence these areas have on what users select.

6.22 The regime includes a duty on RTSS providers to give appropriate prominence to the public service programmes included in each DIPS.[239] Primary content areas can play an important role in securing appropriate prominence given they comprise the main parts of the UI where RTSS present, and users can directly access, programmes. Further, the primary content areas typically occupy the largest and most prominent spaces on increasingly content-led UIs. Taking stakeholder responses and our assessment as set out above into account, we consider that recommending actions in relation to the primary content areas would be effective in securing appropriate prominence.

The inclusion of the hero banner

Our proposals

6.23 In our draft Code, we proposed that 'primary content areas' should be defined to include the 'primary promotional area' and the parts of the disaggregated content area or areas that users engage with the most.[240] We proposed that the relevant recommendations would only apply to RTSS with one or more disaggregated content areas, and/or a primary promotional area. We said RTSS providers do not have to include these features if they do not wish to do so.[241]

6.24 We also proposed that RTSS providers should achieve the recommended degree of prominence across the primary content areas overall. This meant that public service programmes could receive less prominence, or none, in one area, and more in another,

[238] 2CV, 2026. Research - Exploring audience journeys on connected TV devices, p.5.
[239] So far as the prominence of those programmes is affected by the operation of the RTSS (section 362AO of the Act(3)).
[240] Paragraph 3.117 of the Consultation. See also p.19 of the draft Code.
[241] Paragraph 3.116 of the Consultation.

provided that the recommended degree of prominence was achieved across those areas taken together.[242]

6.25 We proposed to define the primary promotional area as the primary area on an RTSS where programmes are presented or promoted to users, often at the top of the home screen and occupying a larger proportion of the screen than other elements.[243] On many RTSS, this area is known as the 'hero banner'.

Summary of responses

6.26 Several RTSS providers opposed the proposal to include the hero banner in scope of the recommendation. Some providers (LG, Roku, Samsung and Amazon) and representative body techUK argued it is a commercial advertising space, not, for example, an editorial content space.[244] LG referred to the consumer research findings included in the Consultation that users typically perceive the hero banner to be advertising.[245] Samsung said that promotional areas are paid advertising placements and out of scope of the Act.[246]

6.27 Samsung described its hero banner as a "paid-for digital advertising billboard" which promotes a range of products and services, and said it does not feature editorial content. Samsung suggested that if promotional areas are to be included in our recommendations, it should be clear that "advertising promoting content equivalent to public-remit content, and not advertising promoting products and services, is the relevant factor".[247]

6.28 Similarly, LG said that its hero banner is "not a promotional area, but rather a space utilised commercially" and used for "general market creatives", not "reserved for OTT [over-the-top]-specific placement".[248] One RTSS provider noted that primary content areas would include areas used for advertising and sponsorship placements, including for content that is non programme-related, "serving a fundamentally different function from editorial environments used for content discovery". It argued that primary promotional areas should be "excluded" from the Code, raising concerns that the proposed recommendations could undermine advertising revenues and constrain innovation. It suggested that "extending" the prominence regime into primary promotional areas is "disproportionate to the intention and goes beyond the spirit of the legislation".[249]

6.29 LG said that the nature of its hero banner business model means that the programmes and/or services advertised in this area represent the most prominent programmes or services displayed on the UI, and partners will have paid fees to obtain this degree of prominence. It argued that it would appear "manifestly unfair" to give public service programmes prominence that they have not paid for and suggested that, if proceeded with, there could be "serious questions" about the proposal's compatibility with established competition law principles.[250]

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[242] Paragraph 3.118 of the Consultation.
[243] Draft Code, p.19.
[244] LG response, p.3; Roku response, p.6; Samsung response, pp.10-12; Amazon confidential response, p.3; techUK response, p.2, 5-7.
[245] LG response, pp.10-12. See paragraph 3.35(e) of the Consultation.
[246] Samsung response, pp.10-11.
[247] Samsung response, pp.10-12.
[248] LG response, p.3.
[249] [✂].
[250] LG response, pp.10-12.

6.30 Roku argued that monetised advertising inventory on the home screen should not be in scope of the prominence regime in the same way as app grids or content rails. It said that the recommended degree of prominence would constitute a "significant and […] disproportionate intervention in RTSS business models".[251]

6.31 On the other hand, Channel 4 said there must be a clear expectation that primary promotional areas are included, unless an RTSS provider can clearly demonstrate that it is providing a higher degree of prominence in other primary content areas to "compensate for the exclusion of primary promotional areas". It said the hero banner is important for maintaining awareness of PSB content and brands, and critical for driving viewing levels, [✂].[252]

6.32 Everyone TV and Paramount argued that the definition of primary content areas should include all promotional areas (e.g. screensavers and smaller secondary banners), not just the primary promotional area. Paramount said the definition would benefit from further clarity to ensure the regime is "robust and resistant to gaming", in particular to prevent value being shifted into secondary promotional areas that are not included in the definition. Everyone TV argued that expanding the definition to secondary areas would prevent RTSS providers from circumventing the spirit of the recommendations by increasing the prominence of secondary areas.[253]

Our assessment

6.33 As explained in the Consultation, we consider that promotional areas can deliver broader benefits, such as raising user awareness of public service programmes, which can help deliver the regime's objectives. This is supported by research published by some RTSS providers on the role that promotional areas can play in driving user awareness and engagement,[254] as well as Channel 4's view that the hero banner is important for awareness and viewing of PSB programming. We also consider that including the hero banner is consistent with the scope of the appropriate prominence duty, which applies to public service programmes contained in the DIPS so far as the prominence of that content is "affected by the operation of the RTSS".[255]

6.34 As noted by LG, Roku, Samsung, [✂] and techUK, some RTSS use primary promotional areas to promote or advertise goods and services as well as programmes. We consider it would be helpful to update the definition of 'primary promotional area' in the Code to acknowledge this. Our recommendations are concerned with programme discovery and aim to ensure public service programmes are given appropriate prominence relative to other programmes. Therefore, advertising included in the primary promotional area that is unrelated to programmes is not relevant to assessing and giving appropriate prominence to public service programmes. A promotional area that promotes only goods and services

[251] Roku response, pp.5-6.
[252] Channel 4 response, p.17; [✂].
[253] Everyone TV response, p.3; Paramount response, p.2.
[254] Data from an ITVX campaign on Samsung's 'Immersive Carousel' hero banner found that users who viewed all five tiles in the carousel spent 40% longer with ITVX than unexposed users during a week of the campaign (see The Media Leader, 25 February 2026. Samsung hails impact of its latest smart TV home screen ad unit). Research from LG Ad Solutions found that nearly half of UK connected TV viewers (48%) rely on the TV home screen to guide want to watch next (see LG Ad Solutions, 15 May 2025. New Research from LG Ad Solutions Reveals the TV Home Screen is Now Central to the UK Viewer Experience).
[255] Section 362AO(3) of the Act.

and no programmes would be out of scope of the recommendations. We consider concerns raised by LG regarding PSBs receiving prominence without payment in Chapter 11 on the Guidance (see paragraphs 11.51 to 11.53).

6.35 We have also considered the suggestion from Everyone TV and Paramount that the definition of primary content areas should include all promotional areas, not just the primary promotional area, to prevent RTSS providers from 'gaming' the Code by giving more prominence to these areas. We do not think this is necessary, as including the primary promotional area already brings into scope the area that we consider users are most likely to see and engage with. Extending the definition to other promotional areas that are less visible could dilute the prominence of public service programmes in the most visible areas, and could disproportionately restrict the ability of RTSS providers to use these other promotional areas for commercial purposes. Currently, the primary promotional area is typically a hero banner that occupies a large proportion of the homepage. If, in future, a different kind of promotional area becomes the primary area in which an RTSS promotes programmes (either generally or for a specific RTSS), the recommended actions would apply to that area instead.

6.36 Taking stakeholder responses and our assessment as set out above into account, we consider that including the primary promotional area in the primary content areas would be effective in securing appropriate prominence. In making this assessment, we note that the recommendation applies across the primary content areas taken together. This provides flexibility for RTSS providers, who may choose to give very little or no prominence to public service programmes in the primary promotional area, provided that appropriate prominence is achieved across the other primary content areas overall.

Defining primary content areas

Our proposals

6.37 We proposed to define the primary content areas as consisting of the primary promotional area and the parts of the disaggregated content areas that users engage with the most. We said that the proposed recommendations would only apply to RTSS that have one or more disaggregated content areas, and/or a primary promotional area, and that RTSS providers do not have to include these features if they do not wish to do so.[256] We also proposed that RTSS providers should give no less prominence to public service programmes than to other programmes across the primary content areas when taken together.[257]

6.38 We defined a disaggregated content area as an area of the UI where at any one time multiple programmes are presented to users, often as tiles in rows or rails. We proposed, however, to exclude areas that enable users to continue watching programmes they have already started or to access programmes they have stored or saved previously.[258]

6.39 We explained that our proposals sought to recognise the variation in how programmes are presented across different RTSS. Defining exactly which parts of the content areas are included, for example by specifying a number of rows, would fail to account for this variation and risk unintentionally excluding parts of the UI where appropriate prominence

[256] Paragraph 3.116 of the Consultation.
[257] Paragraph 3.118 of the Consultation.
[258] Draft Code, p.18.

may benefit users. We also said it could limit the ability of RTSS providers to innovate the ways in which they present programmes to users.[259]

Summary of responses

6.40 Some respondents raised concerns about how RTSS providers would interpret which disaggregated content areas are primary content areas. For example, Channel 4 said RTSS providers could exclude certain areas or decide that some areas are beneficial to PSBs, which the PSBs may not agree with.[260] The BBC also said RTSS providers could give the PSBs more prominence in less common discovery routes, which it said would not equate to similar prominence if SVoDs have a greater share of more popular routes.[261] Everyone TV proposed that primary content areas should encompass the entire homepage if a suitable definition can be found, to prevent RTSS providers from only giving prominence in less used parts of the homepage.[262] S4C said clearer safeguards are needed on where, when and how public service programmes are surfaced.[263]

6.41 Some respondents, such as the BBC, ITV and the VLV, wanted the Code to secure prominence across a wider range of content areas. The BBC raised concerns that the proposed approach of assessing the primary content areas collectively risks the PSBs receiving less prominence overall.[264] It said the BBC typically secures editorial and promotional inventory, as well as dedicated partner rails, and treating the primary content areas collectively could allow RTSS providers to use partner rails and/or promotional inventory to deliver prominence, rather than the most-used areas (i.e. areas which platforms editorially curate, for example 'top picks' on Sky).[265] The BBC also suggested the Code should specifically cover partner managed rails, and said that if any content provider has a partner managed rail, then each PSB should also have a rail and the BBC's rail should be first.[266]

6.42 Additionally, the BBC said the Code should apply to "pop-up spaces", which it describes as where RTSS providers "launch spaces or content collections for shared value moments", as it considers these to be "nested UIs".[267] ITV said PSB apps and programmes should be prominent within the areas of the UI that are most often served to users and/or most used by viewers to discover and access programmes. It said this should mean that if an RTSS has a homepage then PSBs would be prominent in it, as well as receiving prominence where an RTSS defaults to a 'For You' screen at launch.[268] The VLV argued that the Code should ensure platforms provide dedicated rails, rows or featured sections highlighting PSB programmes. The VLV also considered it was important that prominence recommendations are applied consistently across editorial recommendations, curated rows and platform-generated programmes.[269]

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[259] Paragraph 3.124 of the Consultation.
[260] Channel 4 response, p.16.
[261] BBC response, p.5.
[262] Everyone TV response, p.3.
[263] S4C response, p.4.
[264] BBC response, pp.4-5.
[265] BBC response, p.5.
[266] BBC response, p.8.
[267] BBC response, pp.1-2, 8.
[268] ITV response, pp.2-3.
[269] VLV response, p.6.

6.43 Some RTSS providers offered interpretations of the content areas they considered to be in scope. For example, Samsung interpreted the disaggregated content area on its RTSS to be the 'Universal Guide' (which it described as being situated below the app launcher bar and reached by scrolling down from the home screen), and said it can provide appropriate prominence to public service programmes in this area in line with the Code.[270] One RTSS provider said it interpreted the definition of primary content areas on its RTSS to be the hero banner and the top disaggregated content area on the homepage.[271]

6.44 YouView suggested changes to the definition of primary content areas, proposing a more general outcome-based approach that allows RTSS providers "reasonable discretion" in how prominence is achieved across the UI as a whole. It said that determining which areas are primary content areas should be objective rather than based on user engagement, as the programmes or services displayed could be a factor in engagement rather than position alone, and the proposed approach could require frequent moving of programmes and services.[272]

6.45 Some respondents, including Channel 4, ITV and Everyone TV, agreed with our proposal to exclude parts of the disaggregated content areas like 'continue watching' or 'my list'.[273] However, BT Group queried how the prominence of public service programmes should be assessed where areas like 'continue watching' displace content rows that might fall in scope. It asked for clarification on whether user-driven content areas that are immediately visible, but not editorially or algorithmically curated, and which appear above such rows, are considered to form part of the primary content areas in scope.[274] [275]

6.46 Google queried whether listed channels displayed in primary content areas should be considered towards the recommended action as public service programmes.[276]

Our assessment

6.47 Our high-level principles for establishing appropriate prominence include that audiences should be able to easily discover and access DIPS and public service programmes.[277] In applying this principle to the primary content areas, we consider that an effective recommendation needs to be sufficiently clear as to which disaggregated content areas it covers, while retaining enough flexibility to accommodate differences between RTSS UIs. However, we do not consider it would be effective to specify in the Code which disaggregated content areas, how many rows or what types of rails should be included. This is because a more prescriptive approach would not reflect the existing differences between RTSS, may become outdated as platforms evolve and could disproportionately restrict the ability of providers to innovate.

6.48 We note the BBC's concerns that treating the primary content areas collectively could mean RTSS providers rely on partner rails and/or promotional inventory to deliver

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[270] Samsung response, p.12.
[271] [✂].
[272] YouView response, p.6.
[273] Channel 4 response, p.17; ITV response, p.12. Everyone TV response, p.3.
[274] BT Group response, p.6.
[275] Stakeholders also made broader points about whether terms relating to 'continue watching' features should be considered as core terms under the payments framework in the Guidance. We address this issue in the Guidance chapter in paragraphs 11.82 and 11.107 to 11.108.
[276] Google response, p.6.
[277] Paragraph 3.20 of the Consultation.

prominence. However, we do not consider that separate recommendations for different types of content areas, or excluding particular areas from the recommendation, would be necessary or more effective in securing appropriate prominence. Although promotional areas and disaggregated content areas differ (e.g. in appearance and how programmes are displayed), they both contribute to the prominence of individual programmes. We therefore consider that assessing primary content areas in the round would be effective in securing appropriate prominence. It would also give RTSS providers sufficient flexibility to do so in a way that is suitable for their particular service.

6.49 However, we acknowledge that some respondents, including Channel 4, S4C and the BBC, asked for greater clarity as to how primary content areas should be determined. We have also carefully considered YouView's concern about our proposal to link the definition of primary content areas to user engagement. We agree that this approach could have unintended consequences because the programmes presented can affect the level of user engagement.

6.50 We therefore consider that targeting the recommended actions on the most prominent disaggregated content areas, rather than those with the highest user engagement, would be more effective in securing appropriate prominence. This would address YouView's concerns about using engagement to determine the primary content areas, instead focusing on the desired outcome of securing prominence. Finally, where an RTSS has a homepage or defaults to a 'For You' screen at launch, the recommended actions would apply to the most prominent areas, rather than to a specified area.

6.51 To help RTSS providers determine which disaggregated content areas are most prominent, we have identified a set of principles to assist them when making that assessment:

- Disaggregated content areas presented in a way more likely to enable easy discovery and access to programmes (such as being larger or visually emphasised) are more prominent than disaggregated content areas presented in a way that is less likely to do so;
- Disaggregated content areas that are immediately visible after the user has navigated to the page on which they are located are more prominent than other disaggregated content areas on that page;
- The nearer the top of a page a disaggregated content area is positioned, the more prominent it is; and
- The fewer the number of clicks (or equivalent) to reach a disaggregated content area, the more prominent it is.

6.52 This is not an exhaustive list of the principles that may be relevant to prominence of disaggregated content areas. Other principles may be relevant to particular RTSS, where anything that is more likely to increase the visibility of, attention given to, or ease of access to programmes included in a disaggregated content area makes that disaggregated content area more prominent. We consider it would be helpful to providers to make this clear in the Code.

6.53 We also note that some stakeholders (e.g. the BBC, ITV, the VLV) were concerned that the Code would not secure prominence across a range of content areas. We also acknowledge the risk that primary content areas could be interpreted very narrowly, which was not our intent, and we consider that revising the definition of 'primary content areas' in the Code should clarify this. As such, on an RTSS that has more than one disaggregated content area, the primary content areas will typically include multiple disaggregated content areas such

that a substantial number of programmes are able to be presented in those disaggregated content areas at any one time.

6.54 We also consider refining the definition of a 'disaggregated content area' would provide greater clarity to stakeholders and assist them in identifying the primary content areas. We believe it would be clearer to state that a disaggregated content area is a distinct part of the UI in which multiple programmes are presented to users at any one time, often grouped by a common theme such as genre, popularity or IPS, and displayed as tiles in a row or rail. This covers individual rows and rails such as 'trending now', 'top picks' and any rail which highlights new programmes.

6.55 We have considered the BBC's suggestion that the Code should cover partner managed rows and 'pop-up spaces', as well as the VLV's suggestion that it should include recommendations for dedicated PSB rows or rails. We do not consider that prescribing particular rows or rails would be necessary or more effective in securing appropriate prominence. In accordance with the context element of our analytical framework, we have had regard to the most common areas and features on the UI and where audiences engage with them the most, as we consider these to be most effective in securing appropriate prominence. Users can also benefit from differentiation in RTSS features, while greater prescription could limit innovation and the ability of RTSS providers to adapt to changing audience needs. Where features meet the definition of primary content areas or are otherwise in scope of the Code, RTSS providers should consider how to follow the recommended actions for those features. We will, however, keep the Code under review and may seek to introduce new recommended actions if new features or areas become important for securing appropriate prominence.

6.56 We have also reviewed whether the recommended actions should apply to areas that enable users to 'continue watching' or access programmes they have stored or saved previously. These areas serve a different function to other disaggregated content areas, as they allow viewers to return quickly and easily to programmes they have already chosen. Noting support from stakeholders for this approach, our view is that this should remain the case as we do not consider it would be in the interests of viewers for public service programmes to displace those choices. Regarding comments from BT Group, our Code does not recommend how RTSS providers should design their primary content areas. It is therefore possible that rows like 'continue watching' could appear among the most prominent disaggregated content areas where public service programmes are given appropriate prominence, but they would remain excluded from the recommended actions.

6.57 In response to Google's query regarding listed channels, any public service programme promoted in the primary content areas can contribute towards the recommended action, whether the programme is available live or on demand. However, simply showing a listed channel, such as a tile showing only a BBC One logo which provides access to the channel, would not count towards the recommendation unless a particular public service programme is also being promoted. If the area is also a relevant live TV area, the separate recommendation for listed channels may apply (see Chapter 8).

6.58 Taking stakeholder responses and our assessment as set out above into account, we consider that focusing on the most prominent disaggregated content areas and refining the relevant definitions would be effective in securing appropriate prominence for public service programmes from each DIPS. This approach should give providers clarity without the need to specify the exact number and types of content rows in scope as these will vary

between RTSS. It should also allow RTSS providers to continue to innovate and differentiate their services while reducing the need for them to make regular changes to how they allocate prominence across the UI to reflect evolving patterns of user engagement.

The degree of prominence for public service programmes overall

Our proposals

6.59 In the Consultation, we recognised that primary content areas are dynamic. Given that our proposed recommended actions sought to secure appropriate prominence at an overall level, we explained that we did not consider it necessary to specify the degree of prominence to be given to public service programming in each individual area at any particular time. We explained that, consequently, it would be acceptable for the prominence given to public service programmes to vary between different areas and over time as long as the recommended degree of prominence is achieved across the primary content areas overall.

6.60 The draft Code proposed that, across the primary content areas taken together, public service programmes should receive no less prominence than other programmes. We explained that, in formulating this proposal, we had taken into account the benefit to audiences of a range of public service and other programmes being easily discoverable, and current levels of prominence. The draft Code also set out factors that RTSS providers should consider, as a whole, when assessing prominence. Those factors included, among other things, the number of programmes presented in the primary content areas and how long they are presented for.

6.61 We advised RTSS providers to decide an appropriate period over which they measure prominence to ensure they are following the recommended actions, and we advised providers to keep records to demonstrate compliance.[278]

6.62 The Consultation also explained that RTSS providers have discretion over how to achieve the recommended degree of prominence "*in terms of the… factors (taken together)*" set out in action A2.2(b). This could involve measuring and monitoring the factors, or implementing principles and processes to ensure the intended outcome by default.[279]

Summary of responses

The recommended degree of prominence

6.63 Some respondents supported the proposal, including Channel 4, ITV, Paramount, S4C and the University of Sheffield. [280] For example, Channel 4 considered that 'no less than' represents a "de facto prioritisation of PSBs over non-PSBs", given there are fewer PSBs than non-PSBs.[281] In addition, ITV said that action A2.2 (on the prominence of public service programmes taken together) should help ensure that PSB programmes are "routinely and prominently promoted" alongside non-PSB programmes, broadly in line

[278] Paragraph 3.118 of the Consultation.
[279] Paragraph 3.119 of the Consultation.
[280] Channel 4 response, p.13; ITV response, p.6; Paramount response, p.2; S4C response, p.4; University of Sheffield response, p.2.
[281] Channel 4 response, p.13.

with current viewing levels and audience expectations. However, ITV said that if Ofcom finds public service programmes are already receiving "in excess of 50% promotion" in the primary content areas, then the recommendation should be amended so it does not result in these programmes being less visible than they are currently.[282]

6.64 Some RTSS providers raised concerns about how 'no less prominence' could be interpreted. For example, Roku said it supports the underlying objective of ensuring that PSB programmes are surfaced in a meaningful way in the primary content areas, but asked for clarity that the proposal does not mean a "mechanical 50-50 split" of space or time between public service and non-public service programmes in these areas.[283]

6.65 Similarly, VMO2 raised concerns that the proposed wording of action A2.2 could "unintentionally imply a volume or parity-based requirement". It argued that the terms 'no less prominence' and 'taken together' imply "equal representation or a de facto 50-50 split" of public service and non-public service programmes in these areas. VMO2 suggested that this language does not fully reflect the high-level principles that Ofcom set out as relevant to assessing appropriate prominence, or the need for flexibility given the dynamic nature of RTSS UIs. VMO2 also said that comparative requirements between PSBs and non-PSBs are not reasonable, proportionate or in line with the needs of its customers, who it said subscribe to Virgin's pay-TV platform to access content which is primarily not available through free-to-air services or found on the PSB players.[284]

6.66 As discussed in Chapter 4, several respondents raised concerns that our proposals – and particularly our proposal that public service programmes should receive 'no less prominence' than other programmes in primary content areas – are not aligned with the Act's intent to secure 'appropriate' prominence. On one hand, some respondents argued that 'no less prominence' does not go far enough. For example, the BBC, the British Broadcasting Challenge, Bectu, the VLV and two individual respondents argued that 'no less' prominent delivers parity rather than appropriate prominence, with some suggesting the proposal would not deliver on the aims of the legislation unless public service programmes are given priority.[285]

6.67 On the other hand, some RTSS providers said the proposal goes beyond the intent of the Act. For example, LG argued that the proposal for public service programmes to be at least as prominent as other programmes is the "starkest example of Ofcom overstepping the mark" in relation to Parliament's intent.[286] Google argued that as only 10% of clicks are driven by primary content areas, it would be disproportionate for these areas to be "materially weighted" towards DIPS programmes and would amount to "significant" rather than appropriate prominence.[287]

6.68 Sky also argued that the proposed recommendation for no less prominence "exceeds the scope of Parliament's mandate" and suggested that it would amount to "significant prominence".[288] It said that the Consultation presented no evidence as to how 'no less

[282] ITV response, p.6.
[283] Roku response, p.5.
[284] VMO2 response, pp.4-5.
[285] BBC response, p.5; British Broadcasting Challenge response, p.3; Bectu response, p.3; VLV response, p5; Professor Steven Barnett response, p.2; Professor Catherine Johnson response, p.8.
[286] LG response, p.10.
[287] Google response, p.5.
[288] Sky response, pp.3-4, 14-22.

than' amounts to appropriate prominence, and that Ofcom cannot simply rely on regulatory judgement in setting the recommended degree of prominence. It said that our proposals on prominence would infringe our general duty under section 3(3)(a) of the Act to have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed, as well as our duty in section 6(1) of the Act "not to impose burdens which are unnecessary".[289]

6.69 Sky argued that a formulation that resulted in a lower degree of prominence than that proposed in the draft Code, [✂] would be more consistent with Parliament's intent in requiring appropriate prominence. It also aligns with the [✂] prominence that Sky said it currently affords to PSBs (taken together) across the primary content areas as a result of commercial negotiations.[290]

6.70 As noted in Chapter 4, Sky also argued that the proposals do not account for the specific characteristics of individual RTSS, and that Ofcom has not explained why it has chosen not to use its powers to recommend different actions for different contexts.[291] It said that unlike other providers, Sky's RTSS are inextricably linked to the provision of its subscriptions. It argued that its users have specifically chosen its services to access Sky content, creating different expectations as to the balance of content promoted on the UI and conditioning what appropriate prominence should mean on its platform. Sky said the proposals would have a disproportionate impact on its business as a result.[292]

6.71 Sky also said that the proposals risk its ability to promote its own original content, much of which it considers "[fulfils] the purposes and characteristics of public service content as envisaged in legislation". Sky suggested that the consultation proposals could lead it to make certain public service programmes prominent on its RTSS at the expense of its own Sky News or Sky Arts content, which it argued could not have been the policy intent of the UK Government or Parliament.[293]

6.72 To address its concerns, Sky proposed that the recommended action be amended so that "where an RTSS provider is also a content provider that retails its own content directly to the end-user under subscription, that that content should not be considered part of the requirement…". It also proposed that Ofcom should "set a cap" on the amount of programming that an RTSS provider should present in primary content areas "at a level 'no more than' all other programmes which are not provided by [that] RTSS". Alternatively, Sky proposed that Ofcom should define a separate category of RTSS – those that operate as "a pay-TV platform where users subscribe on an ongoing basis for specific content provided by the RTSS provider" – and adjust the recommended actions for these RTSS.[294]

6.73 Google said the proposal as it stands would crowd out smaller content providers from engaging with audiences. It suggested instead that RTSS providers should only be required to include public service programmes in the primary content areas broadly in line with

[289] Sky response, pp.3-4, 14-22, 31.
[290] Sky confidential response, p.25.
[291] The Code may include actions relating to particular descriptions of RTSS, and particular descriptions of IPS (section 362AP(6) of the Act).
[292] Sky response, p.4, 16-19, 22-26. We consider Sky's argument in the impact on providers section below (see paragraphs 6.179 to 6.187).
[293] Sky response, p.30.
[294] Sky response, pp.34-35.

audience expectations (considering individual users' engagement on the platform and market wide engagement with the DIPS), and to provide additional features or promotion to enable DIPS to promote themselves to the audience as a whole.[295]

How the recommended action would work in practice

6.74 Respondents raised concerns about how the recommended actions would work in practice. However, they expressed different views as to whether this required greater prescription or a more flexible approach.

6.75 Some respondents, principally RTSS providers, were concerned that the proposal was too prescriptive and/or difficult to apply in practice. In particular, some were concerned that it was unclear how the different factors we had set out should be taken into account. Sky said that the factors identified by Ofcom are "subjective and dynamic" and would "effectively constrain[s] RTSS providers into a single compliance route", which it sees as a "blanket minimum 50% PSB content in each of any primary content area".[296] TechUK similarly argued that a "prescriptive, uniform approach" to prominence would not reflect the dynamic use of primary content areas, which are frequently redesigned, vary across devices and are subject to experimentation. It also considered that obligations to maintain compliance records for these areas would be disproportionate and limit innovation and device differentiation.[297]

6.76 Other respondents focused on the practical difficulties of assessing, monitoring and demonstrating compliance. YouView said it was unclear how the factors should be weighted or aggregated to determine whether overall prominence has been met and was concerned about the operational burden of ongoing monitoring and testing.[298] VMO2 argued that prominence in the primary content areas "requires a focus on individual programming never before seen" and said it would be "overly burdensome" for RTSS providers to identify individual public service programmes.[299]

6.77 BT Group welcomed the recognition of the range of UI features that can surface content, but noted it would be likely to introduce additional complexity without clear indicators as to how different features should be weighted or prioritised. BT Group also said it is unclear how to assess the multiple interacting elements that can contribute to visibility where content presentation is shaped by algorithms, editorial decisions and user behaviour. Roku also asked for clarity that a range of factors (including the number of programmes, their position, the time of day and the way in which they are presented) will be relevant in assessing prominence.[300]

6.78 Other respondents, principally PSBs, considered that the proposed approach did not provide sufficient clarity or safeguards. For example, the BBC said that because the list of factors included in the recommended action is not absolute, it grants RTSS providers significant discretion to decide how to measure and monitor each factor, with no obligation to be transparent with the DIPS on how they determine this.[301] S4C said there should be appropriate guardrails around where, when and how public service programmes

[295] Google response, pp.5-7.
[296] Sky response, p.6.
[297] techUK response, p.5.
[298] YouView response, p.3, 5-6.
[299] VMO2 response, p.4.
[300] Roku response, p.5.
[301] BBC response, p.5.

are surfaced in the primary content areas. It argued that RTSS providers should have to provide evidence of their compliance with the recommendations to DIPS providers during negotiations, otherwise non-compliance should be presumed. [302]

6.79 Channel 4 also called for more robust and specific recommended actions to ensure that the principle of 'no less' prominence is followed in practice and that the Code can operate as a practical guide for PSBs and RTSS providers in commercial negotiations.[303] It argued that Ofcom must take a "much more robust and specific approach" and proposed new recommended actions to hold RTSS providers to account in "dynamic and constantly changing content environments".[304]

6.80 Some respondents proposed more specific methods for assessing or demonstrating prominence. Everyone TV suggested defining prominence in terms of "equivalent advertising value", which it described as the "impressions" delivered and their value. It said this would allow for easy internal monitoring by RTSS providers and facilitate simple cross-RTSS monitoring for Ofcom, ensuring all parties have a common view on what is necessary for compliance, and also suggested that Ofcom should provide examples of minimum compliance.[305]

6.81 Everyone TV also suggested some additional stipulations. It proposed that "minimum prominence" should apply to each individual device (and providers should not be able to average prominence across multiple linked devices) and that it should be maintained above the fold and across the day (i.e. not just off-peak times). Similarly, Paramount said that minimum prominence should be maintained through the day, rather than concentrated in off-peak periods with limited audience value. It also suggested that prominence should be defined in a "platform-neutral, outcomes-focused manner", for example by reference to the relative value of impressions delivered, taking account of position, size and duration.[306]

Our assessment

6.82 We received a wide range of often opposing views on the level of prominence recommended for public service programmes in the primary content areas and on how the recommendation should work in practice. We assess the points raised below and consider whether changes to the recommended action would be more effective in securing appropriate prominence.

The recommended degree of prominence

6.83 Our high-level principles set out that we consider an appropriate degree of prominence to be one that means that audiences can discover and access public service programmes easily, while continuing to benefit from a range of content including both public service and other programming, from a range of providers, and from a range of RTSS offering

[302] S4C response, p.4.
[303] Channel 4 response, p.13.
[304] Channel 4 response, pp.14-15, 16-17. We consider Channel 4's suggestions for how prominence should be monitoring and tracked in Chapter 13.
[305] Everyone TV response, pp.3-5.
[306] Paramount response, p.3.

different features and user experiences.[307] In assessing how best to achieve these aims, we have also considered the likely impact on providers and their ability to innovate.[308]

6.84 We consider the consultation proposal of 'no less' prominence could in principle secure appropriate prominence. However, in light of the comments we have received from stakeholders, we acknowledge that it could be understood as requiring a precisely quantified 50/50 split between public service and other programmes across the primary content areas. That was not our intention. We do not expect RTSS providers to assign numerical values to each of the factors relevant to prominence and use them to calculate a precise overall result. Nor do we consider such an exercise realistic, given the difficulty of assigning and maintaining accurate numerical values for each of the many different elements of prominence across modern UIs. Instead, our expectation was that RTSS providers would consider the factors set out in the Code together to make an overall assessment as to whether public service programmes receive appropriate prominence.

6.85 We believe that amending the recommendation to state that public service programmes should receive 'similar prominence' to other programmes would express our intention more clearly. We consider this would also address the concerns raised by stakeholders and better reflect the qualitative assessment required across dynamic primary content areas. We also intended that RTSS providers could give public service programmes a greater degree of prominence than other programmes and still benefit from the safe harbour. We think the Code should clarify this by including a provision that giving public service programmes similar prominence does not mean they cannot give them more prominence than other programmes where they choose to do so.

6.86 In assessing whether similar prominence would be effective, we took account of evidence that public service programmes currently receive less prominence than other programmes on average, although there is significant variation between RTSS. [309] We consider that giving similar prominence to public service and other programmes aligns with our high-level principles. It would ensure that users are able to easily find and discover public service programmes from each DIPS, including programmes that they might not otherwise seek out. At the same time, it would retain sufficient scope for other programmes to receive prominence, therefore achieving the user benefits arising from access to and sight of a wide range of content.

6.87 We do not agree with the respondents who consider the proposal gave public service programmes more prominence than is appropriate, or that it went beyond the intent of Parliament. With our high-level principles in mind, our view is that recommending less prominence for public service programmes than other programmes would not be effective in achieving the aims of the regime, as it could make public service programmes less visible and therefore more difficult to discover and access on some RTSS. Regarding Sky's concerns about evidence, we note that Annex 4 of the Consultation outlined the evidence we gathered and analysed in preparing our proposed recommendations, including for the primary content areas. We have also since considered further evidence, including on current levels of prominence for PSBs (see Annex 4 of this Statement). We remain of the view however that determining an appropriate degree of prominence requires a high

[307] Paragraph 3.20 of the Consultation.
[308] These are discussed in paragraphs 6.155 to 6.192 below.
[309] This is discussed further in paragraphs 6.190 to 6.191.

degree of regulatory judgement, in line with the discretion Parliament gave Ofcom to exercise its regulatory judgement as regards the degree of prominence that would be 'appropriate'.

6.88 We recognise that some other respondents, including some of the PSBs, suggested that 'no less' prominence did not go far enough. However, we do not consider it would be appropriate to recommend public service programmes are given greater prominence than other programmes. We believe that our proposed approach would be more effective, ensuring easy discovery and access of public service programmes for all audiences, and maintaining access to a broad range of both public service and other content from a range of providers.

6.89 In relation to Sky and VMO2's comments that their customers are subscribers with different expectations or needs to users of other platforms, we have considered relevant data about audience viewing behavour. PSB channels (including broadcaster video on-demand (BVoD services)) account for at least half of total viewing across Sky's and VMO2's RTSS.[310] This is broadly comparable to aggregate viewing patterns across platforms.

6.90 We recognise that many RTSS users do subscribe to premium content, whether via pay TV subscriptions, SVoD subscriptions, or both. This is reflected in our principle that appropriate prominence should allow audiences to benefit from a range of content, including public service and other content from a range of providers. We believe that a similar degree of prominence for public service programmes and other programmes would achieve this effectively. On the other hand, we consider that a lower degree of prominence (including Sky's suggestion [✂]) would not be effective in securing that public service programmes from each DIPS are easily discoverable and accessible.

6.91 We consider that all users stand to benefit from public service programmes being easily discoverable in primary content areas, even those users that subscribe to pay TV or other services. Public service programming by its nature has broad appeal and is intended to serve all audiences. Making it easily discoverable may particularly benefit those users who are otherwise less familiar with it or less likely to seek it out. We therefore consider it would be effective to apply the same recommended action consistently.

6.92 We acknowledge that RTSS business models vary. Providers will seek to derive value from primary content areas in different ways and may be impacted to different extents by the recommended actions. We assess likely impacts on providers separately, including Sky's claims that it would be disproportionately impacted (see 'impact on providers' section below).

6.93 We have considered Google's suggestion that the prominence given to programmes from each DIPS should be broadly in line with audience expectations, taking into account individual users' engagement on the platform and the market-wide engagement with the DIPS. We think this approach would be unlikely to provide RTSS providers or DIPS providers with sufficient clarity about the prominence expected. It could also reinforce existing viewing patterns rather than helping viewers to discover public service programmes which may be of interest to them. This could be particularly detrimental to smaller DIPS that currently receive less prominence on some RTSS, and consequently have lower engagement.

[310] Barb, as viewed, all individuals (4+), viewer minutes via TV sets only, 2025.

6.94 Taking the evidence and stakeholder responses discussed above into account, we consider that recommending similar prominence for public service and other programmes would be effective in securing appropriate prominence. It provides a clear but flexible standard that can be adapted to different UIs, taking into account the statutory objectives of the regime, the available evidence, the characteristics of different UIs, and the need to preserve flexibility and innovation. It aligns with our high-level principles, helping to ensure that audiences can easily discover and access public service programmes, while still benefiting from a range of public service and other programming from a range of providers. It would also enable RTSS providers to retain flexibility in how they implement the recommendations. Our impact assessment (see 'impact on providers' section below) considers whether recommending similar prominence would have a disproportionate impact on any RTSS provider(s).

How the recommended action works in practice

6.95 Some stakeholders asked for more clarity on how the recommended action works in practice, particularly how prominence should be allocated and how the factors included in the draft Code should be applied. We also note concerns from some RTSS providers that the recommendation may be complex and burdensome to implement, particularly where UIs are driven by a combination of algorithms, editorial decisions and user behaviour.

6.96 Having considered stakeholder comments, we believe it would be clearer for providers for the Code to recommend that they have regard to a set of principles, rather than that they ensure the recommended degree of prominence is given by reference to a list of factors as proposed in the Consultation. We accept that the approach we proposed would involve inherent trade-offs that could be difficult for RTSS providers to reach a view on, whereas we consider that specifying a set of principles better reflects the flexibility we intend providers to have, and the variation in the ways that providers may present and make public service programmes prominent in the primary content areas. We consider it would also be clearer to frame the principles in a way that explains what increases the prominence of a programme, as set out below:

- The greater the proportion of total programmes presented which are public service programmes, the greater the degree of prominence of public service programmes (taken together);
- The longer a programme is presented, the greater its degree of prominence;
- Programmes presented in positions more likely to enable easy discovery and access (such as where programmes are immediately visible or appear early in a sequence or list) have a greater degree of prominence than programmes presented in positions less likely to do so;
- Programmes presented during periods of higher user engagement or viewing have a greater degree of prominence than programmes presented during periods of lower user engagement or viewing; and
- Programmes presented in a way more likely to enable easy discovery and access (such as through a larger tile enabling access to a particular programme) have a greater degree of prominence than programmes presented in a way less likely to do so.

6.97 This is not an exhaustive list of the principles that may be relevant to giving prominence to programmes in the primary content areas. We recognise that other principles may be relevant to particular RTSS, where things that are more likely to increase the visibility of,

attention given to, or ease of access to those programmes give them a greater degree of prominence.

6.98 The principles above are intended to inform an overall assessment of whether similar prominence is achieved. Some aspects may be quantifiable and other aspects may be better assessed qualitatively. We acknowledge that UI designs, content curation recommender systems, and available metrics vary between providers. We therefore do not consider that a single prescriptive approach to quantifying prominence would be practical or proportionate, and consider this approach reflects that.

6.99 Providers will ultimately need to develop their own methods to assess and allocate prominence across the primary content areas, including where their platforms are algorithmically driven or personalised.[311] We would expect RTSS providers to decide how to apply the principles together in the context of their own service, recognising that this will differ between providers and change over time. In assessing and demonstrating compliance, we would expect RTSS providers to refer to a combination of qualitative and quantitative evidence. This could include evidence relating to a provider's current allocation processes (and the outcomes of such processes), viewable impressions, or the value of different slots or positions. Where relevant evidence is not routinely collected by providers or third parties, we consider that providers could still assess prominence in other proportionate ways, such as by periodically testing a representative sample.

6.100 In response to Sky's claims that the factors identified by Ofcom are "subjective and dynamic" and would effectively imply a "blanket minimum 50% PSB content in each of any primary content area", the recommended actions are clear that a similar degree of prominence should be achieved across the primary content areas as a whole, not necessarily in each primary content area. RTSS providers may therefore choose to vary the degree of prominence given to public service programmes in different primary content areas. The principles we set out clarify how this may be done – for instance, prominence provided through content tiles that are larger or in higher positions should carry more weight – without setting overly prescriptive parameters.

6.101 In response to those who questioned how compliance would be monitored, we advise RTSS providers to keep records of how they have followed the Code's recommendations and any methodologies used to assess and deliver appropriate prominence. For example, such records may include an explanation of the systems and processes used to follow the recommended actions, or any alternative actions taken to secure appropriate prominence. We also provide more detail about our approach to monitoring in Chapter 13.

6.102 Although we acknowledge techUK's concern that record-keeping could be disproportionate and limit innovation, we consider it would be challenging for RTSS providers to demonstrate that they have taken the recommended actions or otherwise complied with their prominence duties if they do not keep records. We would not, however, expect providers to record how the recommendations have been applied to RTSS on each individual device, as suggested by Everyone TV. Nor do we consider it appropriate to prescribe what compliance should look like in particular content areas, positions or time

[311] We consider the use of algorithms and recommended systems further below in paragraphs 6.132 to 6.133.

periods as suggested by Everyone TV and Paramount, provided that similar prominence is achieved across the primary content areas overall.[312]

6.103 In response to VMO2's concern about the possible burden for RTSS providers of identifying public service programmes, it is the DIPS providers that will need to inform RTSS providers about which programmes contribute to their public service remits, for example through metadata tags or other means. This information is necessary if DIPS providers are to benefit from appropriate prominence for their public service programmes.

6.104 Overall, we consider that reframing the factors relevant to prominence as principles, specifying that providers should have regard to those principles, and explaining how the matters covered by the principles affect the prominence of programmes would support RTSS providers in assessing and demonstrating how they have given public service programmes appropriate prominence. This approach would also give sufficient flexibility to reflect the different characteristics of each RTSS and their audiences. This approach does not prescribe a particular methodology or set of metrics, and allows providers to use evidence and processes appropriate to their circumstances.

Degree of prominence for each DIPS

Our proposals

6.105 The draft Code proposed that RTSS providers may give a different degree of prominence to the public service programmes in each DIPS, in which case they should have regard to the order of the DIPS set out in the app menus recommendation when allocating prominence (proposed actions A2.3 and A2.4).[313]

Summary of responses

6.106 Some PSBs said public service programmes from each DIPS should be guaranteed a minimum amount of prominence in the primary content areas. Channel 4 and S4C argued that without such safeguards, there is a risk that RTSS providers will give a large amount of the prominence to the bigger PSBs at the expense of mid-size and smaller PSBs.[314] ITV also raised concerns that RTSS providers may be incentivised to provide commercial PSBs with a low proportion of prominence and instead force them to pay for additional prominence.[315]

6.107 As a solution, the BBC, ITV, Channel 4 and S4C suggested that the Code could set minimum thresholds for each DIPS. The BBC said the minimum for each PSB could take account of the reach of each DIPS so as to be proportionate to audience usage and expectations. ITV, Channel 4 and S4C suggested there could be minimum floors for each DIPS within the proportion of slots allocated to public service programmes, with the remaining slots to be allocated among the PSBs.[316] It was noted that a similar approach is currently taken with

[312] We respond to stakeholder comments on the transparency given to DIPS providers by RTSS providers in Chapter 11 on the Guidance.
[313] On non-regionalised RTSS, the order is: BBC DIPS; ITV DIPS; Channel 4 DIPS; Channel 5 DIPS; S4C DIPS; and STV DIPS. For users in Wales on a regionalised RTSS, the order is: BBC DIPS; ITV DIPS; S4C DIPS; Channel 5 DIPS; and Channel 4 DIPS. For users outside of Wales on reginalised RTSS, the order is: BBC DIPS; relevant Channel 3 DIPS; Channel 4 DIPS; Channel 5 DIPS; and S4C DIPS.
[314] Channel 4 response, pp.15-16; S4C response, p.4.
[315] ITV response, pp.6-7.
[316] BBC response, p.5; ITV response, pp.6-7; Channel 4 response, pp.15-16; S4C response, p.4.

PSB services on Freely.[317] The British Broadcasting Challenge said that Ofcom should monitor whether smaller PSBs, particularly Channel 5 and S4C, are "systematically underserved" as a result of allowing different degrees of prominence for each DIPS.[318]

6.108 ITV suggested that RTSS providers could be required to provide the allocations of appropriate or additional prominence for each PSB each year before commercial negotiations about additional inventory.[319] It also asked for clarity on how the order of prominence applies in relation to 'appropriate' and 'additional' prominence, querying whether if ITV paid for additional prominence such that it was more prominent than the BBC, would the BBC be then entitled to further prominence without payment so that it is the most promoted service.[320]

6.109 Some RTSS providers also queried how collective recommendations for public service programmes would work in practice. One RTSS provider noted that it negotiates separate deals with PSBs and said it is unclear how PSBs and RTSS providers are expected to negotiate and monitor compliance collectively.[321] [✂]. It also argued that there is a substantial risk the proposals will lead to Ofcom being "locked into a never-ending cycle" of dispute resolution every time an individual PSB and an individual RTSS provider comes to negotiate a new deal.[322]

6.110 One RTSS provider also raised concerns about the practicality of negotiating future agreements with DIPS providers [✂].[323] Roku said that framing prominence in relative terms between PSBs may force providers to adopt the safe harbour in all cases rather than agree alternative arrangements with individual PSBs.[324]

6.111 Some stakeholders also raised specific concerns about how our proposals would secure appropriate prominence for public service programmes from each DIPS on regionalised and non-regionalised RTSS. In particular, STV raised concerns that if prominence allocated to public service programmes from each DIPS follows the recommended app menu order on non-regionalised RTSS, STV programming may be afforded the least prominence of all PSBs in the primary content areas, even in central and northern Scotland.[325] The ACW suggested the Code should include a "regionality requirement" to ensure that public service programmes relevant to Wales are given more prominence in Wales and argued that without this requirement, such programmes will "rarely achieve" prominence on a UK-wide basis.[326]

6.112 More generally, in relation to our approach to including different recommended actions depending on whether an RTSS is regionalised or not, as explained in Chapter 4, one RTSS provider also noted that it would expect RTSS providers to be able to regionalise parts of the UI but not all of it.[327]

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[317] Channel 4 response, pp.15-16; ITV response, pp.6-7
[318] British Broadcasting Challenge response, p.3.
[319] ITV response, pp.6-7.
[320] ITV response, p.7.
[321] [✂].
[322] [✂].
[323] [✂].
[324] Roku response, p.3.
[325] STV response, pp.7-8.
[326] ACW response, p.1.
[327] [✂].

Our assessment

6.113 We have carefully considered stakeholder concerns that our proposals could mean public service programmes included in some DIPS receive very little prominence in the primary content areas. We agree that our proposals may have meant that programmes from some DIPS could have appeared in these areas only rarely, creating a risk that audiences may not be able to access them readily. We consider that this would be addressed by an additional recommendation for public service programmes from each DIPS to appear frequently in the primary content areas.[328]

6.114 We consider that appropriate prominence for programmes from each DIPS would be secured through the combined effect of: a) recommending that programmes from each DIPS should appear frequently in primary content areas; and b) that, when determining the degree of prominence to give to programmes from each DIPS, RTSS providers should have regard to the ordering of the corresponding DIPS apps under the app menu recommendation. This does not prevent RTSS providers from taking account of other relevant factors, provided that they have had regard to that ordering. Different approaches may also be agreed through negotiations between RTSS providers and PSBs.

6.115 We have also considered points made by STV and the ACW regarding how the recommended actions would secure appropriate prominence across regionalised and non-regionalised RTSS. As explained above, RTSS providers should have regard to the recommended order of the DIPS apps when determining prominence given to public service programmes from each DIPS. On regionalised RTSS, this would mean that RTSS providers should have regard to giving more prominence to public service programmes from STV than from Channel 4 and Channel 5 in STV's licence areas, and to public service programmes from S4C than from Channel 5 and Channel 4 in Wales.

6.116 We recognise that, on non-regionalised RTSS, STV and S4C's recommended app menu positions are lower, which may affect the prominence given to their public service programmes in primary content areas; we explain why we consider appropriate prominence can be secured on a non-regionalised RTSS above (see paragraphs 4.68 to 4.75). However, recommending that public service programmes from each DIPS appear frequently should help ensure that audiences can easily discover and access programmes from STV and S4C on these interfaces.

6.117 We have also considered the comment that RTSS providers may be able to regionalise some elements of their UI more easily than others. As explained in Chapter 5 (paragraph 5.87) and Chapter 8 (paragraph 8.68), we now consider it would be appropriate for certain recommended actions to vary depending on whether the RTSS provider has chosen to regionalise the specific UI element to which those actions relate, regardless of whether other UI elements are regionalised. For primary content areas, this means certain recommended actions would depend on whether the presentation of programmes is regionalised, without also depending on whether the presentation of IPS is regionalised (as we proposed in the draft Code).

[328] We also do not consider it necessary to specify that RTSS providers may give a different degree of prominence to each DIPS, as actions A2.3 and A2.4(a) in the draft Code did. We consider this is unnecessary and potentially confusing given the recommended action is likely to involve qualitative assessment, and that the recommended action sets out the order of prominence for relevant DIPS.

6.118 Where the presentation of programmes is regionalised, we consider the following would be appropriate:

a) As proposed, RTSS providers should have regard to the relevant order of DIPS in the user's location when determining the degree of prominence to give to programmes from each DIPS. This approach aligns with the app menu recommendations and audience expectations (see paragraph 5.64).

b) Public service programmes from each DIPS should appear frequently, with the exception of ITV and STV outside their respective licence areas. This reflects the Channel 3 licensing framework, consistent with our approach to app menu recommendations (see paragraph 5.86).

6.119 In response to the British Broadcasting Challenge's comments, if we have concerns that public service programmes from each DIPS are not receiving appropriate prominence, we could open an investigation. We provide more information about our plans for monitoring the effectiveness of the regime in Chapter 13. As with the recommended degree of prominence overall, we consider that the intended outcome for public service programmes from each DIPS to appear frequently should be described qualitatively, rather than through a minimum quantitative threshold. This is because we do not consider that quantitative floors would be able to take account of the dynamic nature of primary content areas or the need to assess prominence by considering the relevant quantitative and qualitative factors together.

6.120 In response to concerns raised by some RTSS providers, we consider that the recommended actions are compatible with bilateral negotiations between RTSS and DIPS providers. We recognise that RTSS providers will need to consider our recommendations when negotiating deals with PSBs once the regime is commenced, as each DIPS provider will seek appropriate prominence for its programming. However, this does not represent a fundamental change; RTSS providers already negotiate with PSBs and other content providers over finite UI space. We expect this will continue, except that RTSS providers will need to consider how each agreement contributes to similar prominence for public service programmes overall and appropriate prominence for programmes from each DIPS.[329]

6.121 As explained above, we consider it is possible for RTSS providers and DIPS providers to reasonably negotiate within the framework we have set out. We would also note that the dispute resolution function is an integral part of the regime and we anticipate that disputes may provide further clarity to providers about the application of the Code in specific circumstances. However, providers should be mindful that disputes should be viewed as a last resort after all other routes to resolve the issue have been exhausted.

6.122 We have considered Roku's comment that our approach may force RTSS providers to adopt the safe harbour in all cases. As we explain in Chapter 3, to benefit from the safe harbour offered by the Code, RTSS providers must take all of the actions it recommends. Providers may choose to take alternative actions, including in relation to an individual DIPS, but would then not be in the safe harbour.

6.123 Taking stakeholder responses and our assessment as set out above into account, we consider that recommending that public service programmes from each DIPS appear frequently in the primary content areas, with the list of DIPS depending on user location on

[329] We consider the transparency given to DIPS providers by RTSS providers in Chapter 11 on the Guidance.

RTSS that regionalise the presentation of programmes, would be effective in securing appropriate prominence for each DIPS. We also consider that recommending providers have regard to the order of DIPS apps in the app menu when determining the degree of prominence to give to each DIPS would be effective in securing appropriate prominence by indicating how they may go about allocating prominence between the DIPS. This approach would mitigate against the risk that programmes from any DIPS would receive very little prominence, while retaining flexibility for RTSS providers to allocate prominence in ways that take account of the individual characteristics of their services, audience needs and contractual agreements.

Personalisation and user choice in the primary content areas

Our proposals

6.124 We proposed that the recommended actions for the primary content areas would apply to the relevant disaggregated content areas, including those showing algorithmic recommendations, but not to areas personalised by the user, such as 'my list' and 'continue watching'.

Summary of responses

6.125 Some RTSS providers questioned how the recommended actions for the primary content areas would apply to increasingly personalised UIs. For example, Amazon said that the recommended actions for primary content areas are "fundamentally at odds" with how modern RTSS present content to users. Amazon argued that its "personalised, user-responsive approach" does not lend itself to fixed allocations of prominence. It also said that where a user does not select or engage with a DIPS during the out-of-box set-up journey, that choice should be respected, and it would be incongruous to subsequently present that user with public service content from that DIPS.[330]

6.126 YouView also asked for clarification on how the recommended actions apply to areas which are algorithmically curated, are personalised or dynamically updated based on user behaviour, or are prescriptive such as 'most popular'. It said that recommender systems are designed to surface relevant content to each user and that fixed prominence requirements overriding these signals could reduce the effectiveness of these systems and of content discovery for audiences.[331]

6.127 Google said that user preference and experience should not be negatively impacted by "overly weighting the scales" in favour of PSBs beyond what is "proportionate" to secure appropriate prominence. It suggested that the recommended actions would mean that users find less value in the UI and focus more of their engagement on the personalised experiences available to them (e.g. in global IPS apps), which Google expects will entrench falling PSB engagement.[332] With regards to user choice more broadly, LG argued that if public service programmes are to be promoted across multiple UI areas, users must have the "right" to opt out of promotion in those areas.[333]

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[330] Amazon response, p.3.
[331] YouView response, p.5.
[332] Google response, p.5.
[333] LG response, p.17.

6.128 On the other hand, the PSBs raised concerns about the increased use of algorithms and personalisation on connected TV UIs. For example, Channel 4 noted that these are becoming more important in determining the programmes displayed in primary content areas, which it said creates risks for PSB prominence.[334] ITV supported not including a "carve out" for user customisation in the primary content areas and said the Code should be clear that the use of algorithms or AI to power content recommendations and discovery in the primary content areas does not "override" the requirement for RTSS providers to deliver prominence for public service programmes there.[335] Similarly, the BBC said that personalised rails cannot be used to mask non-compliance or allow RTSS providers to claim the thresholds are undeliverable because they have no control over the algorithm.[336] The VLV said PSB programmes should be actively surfaced in primary content areas rather than relying on algorithmic ranking.[337]

6.129 The BBC also called for guidance on how the legislation should be applied as algorithms driven by user behaviour to decide the layout of the UI become more popular. It said that PSBs play a crucial role in delivering content to audiences that might be less popular but still delivers societal value, for example by 'hammocking' news and current affairs programmes between popular entertainment shows on the linear schedule. The BBC argued that for PSBs to fulfil their public service remit, a UI must not be solely driven by "commercial imperatives that maximise for relevance or popularity and therefore circumvent PSB prominence and its benefits to audiences".[338]

6.130 The British Broadcasting Challenge said there is no mechanism for Ofcom to verify how algorithms treat PSB content in practice and as algorithmic recommendation becomes the "primary discovery mechanism", transparency and audit mechanisms will be needed.[339]

Our assessment

6.131 The Act places a duty on RTSS providers to give appropriate prominence to public service programmes so far as their prominence is affected by the operation of the service. We recognise that UIs, including the primary content areas, are increasingly dynamic and algorithmically driven. These features can enable RTSS providers to innovate how programmes are presented and discovered and benefit users by offering personalised experiences, including programme recommendations based on previous viewing behaviour. However, it is important to be clear that RTSS providers remain responsible for ensuring that the resulting recommendations give public service programmes appropriate prominence.

6.132 Regarding Amazon's feedback that public service programmes from a particular DIPS should not be presented to users where a user chooses not to download that DIPS during set-up, as explained in Chapter 5, RTSS providers should ensure the DIPS apps are available to all users when the device is set-up. We do not think a user's decision to make a DIPS app less prominent, or even to remove it from the app menu, should determine the prominence given to public service programmes from that DIPS in the primary content areas. This would mean that such a DIPS would get very little, if any, prominence on the

[334] Channel 4 response, pp.12-13.
[335] ITV response, p.8, 13.
[336] BBC response, pp.5-6.
[337] VLV response, pp.5-6.
[338] BBC response, p.7.
[339] British Broadcasting Challenge response, pp.7-8.

RTSS, which in our view is not consistent with the regime's aims of securing appropriate prominence. Rather, we believe it is necessary for securing appropriate prominence that users who deprioritise or remove a DIPS from an app menu can still easily discover public service programmes from that DIPS elsewhere on the RTSS. As such, RTSS providers should still follow the Code in relation to such DIPS. For the same reason, we disagree that users should be able to opt out of seeing public service programmes in the primary content areas, as suggested by LG.

6.133 In response to Youview and Google's comments, we believe that the recommended actions would allow effective discovery systems that support a positive user experience. The regime is designed to secure that public service programmes receive appropriate prominence so that all audiences can receive the benefits of a wide range of programmes, including both public service and other media. Public service programming is intended to collectively serve all audiences in the UK, and includes a broad range of programming that appeals to a wide range of audiences.. We therefore do not consider our recommendations would undermine the use of dynamic and personalised UIs, but acknowledge that RTSS providers may need to make changes to recommender systems and/or algorithms so that content recommendations are delivered in a way that is consistent with the Code.

6.134 As platforms remain accountable for algorithmic outputs, we do not think we need to prescribe how algorithms should work provided that the recommended actions are taken. However, we are mindful that the technology behind recommender systems is developing at pace and we will consider taking enforcement action if we find that RTSS providers are not meeting their appropriate prominence duties because of their use of algorithms.

6.135 Taking stakeholder responses and our assessment as set out above into account, we consider that our recommended actions would be compatible with the use of algorithmic recommendations, and therefore that appropriate prominence can be secured in these types of content areas. RTSS providers would retain flexibility in how their recommender systems operate, but remain responsible for the prominence outcomes those systems produce.

Determining which public service programmes are presented in the primary content areas

Our proposals

6.136 In the Consultation, we explained that if a DIPS includes both public service and other programmes, DIPS providers may need to take additional steps to inform RTSS providers about which programmes are public service programmes such as through metadata tagging. Neither the draft Code nor the Consultation specified the extent to which DIPS providers should have control over which programmes are presented in the primary content areas and how those programmes are presented.

Summary of responses

6.137 ITV and Channel 4 argued that PSBs should have control over the public service programmes included in the primary content areas. ITV said Ofcom is "silent" on which programmes from a DIPS should be promoted, who they should be promoted to, and who should make those decisions. It noted that RTSS providers typically control areas outside of PSB apps and argued that there is a risk to the delivery of public service outcomes unless the selection of programmes to be promoted and the target audience of that promotion

are core terms under the Guidance.[340] The BBC argued that any partner managed rail should be curated by BBC editorial teams in line with its Distribution Policy condition on editorial control, in a way that does not place an unnecessary burden on BBC editorial resources.[341]

6.138 Channel 4 said some platforms are moving away from allowing editorial curations in favour of more algorithmic personalisation and paid-for content. It said that some RTSS, such as Google TV, are now driven almost entirely by algorithms about which Channel 4 has no information or data. It argued that PSBs need to shape their contribution to the mix of programmes displayed via an RTSS, to ensure a sufficient range is shown for remit delivery. Channel 4 suggested a new recommended action for RTSS providers to make arrangements to allow PSBs to have editorial discretion over the programmes from their own services shown in the disaggregated content areas across the UI. It said this is not incompatible with personalisation and automatic recommender systems.[342]

6.139 On the other hand, Google said Ofcom should confirm that editorial oversight or control of the RTSS (or elements within) by the PSBs (as a whole or individually) would be deemed an additional term.[343] [✂].[344]

Our assessment

6.140 In assessing these comments, we recognise that the PSBs have full editorial control over the selection and organisation of the programmes included in their DIPS. The Code sets out recommended actions for giving appropriate prominence both to the DIPS apps, which are currently the main route through which users access content, and to individual public service programmes.

6.141 We have carefully considered stakeholder arguments that PSBs should be able to influence which of their programmes are presented in primary content areas. The purpose of the Code is to set out recommended actions that RTSS providers may take to comply with their duty to give appropriate prominence to public service programmes from each DIPS, rather than to determine which individual programmes should be presented. We nevertheless anticipate that the interests of platforms and PSBs will generally be aligned to promote public service programming that appeals to users and which takes account of their preferences. We therefore do not consider it necessary for securing appropriate prominence to include a recommended action for RTSS providers to give PSBs control over the selection of public service programmes in primary content areas.

6.142 However, we would be concerned if an RTSS provider's approach to public service programme selection in primary content areas were to undermine the benefits to audiences of the recommendations we have developed to secure appropriate prominence. We will keep this area under review.

[340] ITV response, pp.12-13.
[341] BBC response, p.8.
[342] Channel 4 response, p.17.
[343] Google response, p.7.
[344] [✂].

Accessing and watching public service programmes in the primary content areas

Our proposals

6.143 The draft Code proposed that users should be able to easily access public service programmes from the primary content areas in which those public service programmes are presented (action A2.5). We said in the Consultation that if limitations in technical functionality prevent the user from clicking on a tile and accessing a programme, this would be inconsistent with the recommendation. We also said that we expect any necessary metadata integration to be completed to ensure that users can access and watch the programmes from the primary content areas where they are presented.[345]

Summary of responses

6.144 ITV said that it interprets action A2.5 as aiming to ensure that viewers can easily access programmes from all primary content areas by helping to ensure that programmes from DIPS are prominently included in all such areas. It said this action should prevent RTSS providers from refusing to include remit-delivering PSB programmes within those areas.[346]

6.145 ITV also noted that, in some cases, a programme may be available from multiple sources within a single RTSS. It argued that free PSB programmes should always be the default and/or the most prominent option.[347] Google however said that programmes can be available from multiple providers and suggested that an RTSS should be able to consider a programme to be public service if it is available on a DIPS, no matter where it is played back by the user.[348]

6.146 Everyone TV said that, in some instances, users are directed to DIPS that are hosted within other apps when clicking on public service programmes, rather than to the DIPS app itself. It argued this issue is likely to grow as more content providers make their programmes available across different apps, and said it should be clear that users clicking on public service programmes in the disaggregated content areas are directed to the provider's own app.[349]

Our assessment

6.147 In response to ITV's interpretation of recommended action A2.5, the purpose of this recommendation is to ensure users can easily access and watch public service programmes presented in the primary content areas, for example by clicking on programme tiles. This recommendation does not mean public service programmes must appear in all primary content areas, nor that RTSS providers must include certain public service programmes in these areas, as explained in paragraphs 6.140 to 6.142 above.

6.148 We have considered comments from ITV and Google about programmes available through multiple playback routes.[350] Whether a programme is a public service programme depends on the service in which it is included. The same programme may be included in both a DIPS

[345] Paragraph 3.121 of the Consultation.
[346] ITV response, pp.7-8.
[347] ITV response, p.13.
[348] Google response, p.6.
[349] Everyone TV response, p.6.
[350] Multiple playback routes means where the same programme is available to be viewed on more than one IPS.

and a non-DIPS, but it can only be a public service programme in relation to its inclusion in the DIPS. This reflects the fact that the prominence regime is intended to secure appropriate prominence for the DIPS through which PSBs fulfil their public service remits as well as the individual public service programmes included in them.[351] As such, if a user is only presented with, and able to access, the programme on a non-DIPS, this would not amount to presenting a public service programme for the purpose of the primary content areas recommendation. For the avoidance of doubt, RTSS providers do not have to present all possible playback routes for a programme featured in the primary content areas.

6.149 With regards to ITV's suggestion that free PSB content should always be the default and/or the most prominent playback option, we do not think that it is necessary to recommend a set order in which available playback routes should appear for appropriate prominence to be secured. We believe RTSS providers should retain flexibility in how they present the different options, which is in line with our high-level principle that audiences should continue to benefit from a range of programmes, including public service programmes and programmes from other content providers. As set out above, a programme is only public service in relation to its inclusion in a DIPS, and it is these programmes that should be given prominence in line with the recommended actions in our Code.

6.150 Regarding Everyone TV's comments, actions A2.5 (and A3.6) state that users should be able easily to access public service programmes from where they are presented. This means that users should be able to access the programme as included in the DIPS. For example, where a DIPS is made available on the RTSS through an app and public service programmes are made available through deep links to the DIPS app, users should be taken into the DIPS app.

6.151 Taking stakeholder responses and our assessment as set out above into account, we consider that recommending that users should be able easily to access public service programmes from the primary content areas in which they are presented would be effective in supporting easy discovery and access and therefore securing appropriate prominence, while allowing RTSS providers flexibility over the playback routes they make available.

Impact on providers

Technical feasibility

Our position at consultation

6.152 We provisionally concluded that our proposed recommended actions for primary content areas were technically feasible. They would apply only where an RTSS already had one or more disaggregated content areas and/or a primary promotional area, and we did not propose that RTSS providers develop these features where they did not already have them. The recommended actions were neutral to the specific design or functioning of primary content areas, such that RTSS providers would also retain discretion over the presentation

[351] The appropriate prominence duty applies to "material that is public service remit content or contributes to the promotion of one or more of the BBC's public purposes included in that designated internet programme service" (section 362AO(3) of the Act). "Public service remit content" is defined in section 362AA(12) of the Act.

of content in these areas. We therefore did not expect there to be technical barriers to implementing the proposed actions.

Summary of responses

6.153 As set out above, respondents' comments related to technical feasibility focused on the practical implications of applying the recommendations across dynamic, personalised and algorithmically curated content areas.[352]

Our assessment

6.154 We explain in previous subsections that the recommended actions are capable of being implemented in different kinds of content areas, including where these are dynamic, personalised or algorithmically driven. We therefore remain of the view that there are no technical barriers that would prevent providers from following the recommended actions. Some providers may nevertheless need to make changes to existing systems or processes, and we consider the associated resource costs below.

Impacts on RTSS providers: direct resource costs

Our position at consultation

6.155 We recognised that some RTSS providers might need to change how their primary content areas function to implement our proposed recommendations and that they would incur resource costs in doing so. We considered that these costs would depend on the specific circumstances of each RTSS provider and the approach it took to implementation.

6.156 We identified potential costs incurred to ensure that relevant systems and processes can distinguish public service programmes, for example using labels or tags. We also recognised that providers could incur costs to update processes used to select and display programmes in primary content areas. This could involve changes to manual processes, such as editorial curation, and/or automated processes, such as algorithmic recommendations. There could also be costs associated with testing changes and monitoring prominence on an ongoing basis to ensure that the intended outcome was achieved.

6.157 We considered that following the proposed recommendation would not require RTSS providers to develop wholly new or complex systems. Although some development costs could arise, we had not seen evidence to suggest that these would be significant relative to the costs of establishing and maintaining the RTSS. We recognised, however, that very substantive modifications, including changes to recommender algorithms, could entail greater costs.

6.158 We said that the costs of modifying these existing features would typically be expected to be similar or smaller to the cost of developing new UI features. Evidence from a small number of RTSS providers indicated that the one-off costs of introducing some new TSS features could be in the low hundreds of thousands of pounds,[353] while one provider

[352] See subheadings 'The degree of prominence for public service programmes overall' and 'Personalisation and user choice in the primary content areas - Summary of responses'.
[353] [✂].

indicated that the total one-off and ongoing costs of introducing a new feature could be significantly higher.[354]

Summary of responses

6.159 As set out above, some respondents identified potential complexity associated with applying the recommendations across dynamic content areas and assessing prominence. This included determining how the factors relevant to prominence should be weighted or aggregated and assessing prominence where programme presentation reflects algorithms, editorial decisions and user behaviour. Some RTSS providers said this would entail significant implementation and compliance costs.[355]

6.160 One RTSS provider said that it might need to devote "significant business intelligence and technology resources" to developing and implementing prominence-related tracking and compliance mechanisms, for which it had no established solution.[356] LG said that monitoring, recording and maintaining structured databases of prominence activity would be "unprecedented" and would "impose significant unrecoverable costs".[357]

6.161 TechUK, YouView and VMO2 identified potential operational impacts associated with monitoring and demonstrating compliance, including maintaining records for dynamic content areas, responding to changes in which areas are in scope and identifying public service programmes. TechUK said that operational and financial burdens would affect innovation and device differentiation.[358]

Our assessment

6.162 Our assessment of these impacts remains broadly the same as at Consultation. Some providers may need to change their systems used to select and present programmes, including recommender systems or algorithms. Providers will also need an appropriate method to monitor or control the degree of prominence given to public service programmes from each DIPS and ensure this is consistent with the recommended actions. We recognise that this may result in implementation and ongoing compliance costs, including costs associated with making and testing changes, and collecting, retaining or analysing relevant evidence.

6.163 However, our recommended actions retain substantial flexibility. We do not prescribe a particular UI design, technical solution, methodology or set of metrics. Nor do we prescribe weights for the different principles relevant to prominence, as their significance may vary according to the design and operation of each RTSS.

6.164 The change from giving public service programmes 'no less' to a 'similar' degree of prominence to other programmes, together with the further explanation we have provided, makes clearer that the recommendation does not require precise quantification of all prominence outcomes in primary content areas. We recognise that RTSS providers

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[354] [✂].
[355] See subheading 'The degree of prominence for public service programmes overall – Summary of responses'.
[356] [✂].
[357] LG response, p.16.
[358] techUK response, p.6; YouView response, p.5; VMO2 response, p.4. See subheadings 'The interpretation of primary content areas – Summary of responses'; 'The degree of prominence for public service programmes overall – Summary of responses'.

may consider a combination of quantitative and qualitative information to assure themselves that the recommended degree of prominence is being achieved.

6.165 We have also added recommended action A2.6 to clarify how providers should establish which areas are the primary content areas. This is non-prescriptive, based on objective principles, and, unlike the proposed definition of 'primary content areas' in the draft Code, does not refer to areas which users engage with most. This revision should reduce the need for any additional measurement of user engagement.

6.166 Taking the stakeholder responses and our assessment set out above into account, we consider that the likely direct resource costs of implementing the recommended actions would be proportionate in light of the expected benefits.

Impacts on RTSS providers: value transfers and other costs

Our position at consultation

6.167 In the Consultation, we recognised that our proposals could transfer value from RTSS providers to DIPS providers by causing appropriate prominence to be provided to DIPS without payment. This could create an opportunity cost, where space allocated to public service programmes could otherwise have been allocated to other programmes. We considered that this could reduce revenues for some RTSS providers. We indicated that the possibility of higher prices for scarcer remaining placements could mitigate this impact and noted that providers retained sufficient flexibility in UI layout and design to still offer a range of commercially attractive placements.

Summary of responses

6.168 As set out previously, several RTSS providers objected to applying recommendations to advertising or monetised promotional areas.[359]

6.169 Some RTSS providers made specific comments about significant revenue and wider business impacts. LG said that including the hero banner could affect the sustainability of its UK operations and estimated that it would lose [✂] of its hero banner advertising revenue, based on 2025 data.[360] TechUK suggested that requirements affecting advertising space could particularly threaten smaller device manufacturers.[361] One RTSS provider also had concerns that the proposals could pose a substantial risk to its business model, [✂].[362] [✂].[363] [✂].[364]

6.171 Amazon, LG, Roku and techUK disagreed with our consultation view that reduced advertising inventory might be partly offset by higher prices for remaining placements.[365] They said that advertising prices are constrained by advertiser demand, campaign budgets and competition from other media channels and therefore would not necessarily rise as inventory became scarcer. Samsung noted that advertisers can choose between

[359] See subheading 'The inclusion of the hero banner – Summary of responses'.
[360] LG response, p.2.
[361] techUK response, p.5.
[362] [✂].
[363] [✂].
[364] [✂].
[365] Amazon confidential response, p.4; LG response, p.14; Roku response, p.6; techUK response, p.5.

advertising on TV UIs and other media channels, while Roku and techUK asked for the evidence supporting our assumption.[366]

6.172 As set out previously, Sky argued that the proposals did not account for its "unique business model" as a subscription RTSS or the expectations of its customers, and could reduce the prominence of Sky's own programmes.[367] It considered that appropriate prominence should be assessed in the context of the RTSS, and that Sky is in a materially different position to other RTSS providers.

6.173 Sky said our assessment understated the impact on it. In particular, Sky considered that we had incorrectly assumed that all RTSS providers monetise primary content areas. Sky said it does not monetise content recommendations in these areas, but uses them to promote content that it considers its subscribers are most likely to watch.[368] It considered that Sky customers expect to see Sky content (which they are paying for) and if a customer is dissatisfied with the value of their subscription then they will cancel it.[369]

6.174 [✂].[370]

6.175 [✂].[371] [✂].[372] [✂].[373]

Our assessment

Primary promotional areas

6.176 As clarified previously,[374] the recommendation focuses on the degree of prominence given to public service programmes relative to that given to other programmes. Several RTSS providers that raised concerns about advertising revenues use part of their primary promotional areas to advertise goods and services that are not programmes. Such advertising, and any associated revenues, are not directly affected by our recommended actions.

6.177 The recommended actions apply across primary content areas taken together, rather than recommending a particular allocation in the primary promotional area specifically. RTSS providers may therefore choose to give non-public service programmes greater prominence in the primary promotional area, provided that the recommended action is achieved across the primary content areas overall.

6.178 We acknowledge stakeholder comments that, where the recommended actions reduce the space available for monetisation, the resulting revenue impact cannot necessarily be mitigated by charging higher fees. We recognise that market forces may constrain RTSS providers' ability to increase fees and therefore do not assume that such impacts can be mitigated in this way. Nevertheless, we remain of the view that our recommendations leave appropriate scope for RTSS providers to offer a range of commercially attractive placements, should they choose to do so.

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[366] Roku response, p.6; Samsung response, pp.10-11; techUK response, pp.5-6.
[367] Sky response, p.2, 16-18.
[368] Sky response, pp.22-24.
[369] Sky response, p.18.
[370] [✂].
[371] [✂].
[372] [✂].
[373] [✂].
[374] See subheading 'The inclusion of the hero banner'.

6.179 In light of the above, we still consider that the impacts of including primary promotional areas within the scope of the recommended actions would be proportionate.

Value transfers and impacts on subscription revenues

6.180 We recognise that RTSS providers may derive value from primary content areas in different ways. Some providers monetise placements directly, while others may use these areas to promote their own programmes, support viewing and differentiate their services. Where RTSS providers give prominence to public service programmes, that space on the UI cannot be used for other purposes. This opportunity cost is inherent to the regime and may result in transfers of value from RTSS providers to DIPS providers.

6.181 As set out earlier in this section, we consider that the recommended actions – including a similar degree of prominence for public service programmes and other programmes – would be effective in achieving appropriate prominence. However, we recognise that they may have material financial impacts on RTSS providers, which may differ by RTSS. We have therefore considered whether it would be appropriate to vary the recommended actions for the primary content areas. This may be appropriate if following a given set of recommended actions would have a disproportionate impact on particular RTSS provider(s) or type(s) of RTSS provider.

6.182 We have carefully considered Sky's comments about its "unique" business model. We acknowledge that Sky, like other pay TV operators, provides access to its RTSS on a subscription basis, whereas access to other RTSS typically depends on purchasing a device. That said, Sky also shares relevant features with other platforms. Several other RTSS providers are vertically integrated and can therefore benefit from promoting their own content or services in the UI, as Sky can. Further, all RTSS are a means to access content from various content providers. Sky's bundles include SVoD subscriptions that are available on other platforms, and other platforms make Sky content available, including through Sky's NOW service. Users who subscribe to premium content may have a preference for such content to be easily discoverable, regardless of the RTSS they use.

6.183 In this context, Sky raises concerns about impacts being disproportionate for its service in particular. It noted that if a Sky customer is dissatisfied with the value of their Sky subscription, they will cancel it, and in the case of Sky Q and Sky Stream, automatically lose access to the RTSS itself.

6.184 While recognising that this type of impact is plausible, we expect the extent of any impact to be moderate. We note that PSBs account for around half of total viewing across Sky's RTSS, broadly in line with non-Sky audiences.[375] This does not suggest that Sky customers would be particularly likely to react negatively if public service programmes were given similar prominence to other programmes. Furthermore, all RTSS providers would retain the option to show more of their own content in primary content areas than any other individual provider's content, as well as promoting their content through other disaggregated content areas and marketing channels. This flexibility would help to mitigate any negative impact.

6.185 [✂].[376]

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[375] Barb as-viewed data for PSB channel groups (including BVoD services), all individuals (4+), viewer minutes via TV sets only, 2025.
[376] [✂].

6.186 [✂].

6.187 [✂].[377] [✂].[378] [✂].

6.188 Taking the evidence and our assessment set out above into account, we consider that Sky substantially overstates the financial impact of our recommendations for primary content areas.

6.189 While we recognise that the impact of the recommended actions will vary across RTSS providers, in all cases we consider that the likely impact is proportionate in light of the benefits. We consider that variation in impact does not justify taking a different approach to the recommended actions in primary content areas across providers (as suggested by Sky), particularly as this means some RTSS users would benefit to a lesser extent from the prominence regime.

Variation in impacts between RTSS providers

6.190 Consistent with our position in the Consultation, the available evidence indicates that public service programmes currently tend to receive less prominence than other programmes on average, with significant variation between RTSS providers. This indicates that the impact of the recommended action will vary between providers.

6.191 We have analysed an indicative measure of content prominence on 12 RTSS using data from a third-party provider (Looper).[379] Over the 12 months to September 2026, public service programmes accounted for approximately 38% of programmes shown in prominent UI areas on average.[380] There was significant variation between RTSS. Public service programmes accounted for over 50% of programmes captured on two RTSS, between 25% and 50% on six RTSS and less than 25% on four RTSS. These estimates do not provide a comprehensive measure of prominence under our recommended actions, but illustrate the variation in current levels of prominence between RTSS.

6.192 We therefore expect the scale of change required to vary between RTSS. Providers that already give public service programmes closer to similar prominence may need to make limited changes, while those where the gap is greater may need to make more significant changes. However, the potential audience benefits of our recommended actions are also greater where public service programmes currently receive less prominence. We therefore consider that, although the impacts would vary between RTSS providers, they would be proportionate in light of the expected benefits.

Impact on DIPS and other IPS providers

Our position at consultation

6.193 In the Consultation, we recognised that DIPS providers could incur costs in identifying public service programmes for RTSS providers, for example through metadata, but considered this necessary to secure appropriate prominence.

6.194 We expected the proposals to increase the visibility and potentially the viewing of public service programmes, although the benefits would vary across different DIPS and RTSS

[377] [✂].
[378] [✂].
[379] See Annex 4: Evidence and Methodology.
[380] Over the three months from July to September 2026, the corresponding figure was approximately 39%.

providers. Other IPS providers could experience reduced prominence and viewing, but we expected these impacts to be moderate in most cases because substantial space would remain available for their programmes. Where impacts would be greater because public service programmes initially received relatively little prominence, we considered these impacts justified by the resulting audience benefits.[381]

Summary of responses

6.195 Several PSBs raised concerns about the distribution of prominence between each DIPS. Channel 4, S4C and ITV raised concerns that RTSS providers could concentrate prominence on the larger PSBs, leaving other PSBs with limited prominence or requiring them to pay for additional prominence.[382]

6.196 Bectu also disagreed with our impact assessment. It argued that, without further guarantees, RTSS providers could deprioritise PSBs and favour higher-yield commercial genres and internationally negotiated catalogue placements, deepening the structural disadvantages facing PSBs and contributing to a further decline in PSB revenues.[383]

6.197 Google identified a potential impact on other IPS providers, arguing that the proposed degree of prominence could reduce the opportunities available to smaller content providers to engage with audiences.[384]

Our assessment

6.198 We remain of the view that the recommended actions would moderately increase the overall prominence of public service programmes across platforms, though the size of this effect may vary significantly by RTSS, given the current variation in prominence across RTSS.

6.199 We also expect that benefits to each DIPS provider will vary. The additional recommendation that programmes from each DIPS should be presented frequently should particularly benefit smaller DIPS that could otherwise receive more limited prominence.[385] The recommendation to have regard to the specified order of DIPS should also support outcomes that broadly reflect audience expectations (consistent with our rationale for DIPS order in our app menu recommendations), without prescribing precise allocations. Larger PSBs may not see significant increases in prominence on certain RTSS where they already receive relatively high prominence, but our analysis identifies several RTSS where prominence of public service programmes overall is relatively low, such that both large and smaller PSBs are likely to benefit from the recommended actions.

6.200 We do not agree with Bectu's concern that RTSS providers could favour other programmes over public service programmes. We consider this risk is adequately addressed by recommending a similar degree of prominence for public service and other programmes

[381] Paragraphs 3.137 to 3.139 of the Consultation.
[382] Channel 4 response, p.15; S4C response, pp.4-5; ITV response, pp.6-7.
[383] Bectu response, p.3.
[384] Google response, pp.5-6.
[385] Our analysis of Looper data indicates that prominence is currently concentrated on the four largest PSBs, while smaller DIPS generally receive more limited prominence. The prominence received by each DIPS also varies between RTSS. See Annex 4.

together with the recommendation that programmes from each DIPS should be presented frequently.

6.201 With respect to Google's comments about impacts on other IPS providers, we note the statutory framework necessarily gives DIPS and public service programmes a degree of protection that is not extended to other IPS. However, recommending similar prominence ensures users will continue to be able to discover and access a wide range of IPS and content. We consider that any such impact is a proportionate consequence of achieving the statutory objectives and does not go further than necessary.

6.202 Taking the stakeholder responses and our assessment set out above into account, we consider that the recommended actions would benefit DIPS providers overall by securing appropriate prominence for programmes from each DIPS, while leaving substantial scope for the presentation and promotion of programmes from other IPS providers. We therefore consider that the impacts on DIPS and other IPS providers would be proportionate.

Our decisions and final recommended actions

6.203 Having considered the matters set out above, and having considered all of the evidence and the responses to the Consultation, we have decided to include the recommended actions for primary content areas described below. Our view is that these recommended actions will be effective in securing appropriate prominence for public service programmes from each DIPS by ensuring they are presented in the content areas that users are most likely to encounter, while still offering users sufficient programmes from other IPS to choose from. We consider the likely impacts of this recommendation will be proportionate.

6.204 The box below summarises the final recommended actions, and explains the principal changes we have made from our proposals. It also summarises some other relevant amendments that we have made for consistency and clarity.[386] The full text of the recommended actions is in the final Code at Annex 2, at recommendation A2.

Summary of our final recommended actions and changes from our proposals:

- **Action A2.1:** The primary content areas recommendation applies to RTSS that have either or both of the following: one or more disaggregated content areas; and a primary promotional area.
  Changes from consultation proposals: None.

- **Action A2.2(a)**: Across all of the primary content areas taken together, the provider should ensure that the degree of prominence given to public service programmes (taken together) is similar to that given to other programmes (taken together).
  Changes from consultation proposals: We have reworded the recommended degree of prominence so that public service programmes should receive a 'similar' degree of prominence to other programmes, rather than being 'no less' prominent.

- **Action A2.2(b)**: In taking action A2.2(a), the provider should have regard to these principles:

[386] The changes to the draft Code are set out in Annex 6: Comparison of the Draft and Final Code of Practice.

- the greater the proportion of total programmes that are public service programmes, the greater the degree of prominence of public service programmes (taken together);
- the longer a programme is presented, the greater its prominence;
- programmes presented in positions more likely to enable easy discovery and access are more prominent;
- programmes presented during periods of higher user engagement or viewing are more prominent;
- programmes presented in a way more likely to enable easy discovery and access are more prominent; and
- any other principle that is relevant to giving prominence to programmes on the RTSS.

Changes from consultation proposals: We have reframed the "factors" relevant to giving prominence to programmes in the primary content areas as "principles", providing more detail on when a programme should be considered to be more prominent. We are also recommending that providers have regard to these principles, rather than (as proposed) ensuring that the recommended degree of prominence is given in relation to them.

- **Action A2.3:** The provider should ensure that programmes from each DIPS are frequently presented in the primary content areas. The DIPS from which programmes should be shown depends on whether the presentation of programmes differs for users in different areas of the United Kingdom, and where a user is located.
  Changes from consultation proposals: We have removed the proposed action relating to giving a different degree of prominence to programmes from each DIPS.[387] We have added an action recommending programmes from each DIPS are presented frequently in the primary content areas, which depends on whether the presentation of programmes is regionalised.

- **Action A2.4:** The provider should have regard to the recommended order of the DIPS apps in action A1 when determining the degree of prominence to give to public service programmes included in each DIPS. The relevant order depends on whether the presentation of programmes is regionalised on the RTSS and where a user is located.[388]
  Changes from consultation proposals: We have removed proposed action A2.4(a) related to giving a different degree of prominence to the public service programmes included in each DIPS. We have also changed the condition regarding when the recommended actions for regionalised RTSS apply. This now depends on whether the presentation of programmes differs for users in different areas of the United Kingdom. In the draft Code, this depended on whether the presentation of IPS and/or programmes differ for users in different areas of the United Kingdom.

[387] For the avoidance of doubt, RTSS providers may choose to give a different degree of prominence to the public service programmes from each DIPS. We do not think it necessary for the Code to specify this.
[388] For consistency across the Code and with the wording of the statutory duties, the final wording of this action refers to the greatest and lowest "degree of prominence", rather than "most prominent" and "least prominent"as used in the draft Code.

- **Action A2.5:** The provider should ensure that users are able to easily access public service programmes from the primary content areas in which those programmes are presented.[389]

  Changes from consultation proposals: No substantive changes.

- **Action A2.6(a)**: This provision describes which disaggregated areas of an RTSS are primary content areas. These are:
  - > where the RTSS has a primary promotional area and no disaggregated content area, the primary promotional area;
  - > where the RTSS has no primary promotional area and one disaggregated content area, that disaggregated content area;
  - > where the RTSS has no primary promotional area and more than one disaggregated content area, the most prominent disaggregated content areas such that at any one time a substantial number of programmes are presented in those areas;
  - > where the RTSS has a primary promotional area and one disaggregated content area, the primary promotional area and that disaggregated content area; and
  - > where the RTSS has a primary promotional area and more than one disaggregated content area, (1) the primary promotional area and (2) the most prominent disaggregated content areas such that at any one time a substantial number of programmes are presented in those areas.

- **Action A2.6(b)**: In determining which disaggregated content areas are the most prominent, the provider should have regard to the following principles:
  - > disaggregated content areas presented in a way more likely to enable easy discovery and access to the programmes included in them are more prominent;
  - > disaggregated content areas that are immediately visible once the user has navigated to the page on which they are located are more prominent;
  - > the nearer the top of the page a disaggregated content area is positioned, the greater its prominence;
  - > the fewer the number of clicks (or equivalent) to reach a disaggregated content area, the greater its prominence; and
  - > any other principle relevant to the prominence of disaggregated content areas on the RTSS.

  Changes from consultation proposals: Action A2.6 is a new recommended action. We have moved the description of which areas of an RTSS are primary content areas from the definitions in Section 3 to this action. We have clarified which areas are primary content areas, in particular on RTSS which have more than one disaggregated content area. We have added principles that RTSS providers should apply in determining which disaggregated content areas are the most prominent and therefore primary content areas.

Other relevant changes:

- **Inclusion of paragraph 3.6 in Section 3:** This paragraph makes clear that where an action in the Code recommends that the provider gives public service programmes a similar degree of prominence to other programmes, this does not prevent the provider from giving public service programmes a greater degree of prominence.

[389] The proposed action said "users should be able to…", and we have changed this to "the provider should ensure…" to make clear who should take the recommended action and for consistency across the Code.

- **Change to the definition of "primary content areas":** This term is now as described in action A2.6.
- **Change to the definition of "disaggregated content area"**: We have changed the proposed definition to clarify that this is a distinct area of the UI in which multiple programmes are grouped together, often by a common theme and presented as tiles in a row or rail.
- **Change to the definition of "primary promotional area"**: We have clarified that this area may also be used to promote or advertise other goods and services that are not programmes.
- **Change to the definition of "public service programmes"**: To better align with the wording of section 362AO of the Act, we have amended this definition to clarify that programmes included in BBC iPlayer are public service programmes where they "*contribute to the promotion of one or more of the BBC's public purposes*".
- **Change to the explanatory text related to the statutory term "programme"**: We have removed the proposed explanatory wording that this includes series and films. We consider it clear that the statutory definition includes films, and that our recommended actions apply to programmes presented as series.[390]

[390] As we do not provide any notes in addition to the statutory defined terms, Section 3 of the final Code does not refer to any such notes as it did in the proposed draft Code.

7. Prominence Code of Practice: Search

Search functions on a TSS enable a user to find programmes by typing search terms or, on some devices, via speech. Search is a useful way for audiences to discover and access a wide range of programmes and can help deliver the aims of the regime by encouraging greater viewing and awareness of public service programmes.

We are broadly confirming the proposals we consulted on but have decided to make some amendments in response to stakeholder feedback. We provide a summary of the final recommendations at the end of this chapter, including any changes we have made. We consider these changes to our proposals will provide greater clarity for RTSS providers, helping to better secure appropriate prominence for public service programmes in search, while ensuring providers still have flexibility to vary and innovate their services. We consider the likely impact of our decisions on RTSS providers, DIPS providers and other IPS providers to be proportionate.

7.1 In this chapter, we apply our analytical framework to set recommended actions for appropriate prominence for public service programmes in search:

- we summarise our consultation proposals;
- we assess the context, effectiveness and likely impacts of the recommended actions in light of the responses we have received; and
- we set out our final decisions in light of these assessments.

Background

The search function

7.2 Search functionality enables users to locate content by entering text-based search terms or, on some devices, using voice search. Users may conduct searches for specific programmes, apps or categories of content, as well as broader, exploratory searches based on themes or genres. Stakeholder evidence that we considered in the Consultation indicates that, among users who regularly use search functionality, searches are most commonly directed towards specific programme titles, apps and genres.[391]

7.3 In response to a search query, an RTSS may return one or more relevant results, ranked using metadata supplied by content providers or third parties alongside other information, such as users' past behaviour. In some instances, a direct match may take the user directly to the relevant content. Where content is available through more than one provider, an RTSS may present users with multiple viewing options, including services that require payment by subscription, rent or purchase.

[391] Paragraph 3.146 of the Consultation.

Figure 3: Example of search function on a UI



Our consultation proposals

7.4 The Consultation set out our evidence and rationale for proposing recommended actions for search on the basis of the high-level principles and analytical framework we used to develop the draft Code.

7.5 Specifically, we pointed to engagement data and research that suggested that, while the search function is used less frequently than other features, in absolute terms the number of searches made was meaningful – in the tens of millions monthly – and the users who do use it regard it as a valuable tool. We referenced audience research carried out by 2CV which found that some participants said that once they became aware of the search function, they found it to be an efficient tool, particularly for discovering content they might otherwise have missed. The research also suggested search was useful for viewers looking for a specific title or content from a specific genre.[392] We further noted Ofcom's 2025 VoD survey, which found that 54% of online adults and teens report using text search (including in-app as well as TSS search), and 22% report using voice search at least once a week when looking for something new to watch on TV.[393]

7.6 Taking this context into account, we proposed six recommended actions in the Code that we considered would be effective in giving an appropriate level of prominence to public service programmes in search and for which the impacts would be proportionate. In summary, we proposed that:

Recommendation A3 as proposed in the Consultation: Search

Action A3.1: The actions in this recommendation A3 apply to a provider in respect of each RTSS it provides that has search functionality.

[392] Paragraph 3.35(d) of the Consultation.
[393] Paragraph 3.37 of the Consultation.

Actions A3.2 and **A3.3**: A public service programme that is the most relevant result from a user search should be more prominent in search results than other programmes, including but not limited to sponsored content and the provider's own programmes. Public service and other programmes that are similarly relevant should receive a similar degree of prominence.

Actions A3.4: The provider may have regard to, among other things, the user's past behaviour when determining the relevance of content in response to a user search.

Action A3.5: The prominence given to public service programmes under actions A3.2 and A3.3 should be of the degree recommended in terms of the number of programmes in search results, their position, the manner in which they are presented, and any other factor which is relevant to giving prominence.

Action A3.6: Users should be able to easily access public service programmes from the search results in which that content is presented.

Stakeholder responses and our assessment

7.7 Overall, there was general support for our proposals relating to search, but some stakeholders highlighted concerns with the proposals and suggested changes to the recommendations.

7.8 Some respondents, particularly the PSBs, expressed concern that the proposed approach could afford RTSS providers too much discretion in determining relevance, including through taking users' past behaviour into account. On the other hand, although several RTSS providers were supportive of the proposals in principle, some sought further clarity on how the recommendation would apply in certain circumstances.

7.9 A small number of respondents raised more general concerns with the proposals. Some suggested that recommended actions for this feature were unnecessary or that the impact of the proposals could be disproportionate. We also received comments on the role and importance of metadata and the potential implications of AI-driven search functionality.

7.10 We consider this feedback in more detail below, and in light of it, assess the effectiveness of the recommended actions. In the subsequent sections, we go on to assess the likely impacts of the recommended actions before reaching a final decision on them.

Context and rationale for recommended actions in search

Our proposals

7.11 As explained in paragraphs 7.4-7.6 above, we considered that the search function can play an important role in the discovery of content, and an area where it would therefore be important to secure appropriate prominence.

Summary of responses

7.12 Several respondents supported our inclusion of recommended actions for the search function and considered it an important means of discovering content.[394]

[394] BBC response, p.6; Bectu response, p.3; Channel 4 response, p.18; EMP response, p.5; Paramount response, p.3; Professor Catherine Johnson response, p.8; S4C response, p.5; VMO2 response, p.5; YouView response, p.6.

7.13 LG argued that it did not think that the Code should include recommendations for search, since it does not consider search to be used frequently, and suggested that there is no evidence of barriers to finding public service programmes through search.[395]

Our assessment

7.14 Research and evidence shows that search is an established means for audiences to find something to watch. Ofcom's VoD survey continues to show that text and voice search are used regularly by members of the public when they are looking for something new to watch on TV.[396] Although figures in 2026 are broadly similar to those in the 2025 survey referred to above, we note that weekly usage has increased since 2023, when 36% of respondents reported using text search and 12% reported using voice search, suggesting the use of search is now established.[397]

7.15 Having considered the points presented by LG, we consider that search can play an important role in ensuring that relevant public service programmes are easy for users to find and discover, and accordingly that recommended actions to secure prominence for relevant public service programmes in search results are likely to be both effective and appropriate. We note that our proposed recommended actions would leave RTSS providers free to present other content (including their own or sponsored content) in search results, provided that the recommended degree of prominence for public service programmes is achieved.

The degree of prominence in search

Our proposals

7.16 We proposed that a public service programme should be more prominent than other programmes where it is the most relevant response to a search query, including ahead of less relevant sponsored or platform-owned content. Where public service and non-public service programmes are similarly relevant, we proposed that they should receive a similar degree of prominence. We did not prescribe a specific presentation of search results, instead providing RTSS providers with flexibility in how they deliver these outcomes.

Summary of responses

7.17 Many respondents supported the principle that public service programmes should receive the greatest prominence when they are the most relevant to the search query.[398] However, other respondents, including some of the PSBs, argued that the proposals do not go far enough, suggesting that public service programmes should receive greater prominence even where they are only similarly relevant to other programmes.[399] Some also said that,

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[395] LG response, p.15.
[396] Ofcom VoD survey 2026.
[397] Ofcom VoD surveys 2023-2025.
[398] British Broadcasting Challenge response, p.3; BT Group response, p.6; Channel 4 response, p.3, 18; CTVMA response, p.3; Everyone TV response, p.6; Google response, p.8; ITV response, p.8; Paramount response, p.3; Roku response, p.6; Sky response, p.68; Scottish Government response, p.2; University of Sheffield response, p.2; VMO2 response, p.5; YouView response, p.6.
[399] British Broadcasting Challenge response, pp.3-4; BBC response, p.7; Bectu response, p.3; Channel 4 response, p.3, 18-19; Everyone TV response, pp.6-7; Paramount response, p.3; Professor Steven Barnett response, p. 5; S4C response, p. 6; TAC response, p.5; Professor Catherine Johnson response, p.8; University of Sheffield response, p.2; VLV response, p.6.

where the same programme is available through multiple playback routes (for example it is included in a DIPS and another IPS), the DIPS playback route should be prioritised. [400]

7.18 In general, respondents calling for stronger recommendations said that these were needed to counterbalance commercial incentives, self-preferencing, personalisation and the advantages of large global platforms.[401] S4C also stated it was important for public service programmes to be given greater prominence when they are equally relevant, raising concerns that search algorithms based on popularity or scale could disadvantage Welsh-language programmes.[402] The ACW and Welsh Government made similar arguments concerning the risk to Welsh language content.[403]

7.19 Some respondents expressed concern that the proposed approach to prominence could reduce search accuracy, undermine user expectations and increase implementation complexity.[404]

7.20 Some respondents sought greater clarity on how concepts such as 'similar prominence' would operate in practice, particularly given finite screen space and differences between search interfaces. BT Group asked whether prominence in this context relates primarily to ranking, visual emphasis, or a combination of both, and for this to be made clearer to ensure consistent application of the Code.[405] Channel 4 questioned how similar prominence could be delivered when "search inherently requires content to be ranked".[406] Everyone TV noted that some RTSS providers may be incentivised to put non-public service programmes ahead of public service programmes and questioned how "equal prominence" could be delivered in practice.[407] YouView said that imposing additional prominence recommendations based on the number, positioning, or presentation of programmes within search results could diminish the role of relevance in determining search outcomes, potentially impacting the effectiveness of search functionality for users.[408]

7.21 LG raised concerns that attempting to define "most relevant" or "similarly relevant" results would be subjective and likely to lead to continuous disputes.[409] EMP said that for content to be considered prominent, it should be assessed against a benchmark, but that the Code and Consultation lacked "any definition of what normal is, against which PSB content could be considered prominent".[410]

Our assessment

7.22 Our high-level principles explain that an appropriate degree of prominence is one that makes public service programmes from each DIPS easy to discover and access, while ensuring that audiences can continue to benefit from a broad range of content. We note

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[400] Channel 4 response, p.3, p.19; Everyone TV response, pp.6-7; ITV response, p.13; S4C response, p.7; Paramount response, p.3; VLV response, p.6.
[401] BBC response, p.6; Bectu response, pp.3-4; Channel 4 response, p.19; Everyone TV response, p.6; EMP response, p.5; Paramount response, p.3; S4C response, p.5; TAC response, p.5; VLV response, p.6.
[402] S4C response, pp.5-6.
[403] ACW response, p.1; Welsh Government response, p.1.
[404] LG response, p.15; techUK response, p.7; YouView response, pp.6-7.
[405] BT Group response, p.6.
[406] Channel 4 response, p.19.
[407] Everyone TV response, p.6.
[408] YouView response, p.7.
[409] LG response, p.15.
[410] EMP response, p.5.

that some stakeholders, including PSBs, argued that public service programmes should receive greater prominence than other 'similarly relevant' programmes in search results, as this could increase their exposure and potential engagement and acknowledge that greater prominence could have those effects. However, we do not consider that this is necessary to secure appropriate prominence. We consider that giving similarly relevant public service and other programmes similar prominence would be sufficient to make relevant public service programmes easy to discover and access, while preserving a range of content from different providers and ensuring that the search functionality remains useful for RTSS users.

7.23 Consideration has been given to the suggestion that the DIPS playback route should be prioritised where the same programme is available on both a DIPS and another IPS. As explained in paragraph 6.148, whether a programme is a public service programme depends on the service in which it is included. The same programme may be included in both a DIPS and a non-DIPS, but it can only be a public service programme in relation to its inclusion in the DIPS. However, in this scenario, we would expect the two versions of the programme (as included in the DIPS and as included in the non-DIPS), and therefore the two playback routes, to be similarly relevant. Consistent with our reasons set out in the previous paragraph, we would typically consider it appropriate that DIPS and other playback routes be made similarly prominent, rather than prioritising DIPS. We nevertheless recognise there could be circumstances where one playback route is more relevant (e.g. if a user is already watching a series on a particular DIPS or IPS, or if one DIPS or IPS includes all episodes of a programme and another only includes some episodes). We also discuss the attribution of public service programmes, including issues relating to search results and multiple playback routes, in Chapter 9.

7.24 We have considered concerns, including from S4C, that commercial arrangements could lead to public service programmes becoming marginalised in search results. We consider that our recommendation is clear that where a public service programme and another programme are similarly relevant, commercial arrangements should not result in the other programme receiving greater prominence. This applies regardless of the language of the programme.

7.25 Similarly, we do not agree with respondents who argued that our recommended approach would reduce search accuracy or undermine user expectations. Relevance remains the basis for determining search results, and our recommendation applies only when a public service programme is the most relevant result or is similarly relevant to another programme.

7.26 We have also considered carefully the responses from stakeholders raising questions as to how similar prominence could be delivered in practice. In the Consultation, we proposed that prominence should be given in terms of a range of factors taken together, including the number, position and presentation of programmes in search results alongside any other factors that affect their prominence. However, reflecting on the comments we have received, we consider that some changes to the recommended action would provide greater clarity for stakeholders.

7.27 Firstly, we now consider it appropriate to recommend that providers have regard to a set of principles, rather than ensuring appropriate prominence in terms of a list of factors, when seeking to apply the Code. We consider this better illustrates the flexibility we intend

RTSS providers to have when presenting search results, reflecting the variation between RTSS UIs and avoiding unnecessary restrictions on innovation.

7.28 We also consider that providers would benefit from the Code more clearly explaining how these principles affect the prominence of a programme. For example, we think that the Code should explain that a programme displayed in a higher position within search results or presented in a way that is more likely to attract user attention or engagement (such as through a larger tile enabling ease of access to that programme) is more prominent than a programme displayed lower down or in a less noticeable way. We do not intend to include an exhaustive list of the principles that may be relevant to giving prominence to programmes on the RTSS. We think the Code should make clear that other principles may be relevant to particular RTSS, where anything that is more likely to increase the visibility of, attention given to, or ease of access to a programme included in search results makes it more prominent.

7.29 RTSS providers should have regard to these principles, taken together, when assessing whether relevant public service programmes are receiving the recommended degree of prominence set out in the Code.

7.30 We also acknowledge the query from some stakeholders as to how similar prominence can be provided when search results are often ranked. In response, we note that assessing the prominence of search results inevitably involves a degree of judgement, in much the same way as an assessment of relevance, and that the presentation of search results will differ between RTSS. We consider the principles in the Code are sufficiently flexible to apply to different forms of presentation, particularly as providers may take account of any other relevant principle relevant to the application of prominence. We also note that the recommendation is for public service programmes to be given similar rather than equal prominence. In our view, recommending equal prominence would be unnecessarily prescriptive and difficult to apply in practice.

7.31 We do not consider it necessary, in response to EMP's suggestion, to identify a separate benchmark against which prominence can be measured. The recommendation already provides a relative benchmark by comparing the prominence of public service programmes with that of other programmes.

7.32 Taking the stakeholder responses and our assessment set out above into account, we consider that our approach would be effective in ensuring that public service programmes receive similar prominence to other programmes, and that they are therefore easy for users to find and access when relevant.

Determining relevance and user's past behaviour

Our proposals

7.33 In the Consultation, we said that it would be for RTSS providers to decide how best to determine relevance, given the information and systems they have in place. Our proposed action made clear, however, that RTSS providers may take into account information about a user's past behaviour when doing so. For example, if a user is known to watch a particular programme frequently, we said it would be reasonable for the RTSS provider to

assign greater relevance to that programme in that user's searches, compared to another user who is not known to have watched the same programme.[411]

Summary of responses

7.34 A number of respondents, mainly RTSS providers, were supportive that relevance would remain the overriding principle when returning results in response to a user's query.[412] This included those who explained that their search function is already determined by relevance. For example, Sky noted that its search function is designed to return and rank results according to relevance, informed by "industry-standard criteria, including user behaviour, and is not commercially influenced".[413] VMO2 said that the key basis of search results is relevance, and not whether a programme is public service or not.[414] LG also said that regardless of whether the content is public service or not, the most relevant content should have the most prominence.[415] TechUK made similar points, noting that some of its members have highlighted that search functionality on RTSS is typically relevance-driven and "in this context, search results already treat PSB and non-PSB content equivalently where relevance is equal".[416]

7.35 However, some respondents had concerns about giving RTSS providers discretion to determine relevance and said that Ofcom should set clearer guidance on what 'relevant' means. For example, the BBC was concerned that RTSS "had been given the power to define [relevance], potentially in their own interest".[417] EMP also had concerns that "the concept of relevance in search results is not neutral and may be influenced by commercial or platform-driven priorities". It called for greater transparency about how search and recommendation systems treat PSB content and suggested that broader non-discrimination principles should apply.[418]

7.36 The BBC raised further concerns about "echo chambers" and said more analysis and clearer guidance are needed to prevent PSB programmes from being disadvantaged by a broad definition of relevance.[419] It also questioned how ambiguous or broader searches (e.g. 'drama') might be handled, given the wider range of responses that may be relevant. The BBC also questioned whether users who often watch SVoD services might be more likely to see SVoD programmes prioritised.[420]

7.37 Channel 4 similarly warned that taking account of a user's past behaviour when determining relevance could create a cycle whereby users who frequently search for non-public service programmes are infrequently or never served public service programmes. It said this would not be in the interests of such audiences, who are less likely to "stumble upon" public service programmes that are relevant to them. Channel 4 suggested that transparency measures should be introduced to ensure that RTSS providers interpret

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[411] Paragraph 3.152 of the Consultation.
[412] LG response, pp.2-3; Sky response, p.41; techUK response, p.7; VMO2 response, p.5, 7; YouView response, p.6.
[413] Sky response, p.68.
[414] VMO2 response, p.5.
[415] LG response, pp.2-3.
[416] techUK response, p.7.
[417] BBC response, p.6.
[418] EMP response, p.5.
[419] BBC response, p.6.
[420] BBC response, p.6.

relevance fairly.[421] ITV also noted that if a user has not recently watched public service programmes, those programmes may not be treated as relevant. It suggested that the Code should include factors other than past viewer behaviour in determining relevance, such as levels of public service programmes in certain genres, how recently programmes were released and patterns in linear viewing as indicators of demand.[422]

7.38 S4C said that large global platforms could benefit if RTSS providers were able to determine relevance on the basis of popularity. S4C considered that global brands and big catalogues may be prioritised by systems at the expense of minority-language public service programmes, such as its own Welsh language programmes,[423] a concern shared by the Welsh Government. [424]

7.39 The Scottish Government raised a similar concern that search algorithms may not reliably surface regionally relevant programmes, particularly in relation to Scottish audiences. The Scottish Government considered this could affect the discoverability of STV's regional news and current affairs programming and highlighted the importance of ensuring that search functionality appropriately reflects regional relevance.[425]

7.40 Other respondents supported the inclusion of past behaviour in assessing relevance.[426] Roku emphasised the need to consider a range of signals, such as viewing and search history, subscriptions, language and genre preferences, and other behavioural data. It also said the Code should make clear that sponsored or promotional placements are allowed, as long as PSB programmes are not unfairly treated when it is the most relevant result.[427]

7.41 Google added that RTSS providers may better understand their own programmes due to richer metadata (e.g. production details) that may not be available for DIPS programmes. Google said this can make their own programmes easier to surface in search results, and argued that this should not, in itself, be treated as evidence of self-preferencing.[428]

Our assessment

7.42 As explained in the Consultation, search differs from other areas of the UI in that it is driven by specific inputs actively provided by the user. Its value lies in returning results that are relevant, aligned with user intent, and present a range of options where there is not a unique match. Having carefully considered stakeholder feedback, we remain of the view that RTSS providers are generally best placed to assess relevance, having regard to the information available to them and the design and functionality of their search systems. A prescriptive approach could risk constraining innovation and reducing providers' ability to adapt their search functionality to return relevant results, to the detriment of users.

7.43 Nevertheless, we recognise concerns that giving undue weight to a user's previous behaviour could result in unintended outcomes, especially if it overrides other factors. The intention of referring to a user's past behaviour in the proposed recommendation was to acknowledge that this may be a relevant factor. We would not expect public service

[421] Channel 4 response, p.3, 20.
[422] ITV response, p 8.
[423] S4C response, p.5.
[424] Welsh Government response, p.1.
[425] Scottish Government response, p.2.
[426] Roku response, p.6; Sky response, p.41.
[427] Roku response, p.6.
[428] Google response, p.8.

programmes to be considered relevant only to users who have previously engaged with such programmes. In light of feedback from stakeholders, we consider the recommendation should make clear that RTSS providers may take account of a range of factors when determining relevance. This includes information about the programme itself, such as its title, description, genre or actors. We consider that this clarification would better reflect our expectation that relevance should be determined through an assessment of multiple factors.

7.44 We also think the recommended action should make clear that RTSS providers may take a user's location into account when determining relevance. Where a user's location is known, we recognise the role this could play in helping to surface programmes that are relevant for users in their respective nations, in line with the points raised by S4C, the Scottish Government and the Welsh Government.

7.45 We recognise that many factors may be relevant when determining search results. The factors expressly mentioned in the recommendation are therefore non-exhaustive. The recommended action is intended to support the discoverability of relevant public service programmes while preserving providers' flexibility. Accordingly, other factors stakeholders raised in their responses such as popularity, recency, subscriptions, and genre preferences may also be appropriate for RTSS providers to take into account depending on the circumstances.

7.46 In response to concerns that RTSS providers might determine relevance in ways that favour their commercial interests, we would note that action A3.2 provides safeguards by making clear that public service programmes which are the most relevant results should be more prominent than less relevant results, including sponsored content or a provider's own programmes. For the avoidance of doubt, however, and in response to queries raised by Roku, RTSS providers remain free to include sponsored search results, provided that the recommended action is followed.

7.47 In response to Google, we accept that the quality and depth of available metadata may affect an RTSS provider's ability to determine relevance accurately. We address how DIPS providers can act consistently with the Agreement Objectives in relation to the provision of metadata separately in the Guidance.[429] We consider that DIPS providers are likely to have incentives to provide metadata that enables RTSS providers to determine relevance effectively.

7.48 Taking account of stakeholder responses and our assessment as set out above, we consider this approach would be effective in ensuring that relevant public service programmes are appropriately prominent in search. We also consider the amendments to the recommended action described above would provide more clarity to stakeholders regarding the factors to consider when assessing relevance. This should ensure that RTSS providers can continue to innovate and differentiate their services in a way that is consistent with the Code.

[429] Paragraph 2.31(a) of the Guidance.

Supporting the discovery of regional or minority language public service programmes in search results

Our proposals

7.49 We set out in our draft Code that public service programmes should be made prominent in search results when they are relevant. This applied to all public service programmes, irrespective of their language or any other characteristics.

7.50 In the Consultation, we explained that we would expect RTSS providers to ensure that public service programmes in languages other than English could be returned appropriately within search results. We noted that the discoverability of Welsh-language programmes may require RTSS providers to recognise Welsh-language metadata and interpret Welsh-language search queries. Where existing systems do not support this effectively, we said providers should consider how best to ensure such programmes receive appropriate prominence in search results.[430]

Summary of responses

7.51 Several stakeholders highlighted the importance of ensuring that search functionality can recognise and appropriately surface public service programmes in languages other than English.[431] S4C and TAC called for stronger provisions, including explicit requirements in the Code to support Welsh-language text and voice search.[432] S4C considered that RTSS providers should adopt technology capable of supporting Welsh-language search as soon as this becomes a practicable option.[433] TAC argued that the ability to search in different languages is already possible in many scenarios, including on TV platforms, and so the Code should require RTSS providers to allow users to search in Welsh for both text and voice search.[434]

7.52 Several respondents, particularly RTSS providers, asked us to clarify in the Code how we expect Welsh language public service programmes to appear in search results. Sky asked whether matching programme titles alone would be sufficient for meeting the recommended actions in the Code. It noted that technical constraints, including the absence of Welsh-language keyboard support and speech recognition may limit current capabilities. Sky considered that requiring more advanced functionality than matching programme titles could be disproportionate, given the burden it would place on RTSS providers compared to the relatively low levels of potential users. It asked that our final statement be explicit that a full search functionality in languages other than English is not required.[435]

7.53 Roku made similar points. It argued that Welsh-language search should be supported in the relevant DIPS app, rather than across the platform. It considered a blanket recommendation for platform-wide Welsh-language search to be disproportionate on non-regionalised services.[436]

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[430] Paragraph 3.155 of the Consultation.
[431] ACW response, p.1; S4C response, pp.5-6; TAC response, p.6; Welsh Government response, p.1.
[432] S4C response, p.1; TAC response, p.6.
[433] S4C response, p.1.
[434] TAC response, p.6.
[435] Sky response, pp.74-75.
[436] Roku response, pp.6-7.

7.54 LG said that the industry lacks the technical tools to implement Welsh-language features effectively and that any such recommendations should be deferred until more viable solutions emerge.[437] Google similarly acknowledged the importance of improving Welsh-language search functionality but highlighted the technical complexity of implementation and the associated resource requirements. Google therefore asked us to clarify that improvements should be pursued over the medium to long term.[438]

Our assessment

7.55 We acknowledge the calls from some stakeholders to recommend more explicit actions in relation to search in languages other than English, particularly Welsh. We consider it important, if the aims of the new regime are to be achieved, that audiences are able to discover relevant public service programmes through search, including programmes in recognised regional or minority languages. The public service remit for television in the UK includes the provision by the PSBs (taken together) of audiovisual content that is in, or mainly in, a recognised regional or minority language.[439] The prominence duty applies irrespective of the language of a public service programme.

7.56 We also note the concerns raised by other stakeholders about the practical and technical challenges associated with supporting search functionality in recognised regional or minority languages. In particular, we are mindful of the differing levels of availability and reliability of technical solutions identified by stakeholders, especially in relation to voice search and speech recognition technology.

7.57 For text-based search, we consider that relevant functionality is generally already achievable using programme metadata and keyword matching. As we set out in the Consultation, we consider that RTSS providers should therefore be capable of ensuring that searches in recognised regional or minority languages are capable of returning relevant public service programmes where appropriate metadata is available. For example, a search for a Welsh-language programme title such as "Cleddau" should return that programme. Similarly, searches using Welsh-language terms contained within programme metadata, such as genre or descriptive information, should be capable of returning relevant results. The effectiveness of such searches will depend in part on the availability and quality of relevant metadata, including metadata provided by the PSBs. We address how providers can act consistently with the Agreement Objectives in relation to the provision of metadata separately in Chapter 11 on the Guidance.

7.58 By contrast, we acknowledge that voice search technology for recognised regional or minority languages is less developed. Although speech-recognition technologies for languages such as Welsh are emerging, the development and deployment of high-quality automatic speech recognition systems in regional and minority languages are likely to depend on technical expertise, investment and access to training data. Effective

[437] LG response, p.17.
[438] Google response, p.8.
[439] Section 264(5)(b)(ii) of the Act states that the public service remit for television in the United Kingdom is fulfilled where the audiovisual content made available by the public service broadcasters (taken together), among other things, comprises a public service for the dissemination of information and for the provision of education and entertainment, which includes what appears to Ofcom to be a sufficient quantity of audiovisual content that is in, or mainly in, a recognised regional or minority language. Section 264(16) of the Act defines "recognised regional or minority language" as meaning Welsh, the Gaelic language as spoken in Scotland, Irish, Scots, Ulster Scots or Cornish.

multilingual voice search may also require systems to operate across more than one language, and such capabilities are still developing. As a result, the availability of technology that is capable of consistent integration across RTSS is currently limited.

7.59 For these reasons, we do not consider it appropriate to include in the Code a recommendation for RTSS providers to adopt functionality that relies on technology that is still emerging and not yet widely available. However, as relevant search technologies mature, the steps that providers can reasonably be expected to take may change. We agree with S4C that RTSS providers should adopt available technology when it is capable of supporting the discoverability of public service programmes in recognised regional or minority languages.

7.60 We have therefore considered carefully whether it would be appropriate to add a further recommended action to the Code for providers to take reasonable steps to give prominence to relevant public service programmes where a user search is made in a recognised regional or minority language. In assessing this option, we have taken account of the different capabilities currently available for text and voice search, and the costs and practicalities of implementing them. We consider that a reasonable approach would be able to account for these differences in technological maturity. It would allow providers flexibility where functionality cannot yet be implemented reliably, while ensuring that providers take advantage of capabilities as they develop and can be implemented proportionately.

7.61 We therefore consider it would secure appropriate prominence for public service programmes in a recognised regional or minority language to introduce a new recommended action – action A3.7 – which would apply where a user search is made in that language. This action would recommend that RTSS providers should take reasonable steps to ensure that relevant public service programmes in that language are given prominence in search results, in accordance with actions A3.2 and A3.3. When assessing whether steps taken by a provider are reasonable, it would be appropriate to consider the proportionality of any costs. As noted above, we consider that generally providers will already be able to take steps so that relevant public service programmes can be given prominence where a text search is made in a recognised regional or minority language.

7.62 We will continue to monitor developments in this area and keep our approach under review.

Future of search

Our proposals

7.63 We set out in the Consultation that the Code is intended to be flexible and future-proof, allowing providers to adapt within the regulatory framework as technologies and viewing habits evolve.

Summary of responses

7.64 BT Group emphasised the importance of ensuring that the regulatory framework allows for flexibility and innovation, particularly in light of rapid technological developments, including AI-driven search.[440]

[440] BT Group response, p.6.

7.65 The BBC said that platforms are increasingly using AI to shape search results and that voice search is likely to become a key method of programme discovery. It expressed concern that platforms could claim limited responsibility for AI-generated outcomes, potentially undermining PSB prominence. The BBC argued that Ofcom should make clear that the use of AI does not reduce platforms' obligations to ensure prominence, noting that the role of AI in programme discovery appears to be growing.[441]

7.66 Similarly, ITV said platform operators have indicated a shift towards fully personalised, algorithm-driven interfaces where they cannot control what content is surfaced. ITV argued that the Code should make clear that the use of algorithms or AI, including in search, does not override the duty for RTSS providers to deliver prominence for the DIPS.[442]

7.67 LG highlighted that search is increasingly shaped by AI, user behaviour and personalisation, and that its dynamic nature makes prescriptive regulation challenging. It also noted that as AI plays a larger role in search, search results for the same query may vary over time based on a viewer's recent history. It noted that these issues make it "impractical for regulatory authorities to quantify compliance or enforce biased requirements to highlight PSB content". LG said that our proposals were overly prescriptive in this area, which could interfere with future innovation.[443]

7.68 Google said the requirements should only apply to searches for TV or film content, including any other formats designated as public service media over time. It said that as TVs increasingly support voice assistants and AI-powered functionality, they are becoming more like general-purpose computing devices, allowing users to request information, generate programmes, or perform actions. It called for these non-media-related queries to be explicitly excluded from the search recommendations, for example by clarifying Ofcom's definition of "search" to ensure the recommended actions only apply to media-related queries.[444]

Our assessment

7.69 Our analytical framework sets out that, in formulating our recommendations, we have sought to allow RTSS providers to innovate, differentiate their services, and deliver better outcomes for users. We agree with stakeholders that our Code should allow scope for future technological developments, including AI-powered search.

7.70 Nevertheless, while providers are free to innovate and evolve their services, they must continue to comply with their statutory duty to give appropriate prominence to DIPS and public service programmes, which may be achieved by taking the actions recommended in our Code. The use of AI or other algorithms does not alter that responsibility. RTSS providers remain responsible for the outputs of the search functionality they use and for ensuring that those outputs comply with the prominence duty. As nothing in our recommendation excludes AI-powered functionality, we do not think it is necessary to amend the Code expressly to address it, as suggested by ITV.

[441] BBC response, p.7.
[442] ITV response, p.13.
[443] LG response, p.15.
[444] Google response, p.8.

7.71 To LG's point, we acknowledge that search results may reasonably change over time depending on user behaviour. We do not consider this to be problematic, provided that the resulting search results continue to achieve the recommended degree of prominence. In assessing compliance, we would generally consider the systems and processes taken by the provider to implement the recommendations in the Code, rather than the experience of an individual user in isolation.

7.72 In relation to Google's comments about excluding non-media-related queries, we note that our recommendation refers only to the prominence given to public service programmes relative to other programmes. As such, anything that is not a programme would be outside the scope of the recommendation. If there are multiple types of content that are responsive to a user's search query, RTSS providers need only secure that a public service programme that is the most relevant result is more prominent than any other programmes which are less relevant, or that relevant public service programmes are given similar prominence to other programmes that are similarly relevant. We do not consider it necessary to amend the definition of search, as our recommendation is already directed towards the treatment of programmes and their discovery.

7.73 Overall, it is important that the outcomes envisaged by our prominence recommendations can continue to be delivered as technologies evolve. We are satisfied that the search recommendation would provide sufficient flexibility to providers to innovate and improve their users' experience, while ensuring that public service programmes are made appropriately prominent. To ensure that the Code remains effective we will continue to monitor developments in search, as well as in features across RTSS UIs, and will consider updating the Code in the future if there is a case for doing so.

Other comments

7.74 We also received a range of other comments in relation to our search proposals which we summarise and respond to below.

Summary of responses

7.75 Some respondents highlighted the importance of metadata and technical integrations to deliver the recommended actions for search. For example, BT Group said that delivery of the search proposals will be dependent on DIPS providers supplying high-quality metadata and welcomed Ofcom's recognition of this, and noted the importance of this remaining in the final framework.[445] Samsung said that delivery of these recommended actions will require the DIPS providers to offer the necessary metadata and technical integrations to be displayed in search results and called for the Code to clarify this.[446] The CTVMA went further, suggesting that we should specify minimum standards, including expectations about metadata quality.[447]

7.76 VMO2 expressed concern that programme-level prominence recommendations could require RTSS providers to make subjective judgements about whether individual programmes qualify as public service remit content, which it argued could create operational burdens and increase the risk of inconsistent outcomes.[448] LG similarly noted

[445] BT Group response, pp.6-7.
[446] Samsung response, pp.13-14.
[447] CTVMA response, p.3.
[448] VMO2 response, pp.5-6.

that it is unclear how it would be able to distinguish between public service and non-public service programmes, which would make it "impossible" to assess how the search recommendations could be met.[449]

7.77 A number of respondents also highlighted the importance of transparency on how RTSS providers interpret relevance, deliver prominence and demonstrate compliance with the search recommendations.[450] For example, Channel 4 suggested that Ofcom should introduce transparency measures to hold RTSS providers to account for interpreting relevance fairly, and for delivering appropriate prominence for public service programmes in search.[451] Bectu said that our proposal lacked sufficient data sharing obligations which it suggested would undermine the ability to monitor compliance as there is no reliable way of verifying how often, and in what ranking positions, their programmes appear in search.[452]

7.78 Google requested greater clarity on the types of public service programmes covered by the search recommendation, including whether its scope is limited to television and film programmes or also encompasses other forms of public service programmes, such as radio and podcasts.[453]

7.79 Everyone TV said that we should explicitly state that public service programmes in search results must direct users to standalone DIPS apps rather than DIPS included in other services, for example the ITVX section of Amazon Prime Video (with the exception of when search results return live programmes).[454]

Our assessment

7.80 As set out in the Guidance, terms regarding the provision of necessary metadata by DIPS providers to enable RTSS providers to follow the Code's recommended actions are generally core terms of agreements between providers.[455] This is because we recognise that metadata and technical integrations will be needed to ensure that public service programmes can be returned in search results.

7.81 In response to VMO2 and LG's comments about how RTSS providers will be able to determine which programmes are public service programmes, this will most likely depend on metadata or other information supplied by the DIPS providers, rather than the RTSS provider needing to determine this themselves. As set out above, DIPS providers supplying the necessary inputs to enable RTSS providers to follow the Code, including the search recommendation, are generally core terms of agreements between providers.

7.82 In relation to comments about transparency, we recognise the importance of visibility of the steps RTSS providers take to deliver appropriate prominence in search. We address this in more detail in Chapter 11 on our Guidance, which includes a new section on transparency. It sets out our expectations for the sharing of information by RTSS providers about how they propose to deliver appropriate prominence and how they have done so in

[449] LG response, p.15.
[450] Channel 4 response, p.3, 18, 20; EMP response, p.5; VLV response, p.6.
[451] Channel 4 response, p.3, 18, 20.
[452] Bectu response, p.4.
[453] Google response, p.8.
[454] Everyone TV response, p.7.
[455] Paragraph 2.31(a) of the Guidance.

practice in order to act consistently with the Agreement Objectives. In addition, in Chapter 13, we provide more information on our plans for monitoring.

7.83 In response to Google's points regarding the types of public service programmes covered by the recommendations, a "programme" for the purpose of the prominence regime means an audiovisual programme, which is described in the Act as a programme "with or without sounds which consists of moving or still images, or of legible text, or of a combination of those things".[456] The Code uses this same definition and therefore covers only audiovisual programmes as described.

7.84 As to the point raised by Everyone TV, action A3.6 states that users should be able to access public service programmes from the search results in which they are presented. As explained in paragraph 7.23, programmes are only public service programmes in relation to their inclusion in the relevant DIPS. This means that users should be directed to the programme as included in the DIPS. In some circumstances, this may involve directing users to a DIPS app, for example where the DIPS is available on the RTSS through a standalone app and the relevant public service programme is accessible only through that app. However, we do not consider it appropriate to prescribe that users must always be directed to the DIPS app. The appropriate access route will depend on how the DIPS is integrated in the RTSS. For example, where programmes are made available through native delivery and this arrangement has been agreed with the relevant public service broadcaster, we do not consider it necessary for users to be directed to the DIPS app in order to access those programmes.

Impact on providers

Technical feasibility

Our position at consultation

7.85 We proposed that the recommended actions would apply only to RTSS that have a search functionality. We recognised that RTSS providers may need to change how their search feature operates to follow our recommendation but would retain discretion over how they determine relevance and prominence in specific contexts. We therefore considered the proposals technically feasible.

Stakeholder responses

7.86 As set out in our summary of stakeholder responses, some RTSS providers identified technical limitations in relation to regional or minority language programmes and search features.[457] Others noted that implementation would depend on the availability of metadata and technical integrations.[458]

Our assessment

7.87 We recognise that it may not be technically feasible, at present, to implement certain search features in regional or minority languages. We explain in paragraphs 7.55 to 7.62 above why we consider that including a new recommended action A3.7 (that RTSS

[456] Sections 362AZ12(1) and 368ZA of the Act.
[457] See subheading 'Supporting the discovery of regional or minority language public service programmes in search results'.
[458] See paragraphs 7.75.

providers should take reasonable steps in providing appropriate prominence to public service programmes in a regional or minority language when searches are made in that language) would be able to account for the differences in the technological maturity of these different search features. This ensures that taking the recommended actions remains technically feasible.

7.88 We recognise that the effectiveness of search functionality may depend in part on the availability of accurate and relevant metadata supplied by DIPS providers. In the Guidance, we set out that DIPS providers supplying the necessary metadata to RTSS providers to enable them to follow the recommended actions would generally be a core term of their agreements.[459]

7.89 We therefore consider that the recommended actions for search are technically feasible.

Impact on RTSS providers: Direct resource cost and other costs

Our position at consultation

7.90 We said that the resource costs of implementing the recommended actions would depend on each RTSS provider's existing systems and chosen approach. We identified potential costs associated with recognising and accurately capturing public service programmes using tools like programme labels or tags, updating processes for selecting and displaying search results, and testing and monitoring these changes. We expected costs to vary according to the complexity of an RTSS' search algorithms and the extent to which its existing search functionality may already align with the recommended actions.

7.91 We acknowledged that RTSS providers may incur additional costs to give prominence to regional or minority language programmes, though we lacked evidence on the scale of these costs.

7.92 We said that some RTSS providers may experience losses if the recommended actions result in greater prominence for public service programmes and an opportunity cost in terms of reduced prominence for other programmes. This could apply, for example, where the recommended actions result in reduced prominence of sponsored results or of the RTSS provider's own content.[460]

Stakeholder responses

7.93 Some stakeholders raised specific concerns about the impact on RTSS providers of the recommended actions. TechUK raised concerns about "requiring service-level prioritisation", which it said could increase technical complexity and reduce search accuracy.[461]

7.94 Sky, Google and LG raised implementation concerns in relation to regional or minority language search functionality, including its technical complexity and the time and resources that may be involved in implementing this.[462]

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[459] Paragraph 2.31(a) of the Guidance.
[460] Paragraphs 3.164 to 3.166 of the Consultation.
[461] techUK response p.7.
[462] Sky response pp.73-75; Google response, p.8; LG response p.17.

7.95 Some stakeholders commented in general terms about negative impacts from overly prescriptive regulation of search. LG warned that prescriptive requirements could negatively affect the user experience and constrain innovation in search algorithms.[463] BT Group similarly emphasised the importance of retaining sufficient flexibility for providers to innovate as search technologies continue to develop.[464] TechUK said it does not support "further micro-regulation of search".[465]

7.96 [✂].[466]

Our assessment

7.97 Having carefully considered stakeholder responses, our assessment of these impacts remains unchanged.

7.98 With respect to techUK's concerns, our approach does not recommend "service-level prioritisation" but instead focuses on the relative prominence of public service programmes and other programmes. With respect to VMO2's concerns about the impact on RTSS providers from determining which programmes are public service programmes, we explain above that metadata or other information from DIPS providers would be expected to facilitate this.[467] We do not expect this to entail large costs for RTSS providers.

7.99 Regarding regional or minority languages, we recognise that some RTSS providers may need to make changes to support searches for programmes in recognised regional or minority languages. For text-based searches, these changes should not entail large costs, as the relevant functionality is generally already achievable and relatively straightforward using programme metadata and keyword matching. Other search features, including voice-search technology, are less developed for languages other than English and may involve greater investment and further technological development to give appropriate prominence to regional or minority language programmes. By amending the Code to specify that providers should take "reasonable steps" with respect to searches in a recognised regional or minority language, we consider the risk of RTSS providers incurring disproportionate costs is appropriately addressed. We recognise that current technological limitations may mean that complex search features do not necessarily work equivalently for English and regional or minority languages today. However, what constitutes reasonable steps may evolve as technology matures, and we expect RTSS providers to adopt proportionate measures as they become reasonably achievable and support the discoverability of public service programmes in all languages.

7.100 Regarding comments about the risks of an overly prescriptive approach, we consider our recommendations to be appropriately flexible. We do not prescribe how RTSS providers should determine relevance or design their search features, and instead recommend that relevant public service programmes appear and are given appropriate prominence in search results. We therefore expect this approach to allow substantial scope for RTSS providers to innovate and differentiate their services.

7.101 [✂]. For search results, the Code recommends providing a similar degree of prominence where public service and other programmes are similarly relevant (action A3.3), and

[463] LG response, p.15.
[464] BT response, p.6.
[465] techUK response, p.7.
[466] [✂].
[467] See subheading 'Other comments'.

greater prominence where public service programmes are most relevant (action A3.2). It also recommends similarity of attribution for public service programmes and other programmes (action A5.3), as set out in Chapter 9. It is for each RTSS provider to consider how to take the recommended actions in their specific context, given the appropriate flexibility provided by the Code. Providers are also free to take alternative actions to comply with their duties, should they prefer to do so.

7.102 Taking these factors together, we consider that the likely impacts on RTSS providers would be proportionate in light of the expected benefits.

Impact on DIPS providers

Our position at consultation

7.103 We said that DIPS providers may incur costs to supply metadata that enables RTSS providers to identify public service programmes and give them appropriate prominence in search. However, we expected these costs to be limited and generally outweighed by the benefits of greater prominence and potentially increased viewing.[468]

Stakeholder responses

7.104 We did not receive specific comments about the costs to DIPS providers.

7.105 Some stakeholders raised concerns about content intended for audiences in particular areas, or regional or minority language audiences, receiving limited prominence. The Scottish Government said that search algorithms risk inappropriately prioritising ITV programmes instead of STV programmes, while STV said that some RTSS providers had declined to make search results surface both Channel 3 providers.[469] S4C said it was concerned that Welsh-language programmes could be systematically under-returned in search results and, the Welsh Government similarly noted a risk of such programmes being marginalised.[470]

7.106 Some PSBs and other stakeholders argued that benefits to DIPS providers may be limited if RTSS providers have too much discretion in interpreting concepts such as “relevance” and a “similar degree of prominence”.[471]

Our assessment

7.107 We recognise concerns, from the Scottish Government and the Welsh Government, about prominence of STV and S4C programmes in search results.

7.108 With respect to STV programmes, our Code makes clear that programmes included on both ITV’s and STV’s DIPS should not be attributed to ITV only, unless the RTSS can determine (through regionalisation) that the user’s relevant Channel 3 service is ITV. Similarly, such programmes should not be attributed only to STV unless the RTSS can determine that STV is the user’s relevant Channel 3 service.[472] We have also made clear that user location may

[468] Paragraph 3.168 of the Consultation.
[469] Scottish Government response, p.2; STV response, p. 10.
[470] S4C response, p.5; Welsh Government response, p.1.
[471] See subheading ‘Determining relevance and user's past behaviour’.
[472] See paragraphs 9.59 - 9.62 in the Attribution chapter for our assessment of the attribution of programmes included in both ITV’s and STV’s DIPS.

be a relevant factor when determining relevance. We consider that this approach supports appropriate prominence for STV programmes when they are relevant to a search query.

7.109 With respect to S4C programmes, we set out in the previous subsection our assessment that our approach supports the discoverability of Welsh-language content while recognising current technical limitations.[473] We consider that the approach is future-proof and may allow for increased benefits to S4C as technical capabilities develop.

7.110 We address stakeholder comments related to concepts such as "relevance" and "similar degree of prominence" in previous subsections.[474] As explained there, our assessment is that our approach safeguards the prominence of public service programming, with resulting benefits to DIPS providers, while allowing reasonable discretion for RTSS providers in how they take the recommended actions.

7.111 Taking the above into account, we remain of the view that the recommended actions for search should not entail material costs for DIPS providers and are expected to benefit them by securing appropriate prominence in search results on an ongoing basis.

Our decisions and final recommendations

7.112 Taking the stakeholder responses, our assessment of effectiveness and the likely impacts set out above into account, we have decided to include the recommended actions for search in the Code, with the amendments explained in this chapter. We consider that these recommended actions would be effective in securing appropriate prominence for public service programmes by ensuring that those which are relevant to a user's search appear in visible positions in search results alongside other relevant programmes, while accommodating innovation and variation between RTSS. We consider that the likely impacts of this recommendation will be proportionate.

7.113 The box below summarises our final recommended actions and the principal changes from our consultation proposals.[475] The full recommended actions are set out in the final Code at Annex 2 as action A.3.

Summary of our final recommended actions and changes from our proposals:

- **Action A3.1:** The search recommendation applies to RTSS that have search functionality.
  Changes from consultation proposals: None.

- **Action A3.2:** Subject to action A3.7, where one or more public service programmes are the most relevant results from a user search, they should be more prominent than other programmes in the search results, including provider content or sponsored content.
  Changes from consultation proposals: We have made this action subject to action A3.7 on recognised regional or minority languages.

[473] See subheading 'Supporting the discovery of regional or minority language public service programmes in search results'.
[474] See subheading 'The degree of prominence in search' and 'Determining relevance and user's past behaviour'.
[475] The changes to the draft Code are set out in Annex 6: Comparison of the Draft and Final Code of Practice.

- **Action A3.3:** Subject to action A3.7, where both public service programmes and other programmes are similarly relevant results from a user search, they should be given similar prominence.
  Changes from consultation proposals: We have made this action subject to action A3.7 on recognised regional or minority languages.

- **Action A3.4:** For the purposes of determining relevance under actions A3.2 and A3.3, the provider may have regard to available information about those programmes (such as genre, subject matter, actors), the user's location and the user's past behaviour.
  Changes from consultation proposals: This recommended action now contains more examples of factors that are relevant to determining relevance, rather than referring only to the user's past behaviour as proposed.

- **Action A3.5:** In taking actions A3.2 and A3.3, the provider should have regard to these principles: the higher the position of a programme, the more prominent it is; the greater the proportion of total programmes that are public service programmes, the greater their degree of prominence (taken together); programmes presented in positions more likely to enable easy discovery and access are more prominent; programmes presented during periods of higher user engagement or viewing are more prominent; programmes presented in a way more likely to enable easy discovery and access are more prominent; and any other principle which is relevant to giving prominence to programmes on the RTSS.
  Changes from consultation proposals: We have reframed the "factors" relevant to giving prominence to programmes in search results as "principles", providing more detail on when a programme should be considered to be more prominent. We are also recommending that providers have regard to these principles, rather than (as proposed) ensuring that the recommended degree of prominence is given in relation to them.

- **Action A3.6:** The provider should ensure that users are able easily to access public service programmes from the search results in which they are presented.
  Changes from consultation proposals: We have changed the framing of this action so that it says "the provider should ensure" the stated outcome, rather than that "users should be able" to achieve that outcome. This is consistent with the rest of the Code and makes clear who should take the recommended action.

- **Action A3.7:** This action applies where a user search is made in a recognised regional or minority language. Actions A3.2 and A3.3 apply only to public service programmes in that language, and should be interpreted as though they recommend that the provider take reasonable steps to give the relevant programmes the recommended degree of prominence.
  Changes from consultation proposals: This is a new recommended action for giving appropriate prominence to public service programmes in a recognised regional or minority language.

8. Prominence Code of Practice: Listed Channels

Live TV continues to be one of the main ways people watch public service programming. As viewing of internet-delivered live TV is forecast to grow in the coming years, it is important that audiences can continue to find and access the listed channels easily.

We are confirming some of our proposed recommended actions on the listed channels, but in response to stakeholder feedback have decided to make some changes to others. We provide a summary of the final recommendation at the end of this chapter, including any changes we have made. We consider these changes will secure appropriate prominence for each listed channel, and allow users to access a broad range of other live TV content, while giving RTSS providers flexibility to innovate in how live TV areas are presented. We consider the likely impact of our decisions on RTSS providers, DIPS providers and other IPS providers to be proportionate.

8.1 In this chapter we apply our analytical framework to set recommended actions for appropriate prominence for the listed channels included in the DIPS:

- we summarise our consultation proposals;
- we assess the context, effectiveness, and likely impacts of the recommended actions in light of the responses we have received; and
- we set out our final decisions in light of these assessments.

Background

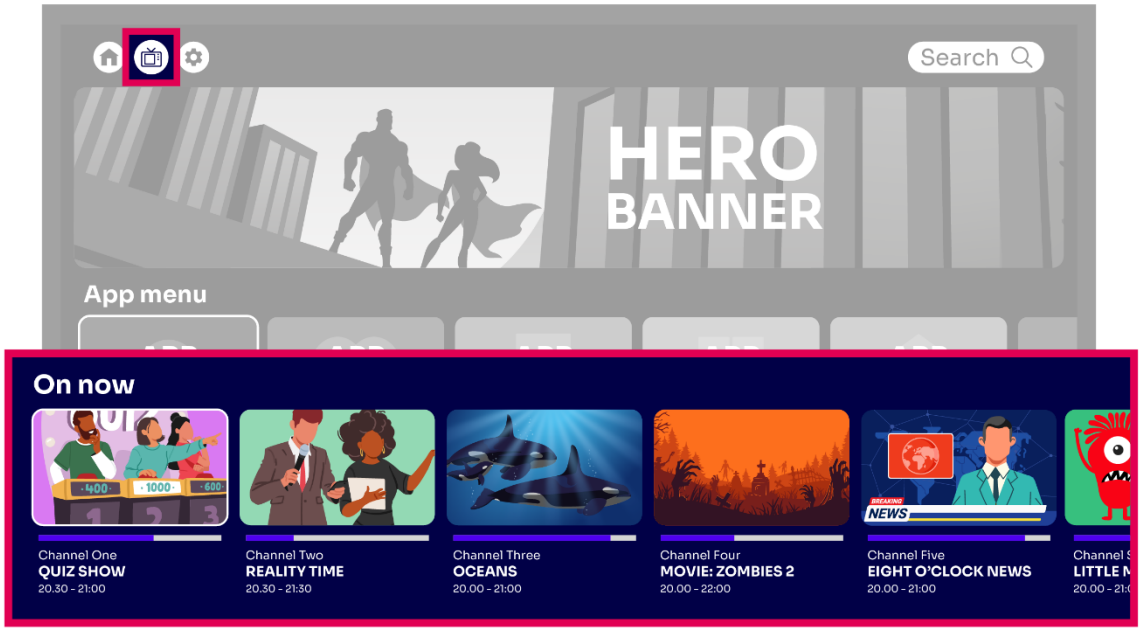
Live TV Areas

8.2 Most connected TVs include areas from which users can access live linear channels. Some of these areas are EPGs provided under a broadcasting licence, such as the YouView EPG. As licensed services, these EPGs are subject to regulation and must follow the EPG Code.

8.3 However, as technology develops, there are now other ways users can access internet-delivered live TV[476] on RTSS. For example, users may be presented with a horizontal row (such as an 'on now' rail) that displays live channels, which may be immediately visible on the homepage or in a separate area to which they must navigate. They may also see more 'traditional' on-screen TV guides, often located on a separate page away from the homepage. In most cases these are set out as a table showing what programme each linear channel is currently showing and what is available at other times. An RTSS may also contain multiple TV guides with different sets of channels, including platform-specific selections of Free Ad-Supported Streaming Television (FAST) channels such as those offered on Roku, Samsung TV Plus and LG Channels, in addition to the traditional suite of TV channels.

[476] By 'internet-delivered live TV' we mean linear channels provided over the internet, either as native streams provided directly to RTSS providers, or as 'deep links' which launch the content provider's app and invoke the relevant live stream.

Figure 4: Example of a live TV area on the UI



Our consultation proposals

8.4 We set out in the Consultation our rationale for proposing recommended actions for the listed channels on the basis of the analytical framework we used to develop the Code.

8.5 We explained that RTSS providers must give appropriate prominence to the listed channels that DIPS providers have chosen to include in their DIPS. The channels in scope of the duty (i.e. the listed channels) are also separately given appropriate prominence on regulated EPGs under the EPG Code. The listed channels are all of the BBC public service channels, the regional Channel 3 services provided by ITV and STV, Channel 4, Channel 5 and S4C Digital.

8.6 Taking this context into account, in our Consultation, we proposed seven recommended actions (under recommendation A4) that RTSS providers should take to give an appropriate degree of prominence to the listed channels included in the DIPS. In summary, we proposed that:

Recommendation A4 as proposed in the Consultation: Listed Channels

Action A4.1: The recommended actions would apply to providers of RTSS that have one or more live TV areas.

Action A4.2: If a live TV area is a regulated EPG it would be out of scope of the recommendation, as it would already be subject to the EPG Code.

Actions A4.3 to A4.5: The listed channels included in the DIPS should appear in the recommended order and in the specified positions (or within the specified thresholds) in each live TV area on the RTSS, with modifications according to the user's location on regionalised RTSS and for channels presented in relevant genre groupings.

Action A4.6: Where a live TV area does not present channels in the form of a list, the provider should ensure that the presentation achieves an equivalent degree of prominence to that set out in actions A4.3 to A4.5.

Action A4.7: If an RTSS provider allows them to do so then users may decide the order of channels (including the listed channels) in each live TV area.

Action A4.8: Each listed channel need only appear once in a live TV area.

Stakeholder responses and our assessment

8.7 We received a range of feedback on our proposed recommended actions for listed channels. A number of stakeholders generally agreed with our proposals on the listed channels, but some respondents expressed views on which live TV areas the recommended actions should apply to, the inclusion and prominence of the live TV area, the proposed listed channel order and positions, and the ability of users to reorder channels.

8.8 Some RTSS providers suggested that the recommended actions should apply only to one 'main' live TV area instead of every live TV area. Other respondents, such as the PSBs, suggested that the Code should specifically recommend the inclusion of live TV areas in RTSS, and that in turn these should be made prominent.

8.9 Respondents generally welcomed the proposed channel order and positions and broad alignment with the EPG Code. However, some stakeholders, including RTSS and the PSBs, expressed concern about the proposed ordering, particularly in relation to the position of the Channel 3 service on non-regionalised RTSS, and the position of S4C on regionalised RTSS outside Wales. Some stakeholders, including RTSS and the PSBs, expressed views on future alignment between the Code and the EPG Code.

8.10 Although there was some support for users being able to choose to reorder channels, some PSBs expressed concern about users being able to move the listed channels from their positions.

8.11 We consider this feedback in more detail below, and in light of it, assess the effectiveness of the recommended actions. In subsequent sections, we go on to assess the likely impacts of the recommended actions before reaching a final decision on them.

8.12 We also received feedback on the delivery method for the listed channels. These comments are discussed and addressed in Chapter 11 on the Guidance.[477]

Application of the recommended actions to all live TV areas

Our proposals

8.13 We proposed that our recommendation would apply to each live TV area on the RTSS, but that it would not apply to any live TV area that is a regulated EPG as this would already be subject to the EPG Code.

Summary of responses

8.14 Several respondents commented on which live TV areas should be subject to the recommended actions.

8.15 Some stakeholders challenged whether the proposals should apply to each live TV area included on an RTSS. Both Paramount and Everyone TV considered that where more than one live TV area or guide is available, only one should have to meet the recommended

[477] Paragraphs 11.94 to 11.95, 11.100 to 11.104 and 11.118 to 11.130.

actions.[478] Everyone TV also suggested if there are ever instances where some live TV areas must comply and others not, then the areas which contain the listed channels should always be more prominent than any other live area.[479] Similarly, Paramount said live TV areas which comply with the recommended actions for listed channels should have greater overall prominence than other live areas.[480] Paramount also suggested that prominence for live linear television delivered via regulated EPGs should be recognised in the Code.

8.16 Sky suggested that where a live TV area is dedicated to a specific genre or type, RTSS providers should only be required to include PSB channels which contain content relevant to that genre.[481] For example, it said that giving prominence to PSB channels on a live sport rail, where those channels are not broadcasting relevant sports content at the selected time, could undermine the purpose of that rail and the user experience.

8.17 YouView supported our proposal to exclude regulated EPGs from the scope of the Code.[482] However, some stakeholders asked for clarification on when providers should follow the EPG Code and when they should follow the recommended actions for listed channels. For example, Paramount and Everyone TV noted that channels from different "guide areas" often feed directly into one live TV area (such as an 'on now' rail), and it may be that one of the 'feeding' guides for this area is a regulated EPG, while the other is not. Everyone TV sought clarity on whether or not a live TV area fed by different "guide areas" (including one which is a regulated EPG) would be a regulated EPG, while Paramount set out its view that it should be possible for such an area to be compliant with the Code, to avoid creating differing channel ordering requirements in the same live TV area.[483] [✂].[484]

8.18 Some respondents also raised concerns about live TV areas which include FAST channels. Paramount and Everyone TV argued that including the listed channels within FAST environments, or in guides that also include unlicensed or unregulated channels, could lead to viewer harm by exposing them to content that does not meet the standards which apply to regulated channels.[485] Everyone TV also suggested that requiring the listed channels to sit alongside FAST channels could hinder innovation. It considered that a different definition of live TV area or a method to ensure listed channels do not appear alongside unlicensed channels would allow for greater RTSS differentiation, including around FAST channels.[486]

8.19 Roku set out its view that the prominence recommendations should apply only where the RTSS already carries a particular listed channel in a live TV area, because if this is not the case, the RTSS cannot affect its prominence.[487] Roku considered therefore that live TV areas dedicated to FAST channels should not be in scope of the Code, and that inclusion of

[478] Everyone TV response; p.12; Paramount response, p.2.
[479] Everyone TV response, p.13.
[480] Paramount response, p.2.
[481] Sky response, p.62.
[482] YouView response, p.7.
[483] Everyone TV response, p.9; Paramount response, p.2.
[484] [✂].
[485] Everyone TV response, p.10; Paramount response, p.1.
[486] Everyone TV response, pp.10-11.
[487] With regard to section 362AO(3) of the Communications Act 2003

the listed channels in these environments would affect the RTSS provider's ability to differentiate its service.[488]

8.20 Finally, Google said it would welcome clarity on how the recommended actions apply to live TV areas that currently have a limit on the number of channels displayed. It argued that a proportionate reduction in the number of listed channels should be permitted.[489]

Our assessment

8.21 Live TV areas are the main way in which users can access the listed channels on RTSS. In line with our high-level principles and analytical framework, we consider it is important for users to be able to discover and access the listed channels easily where an RTSS includes a live TV area. Accordingly, we remain of the view that it is appropriate to recommend actions to secure appropriate prominence in these areas.

8.22 However, we also aim to ensure users continue to benefit from both a range of content and the different features and experiences which RTSS can offer. In light of this, having carefully considered responses from stakeholders (including Paramount, Everyone TV, and Sky), we agree that applying the Code to every live TV area could disproportionately limit a provider's ability to innovate different live TV features, and to make easily accessible to audiences a range of both public service and other channels. We also recognise that in some types of live TV area (for example genre-based areas), the listed channels may not contain relevant content, disrupting the intended user experience and limiting the value of the area to viewers. We therefore consider there is a risk that applying the recommended actions to each live TV area, as proposed in the Consultation, may not achieve the best outcomes for audiences.

8.23 However, we do not think the proposal put forward by some stakeholders, that the recommendation should only apply to a single live TV area, would be effective in securing appropriate prominence. Such an approach could mean that some important live TV areas would fall outside the scope of the recommendation. For example, many RTSS UIs include both a live TV row on the homepage and a comprehensive live TV guide on another page. We consider that both areas could be important routes for users to discover live public service programming. This is because users are likely to encounter a live TV area on the homepage when browsing for something to watch, while users seeking a comprehensive list of channels may use a dedicated live TV guide.

8.24 Given this, we have carefully considered whether to change the recommended actions proposed in the Consultation. We consider that an effective recommendation would be one that applies to the most prominent live TV area on the RTSS – the "main live TV area" – and the most prominent live TV area on each dedicated live TV page.[490] By a "dedicated live TV page" we mean a separate page or screen of the UI, for example one accessed through a navigational menu, which typically provides a more comprehensive selection of channels than the main live TV area.

8.25 We consider that these areas should both be in scope because they can often serve distinct, but important purposes. The main live TV area may make a selection of channels

[488] [✂].
[489] Google response, p.9.
[490] If there is only one live TV area on a dedicated live TV page, then the recommendation will apply to that live TV area.

immediately visible, while a dedicated page allows users to browse a broader selection of live channels. Applying the recommendations to these areas should therefore be sufficient to secure appropriate prominence without the need for the recommendations to apply to every live TV area on the RTSS. For example, a live TV area which is focused on a specific genre would likely be out of scope of the recommendation. This approach also acknowledges Everyone TV and Paramount's suggestion that the live TV areas that include listed channels should be more prominent than other live TV areas.

8.26 Given the wide variety of UIs across RTSS, we consider it would be disproportionate for Ofcom to determine which live TV area is the most prominent on the RTSS or on a dedicated live TV page. However, we do consider it would be helpful for the Code to set out principles that RTSS providers should have regard to when making this determination, as we have decided to do for the app menus recommendation:

- A live TV area that is immediately visible after a user has navigated to the page on which the live TV area is included is more prominent than a live TV area that is not so immediately visible.
- The nearer to the top of the page the live TV area is positioned, the more prominent it is.
- The fewer the number of clicks (or equivalent) to reach the live TV area, the more prominent it is.

8.27 This is not an exhaustive list; other principles may be relevant to particular RTSS which we think the Code should expressly acknowledge.

8.28 It would therefore be for RTSS providers to determine which live TV areas are in scope of the recommendation by determining which is the most prominent on the RTSS and, where relevant, on any dedicated live TV page (we refer to these live TV areas as the "relevant live TV areas" in the rest of this chapter). In response to Sky's query about whether the recommended action would apply to live TV areas dedicated to a specific genre or type of content, where such live TV areas are not a relevant live TV area the recommended action would not apply to them.

8.29 We have also considered Paramount's suggestion that prominence already given to listed channels through regulated EPGs should be recognised in our approach. We agree that prominence for the listed channels will already have been secured by a regulated EPG that appears on the same page as a live TV area and is more prominent than it. In those circumstances, we do not think the recommended action should apply to that live TV area, thereby avoiding unnecessary duplication of channel listings and allowing providers flexibility to differentiate their services. However, for the avoidance of doubt, a live TV area would only be out of scope where a regulated EPG is more prominent on the same page of the RTSS. There is otherwise a risk that a live TV area which does not include the listed channels could be more prominent, and therefore more easily discoverable, than the listed channels in the regulated EPG. Consistent with our approach elsewhere in the Code, we consider that RTSS providers would benefit from clear principles for assessing whether a regulated EPG is more prominent than a live TV area. These principles should align with those used to determine the most prominent live TV area.

8.30 With regard to Everyone TV and Paramount's comments about live TV areas that draw on more than one guide, we recognise that there may be some live TV areas (such as an 'on now' rail) that present channels from both a regulated EPG and other sources. Where a live TV area of this kind is a regulated EPG, it will be excluded from the listed channels

recommendation and must instead follow the EPG Code.[491] Where a live TV area of this kind is not a regulated EPG and is a relevant live TV area in scope of this recommendation, providers should follow the actions we recommend for securing appropriate prominence in that live TV area.

8.31 We have considered stakeholder concerns about the potential for harm if listed channels appear next to unlicensed FAST channels. However, this question goes beyond the scope of the present work. The licensing framework in general, and the scope of services covered by EPG regulation in particular, is a matter for Parliament and government.[492] For present purposes, if an RTSS provider chooses to present listed channels and FAST channels together in a relevant live TV area, the presence of FAST channels does not remove the need to give the listed channels appropriate prominence. In these circumstances, the listed channels should appear in the recommended positions.

8.32 Similarly, we do not agree with Roku's view that the recommended actions should only apply in live TV areas where listed channels are already included. Doing so could allow providers to avoid the recommendation by excluding listed channels. However, as discussed further in the next section, the recommendation only applies where an RTSS provider chooses to include a live TV area. RTSS providers remain free to design their UIs as they see fit provided their approach secures appropriate prominence for listed channels in line with the Code.

8.33 In relation to Google's query about live TV areas with only a limited number of channel 'slots', we do not consider it appropriate to reduce the number of listed channels shown in such circumstances. RTSS providers have a duty to give appropriate prominence to all listed channels included in the DIPS, and each of these channels contributes to the relevant PSB's public service remit. Further, we consider that, although the changes required may vary between RTSS, adding slots to the relevant TV areas would be technically feasible, as discussed further in our assessment of impacts from paragraph 8.77.

8.34 Taking stakeholder responses and our assessment as set out above into account, we consider that amending our approach to focus the recommended actions on the main live TV area and the most prominent live TV area on each dedicated live TV page would be effective in securing appropriate prominence. These are important routes through which users discover and access live TV content. Applying the recommendations to them should make the listed channels easy to find, while preserving providers' flexibility in other live TV areas.

The inclusion and position of the live TV area

Our proposals

8.35 We said that RTSS providers would remain free to choose whether to include a live TV area on their service. We did not propose a recommended action about the position of a live TV area on a UI.

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[491] Ofcom, Code of practice on electronic programme guides. An "electronic programme guide" is defined in section 310(8) of the Act. Ofcom maintains a list of regulated EPGs. Under the Regulated Electronic Programme Guide (Prescribed Description and Transitional Arrangements) Regulations 2026, additional EPGs will become regulated EPGs.

[492] We note that the UK Government has announced it is considering its approach to regulation of EPGs.

Summary of responses

8.36 Only S4C commented on whether we should recommend that RTSS providers include a live TV area. It considered that RTSS providers should be required to provide a clearly visible live TV rail or guide within their UIs to support users in finding live TV content.[493]

8.37 However, several respondents commented on whether an included live TV area should itself be prominent. Everyone TV said that consideration should be given to "mandating" prominence of the live TV area (where the area is a regulated EPG or other regulated environment), an approach supported by the BBC and Channel 4.[494]

Our assessment

8.38 As explained in Chapter 4 on our approach to developing the Prominence Code of Practice, we consider that an appropriate degree of prominence is one that enables users to easily discover and access each DIPS and its programmes, including its listed channels where these are included in the DIPS. However, we also consider that audiences should be able to benefit from a range of RTSS offering different features and experiences. While we recognise the points raised by S4C, Everyone TV, the BBC and Channel 4 that recommending RTSS providers include particular features and make them easy to find could help to strengthen the prominence of the DIPS, and the public service programmes and listed channels included in them, we do not consider that this is necessary to secure appropriate prominence.

8.39 We therefore do not consider it necessary to go further by recommending that RTSS providers include a live TV area or prescribe where it should appear on the UI. Doing so would, in our view, unreasonably limit providers' flexibility to innovate, to secure better outcomes for users, and to differentiate their services. We also consider that RTSS providers have incentives to include features valued by audiences and to make them easy to find. In any event, we consider that applying the recommendation to the relevant live TV areas will mean that the listed channels will be appropriately prominent and easily discoverable in those areas when users choose to access them. We also note that where a DIPS is included in the RTSS through an app, users would also have the option to access any listed channels included in the DIPS via the app, which we consider will be easy for users to find and discover based on our recommended actions for app menus.

8.40 Taking stakeholder responses and our assessment set out above into account, we consider that our recommended actions would be effective in securing appropriate prominence. Where an RTSS provider includes a live TV area, the recommended actions would secure appropriate prominence for the listed channels in the relevant live TV areas, by making them easy to find and access. At the same time, allowing RTSS providers to decide whether to include a live TV area and where to locate it on their UI would preserve their flexibility to innovate and adapt their services in response to evolving audience preferences and viewing behaviour.

[493] S4C response, p.6.
[494] Everyone TV response, p.13; BBC response, p.7; Channel 4 response, p.21.

Listed channel order and positions

Our proposals

8.41 We considered it appropriate for our recommended actions largely to mirror the EPG Code where it was practical and appropriate to do so. The recommended channel positions and thresholds set out in the draft Code were intended to help audiences find the listed channels easily and be in positions broadly in line with their expectations.

8.42 On non-regionalised RTSS, we proposed the top seven positions in each live TV area would be occupied by the main PSB channels in this order: BBC One, BBC Two, ITV, Channel 4, Channel 5, S4C and STV. This reflects the EPG Code for the first five channels, with ITV occupying the Channel 3 position and S4C and STV following immediately after. We also proposed that BBC Alba, BBC Scotland, BBC Three and BBC Four should appear within the first 24 slots.

8.43 Where RTSS are regionalised, we proposed that the order of the listed channels reflects the location of the user:

- For users outside of Wales, we proposed that either ITV or STV should appear in the third position depending on the user's location, meaning that where STV appears, ITV need not appear in the live TV area and vice versa. We said that S4C should appear within the first 24 slots.
- For users in Wales, we proposed that ITV should appear in the third position and S4C in the fourth. We said that Channel 4 should appear no lower than the eighth position and STV need not appear at all.
- We also said that BBC Alba and BBC Scotland should appear within the first 24 slots only for users in STV's licence areas.

8.44 We proposed that BBC News, BBC Parliament, CBeebies and CBBC should appear in the first eight slots in relevant genre groupings if the live TV area has them, in line with the requirements of the EPG Code. Where there are no genre groupings, we said these channels may appear in any position.

Summary of responses

8.45 We received a range of comments on our proposals for the order and positions of the listed channels. Some stakeholders also had comments specifically about our proposals on both regionalised and non-regionalised RTSS. We first summarise the overarching comments we received, and then the feedback on our proposals for regionalised and non-regionalised RTSS.

8.46 Overall, a number of respondents agreed with our proposed ordering and positioning of the listed channels,[495] with the British Broadcasting Challenge, BT Group, and Paramount in particular welcoming the broad consistency with the EPG Code.[496] The CTVMA also agreed "subject to consistent definitions and scope".[497]

8.47 However, some respondents expressed specific concerns about our channel ordering proposals. LG argued that the proposed standard channel ordering, with PSB channels

[495] Bectu response, p.4; Professor Steven Barnett response, p.1; University of Sheffield response, p.3; Professor Catherine Johnson response, p.8; ITV response, p.8.
[496] British Broadcasting Challenge response, p.4; BT Group response, p.7; Paramount response, p.1.
[497] CTVMA response, p.3.

occupying the first seven positions, meant that the recommendation went beyond securing appropriate prominence and into "dominant" prominence, which it considered failed to reflect the requirements of the statutory framework.[498]

8.48 Several respondents also commented more broadly on our proposed alignment of channel ordering with the EPG Code. Everyone TV asked that further consideration be given to how this Code will interact with the EPG Code and said that it would also welcome the two codes aligning more closely in future.[499] It suggested that listed channel ordering should match the EPG Code, as this would ensure a more uniform linear experience for users. The BBC suggested it would be helpful for us to clarify whether, in the future, the EPG Code and this Code will be reviewed together to ensure consistency between the two frameworks.[500] [✂].[501]

8.49 Finally, the CTVMA suggested that a "standardised reporting schema for listed channel availability and placement" should be developed, so that compliance is more easily auditable.[502]

Listed channels on non-regionalised RTSS

8.50 Two respondents commented on our proposed channel ordering in relation to the Channel 3 service on non-regionalised RTSS. STV expressed concern about the proposed position of STV on non-regionalised RTSS in its licence areas. It considered that this would run contrary to both the structure of the Channel 3 network and the EPG Code. It argued that STV being at position seven on RTSS in STV's licensed areas would not reflect the principles of the EPG Code or secure appropriate prominence for STV. It also noted that ITV and STV do not have the requisite rights to show Channel 3 content outside of their licensed areas. STV concluded that variations between regulated EPGs and the recommended listed channel order on non-regionalised RTSS will lead to user confusion and reduce engagement with STV.[503]

8.51 The Scottish Government said that, as the Code did not recommend regionalisation of RTSS, it was concerned that platforms may choose to implement UK-wide ordering in live TV areas for simplicity. It argued this may therefore not provide STV with the prominence it considers STV should have as the Channel 3 service for its licence areas in Scotland.[504]

Listed channels on regionalised RTSS

8.52 S4C welcomed our proposal for its channel to retain the fourth position in Wales on regionalised RTSS.[505] However, it considered that the inclusion of the S4C channel within the top 24 channels on regionalised RTSS outside Wales represents only a "baseline safeguard". S4C argued that the Code should recommend a higher placement for its channel outside Wales. It considered this would better reflect S4C's updated UK-wide remit

[498] LG response, p.9.
[499] Everyone TV response p.10.
[500] BBC response, p.6.
[501] [✂].
[502] CTVMA response, p.3.
[503] STV response, p.15.
[504] Scottish Government response, p.2.
[505] S4C response, p.6.

and was necessary to ensure discoverability. S4C also cited Barb-measured TV viewing hours from 2025 which it said showed 15% of these hours were from outside of Wales. [506]

8.53 One stakeholder considered that recommending S4C appears no lower than position 24 outside of Wales would go beyond appropriate prominence.[507] It argued that viewers outside Wales that speak Welsh are already likely to be aware of S4C and would seek the channel out regardless of where it is placed. It also argued this would displace other channels from their current positions, which could negatively affect the user experience as viewers would need to familiarise themselves with the new ordering. It also said that other broadcasters could see a reduction in viewing figures as viewers adjusted.

8.54 As noted in earlier chapters, in relation to our approach to including different recommended actions depending on whether an RTSS is regionalised or not, one RTSS provider noted that it would expect RTSS providers to be able to regionalise parts of the UI but not all of it.[508]

Our assessment

8.55 We have carefully considered the points raised by stakeholders about the ordering of listed channels and alignment with the EPG Code. We first respond to the overarching comments and then consider the specific comments regarding the order and position of channels on regionalised and non-regionalised RTSS.

8.56 Overall, we consider that the channel orders we proposed would be effective in securing appropriate prominence for all of the listed channels. We consider that these positions would enable users to easily discover and access these channels. As discussed at paragraph 8.41 above, the recommended channel ordering is broadly consistent with the EPG Code, which sets out the practices that regulated EPG providers must follow in giving appropriate prominence to public service channels. Given the continued migration of users to internet-delivered live TV, we consider that maintaining and applying a broadly consistent ordering where possible would help users continue to find the listed channels easily. In addition, we explain above in paragraphs 8.24-8.28 that we consider the recommendation should only apply to the main live TV area and the most prominent live TV area on each dedicated live TV page. Taking these factors into account, we consider that, overall, the recommended actions would secure appropriate prominence. We consider the impact of these recommendations in more detail from paragraph 8.77 below.

8.57 In response to comments from Everyone TV, BBC and [✂] about the potential for closer alignment with the EPG Code in future, we recognise the desirability of a consistent approach for audiences and industry stakeholders. At the same time, we note that the Government has recently designated several EPGs,[509] which will need to come into compliance with the EPG Code at different times over the coming months. We consider that a review of the EPG Code while this is ongoing and shortly after this Code is finalised could create unnecessary uncertainty for stakeholders. However, we will keep both Codes under review, and will continue to monitor what, if any, changes may be necessary.

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[506] S4C response, p.3.
[507] [✂].
[508] [✂].
[509] The Regulated Electronic Programme Guide (Prescribed Description and Transitional Arrangements) Regulations 2026 (SI 2026 No. 259).

8.58 In response to the CTVMA's point about a standardised reporting schema, our approach to monitoring and compliance is discussed in Chapter 13.

8.59 Finally, we note that the BBC has recently announced plans to close the BBC Three and BBC Scotland linear services.[510] Precise details about the closures are still to be confirmed, and so we consider it would be premature to remove the channels from this Code. In any case, we note the recommended actions are clear that RTSS providers should follow the recommended order when listed channels are included in the relevant DIPS. As such, if these channels are not included in BBC iPlayer, or cease to be included in future, then RTSS providers would not need to afford them the prominence recommended in the Code.

Listed channels on non-regionalised RTSS

8.60 We have carefully considered STV and the Scottish Government's concerns that, on non-regionalised RTSS, STV would appear in seventh position even for users in STV's licence areas. Although we acknowledge these concerns, as we set out in Chapter 4, we consider that appropriate prominence can be secured for STV on both regionalised and non-regionalised RTSS.

8.61 As we explain in Chapter 4, three high-level principles guided our proposals for what may constitute an appropriate degree of prominence on individual areas or features of a UI.[511] These include enabling audiences to easily discover and access DIPS and public service programmes and supporting them to discover and access relevant public service programmes, including programmes intended to serve audiences in particular locations. We consider that on a non-regionalised RTSS, following the recommended actions in the Code, STV appearing in the seventh slot in a live TV area would be easy for audiences to find and access. Where RTSS providers offer the option for users to personalise their live TV area, viewers would be able to reorder the channels to place STV in a higher position if they wished.

8.62 As discussed at paragraph 8.41, we consider it appropriate to mirror the EPG Code where it is practical and appropriate to do so. We note that the EPG Code states that "EPG providers must enable viewers in a region to select the appropriate regional version of [a designated service]… where the channel provider in question has secured services that enable this".[512] The EPG Code therefore does not require EPG providers to create a regionalised service and instead sets alternative provisions for regionalised and non-regionalised EPGs. The proposal in the consultation reflected the fact that, by definition, a non-regionalised RTSS cannot vary the ordering of ITV and STV according to the user's location. We acknowledge this means that the proposed channel order on a non-regionalised RTSS is not consistent with the position of the STV channel in the EPG for users of regionalised services. However, as discussed in paragraph 8.61 above, we consider that the placement of the STV live channel in the seventh slot in a live TV area would still be easy for audiences to find and access.

8.63 We also recognise that on non-regionalised RTSS, users will be presented with both the ITV and STV channels in prominent positions, but may not be able to access both channels, which could cause some viewer frustration or confusion. However, we consider that this is

[510] The BBC, 20 October 2026. BBC announces next phase of savings including the closure of linear broadcast services.
[511] Paragraph 3.20 of the Consultation.
[512] Ofcom, Code of Practice on Electronic Programme Guides, paragraph 7.

necessary to ensure that all users are able to access and view the Channel 3 service that is relevant to their geographic location (e.g. viewers in STV's licence areas will be able to access and view STV's listed channel; users in ITV's licence areas will be able to access and view ITV's listed channel).

8.64 We recognise the Scottish Government's concern that RTSS providers may choose to implement a non-regionalised approach, but we remain of the view that the recommended seventh position would make STV easy to discover and access on non-regionalised RTSS for the reasons set out above. We also note that a regionalised RTSS following the Code would give prominence to a smaller number of apps and channels than a non-regionalised RTSS. Providers may therefore be incentivised to adopt a regionalised approach, in which case STV should appear in the third position for users in its licence areas.

Listed channels on regionalised RTSS

8.65 We have carefully considered stakeholder comments about the prominence S4C should receive in live TV areas on regionalised RTSS outside of Wales, taking into account evidence from S4C that 15% of its live TV viewing hours are outside of Wales. We have also had regard to the EPG Code, which requires S4C to appear within the first 24 positions on non-regionalised EPGs, with the aim of ensuring the channel is easy to find.

8.66 Overall, it remains our view that the proposed approach would be effective in securing appropriate prominence for S4C, as it would ensure that the service is easily discoverable outside Wales, appropriately reflecting its updated UK-wide remit. It is also the case, however, that S4C will remain particularly relevant to audiences in Wales, and as such we consider it appropriate for S4C to receive greater prominence on regionalised RTSS.

8.67 We acknowledge that where the recommended action requires RTSS providers to move channels to accommodate S4C within this threshold, this could have an impact on users and other channels. We consider the impacts of the recommended actions in more detail from paragraph 8.77 below.

8.68 We have also considered the point that RTSS providers may be able to regionalise some elements of their UI more easily than others, taking into account the changes we have decided to make in light of this feedback for other UI areas. We recognise that RTSS providers may be able to regionalise a live TV area while facing constraints in regionalising other parts of the UI. As discussed in Chapter 5 on app menus at paragraph 5.87, we consider regionalisation should operate separately for each part of the UI. Accordingly, we consider it would be appropriate for the actions recommended for regionalised RTSS to apply only where the RTSS provider has made the decision to regionalise a live TV area on the service.

8.69 Taking stakeholder responses and our assessment as set out above into account, we consider that the recommended channel positions would be effective in securing appropriate prominence for each DIPS, helping to make the listed channels easy to find and discover. The recommended actions would also mean that the channel order is broadly consistent with the EPG Code, in line with audience expectations. This is particularly important as more users migrate to internet-delivered live TV. Regional adaptations to the standard channel order set out above will also contribute to securing appropriate prominence by ensuring that audiences, regardless of their location, can easily find the listed channels which are relevant to them.

User choice in the live TV area

Our proposal

8.70 We proposed that nothing in the recommendation should prevent users from being able to decide the order of channels (including the listed channels) in each live TV area, where the RTSS offers users that functionality.

Summary of responses

8.71 A number of the PSBs had concerns about users being able to reorder the positions of the listed channels. S4C said that such an approach could erode prominence of the PSBs over time.[513] STV said that users should not have the ability to move its service, while Channel 4 argued that reordering could undermine linear channel prominence and that the recommended action should be removed.[514] ITV considered that the PSBs could end up with little to no prominence as a result of user personalisation, noting also that there is no comparable provision in the EPG Code.[515]

8.72 LG said that such functionality would be operationally complex to implement, and that significant development work would be required to support it.[516]

Our assessment

8.73 Securing appropriate prominence will enable all audiences to easily discover and access the DIPS, and the public service programmes and listed channels included in them, including those users who do not regularly consume them. However, we recognise that some users would want the option, where this functionality is available, to reorder listed channels away from the recommended positions, to improve ease of access to their preferred channels. We consider that the duty to give appropriate prominence should not override a deliberate choice made by a viewer to change the channel order to reflect their personal preferences. As such, while we recognise the concerns raised by S4C, STV, Channel 4 and ITV that allowing users to reorder channels could result in listed channels appearing less prominently for some individuals, we do not consider that these concerns outweigh the benefits of allowing users to make active and deliberate choices about how channels are ordered, where RTSS providers offer this functionality. We therefore remain of the view that our recommendations should not override a user's active and deliberate choice to change the channel order. This is consistent with our recommendations relating to app menus (see Chapter 5 above).

8.74 Additionally, in paragraph 5.99 of Chapter 5 on app menus, we also discussed stakeholders' concerns that DIPS apps could be moved or removed while other IPS apps remain fixed in prominent positions, and we agreed that this could undermine the effectiveness of the recommended actions in securing appropriate prominence. We consider that such an outcome is also possible in live TV areas, where listed channels could be moved while other channels remain fixed in prominent positions. As such, we also consider that the Code should be clear that nothing should prevent users from deciding the order of channels in the relevant live TV areas, provided that such functionality is available on an equivalent basis for the listed channels and other channels. This would prevent listed channels from

[513] S4C response, p.6.
[514] STV response, p.13; Channel 4 response, p.21.
[515] ITV response, p.8.
[516] LG response, p.4.

being disadvantaged by functionality that allows users to move them while other channels remain fixed.

8.75 We note that at present many RTSS providers do not offer the functionality to reorder live TV channels. In response to LG's comment about the complexity of introducing such functionality, we confirm that we are not recommending that RTSS providers include it, but they may choose to do so if they wish.

8.76 Taking stakeholder responses and our assessment set out above into account, we consider that allowing users to reorder channels, provided that the functionality operates on an equivalent basis for listed and other channels, would be effective in securing appropriate prominence. It would support user choice while ensuring listed channels are not disadvantaged relative to other channels.

Impact on providers

Technical feasibility

Our position at consultation

8.77 We said that we did not expect any technical barriers to prevent providers from following the recommended actions. In reaching this view, we considered that providers would retain discretion over the design of live TV areas and any changes to channel order should be achievable using existing processes to manage channel placement.

Stakeholder responses

8.78 One RTSS provider indicated the recommended actions may not be feasible unless listed channels are available over the internet. [✂].[517]

Our response

8.79 With respect to channels delivered via DTT rather than over the internet, the regulatory framework applies to RTSS, which are defined by reference to a service, or dissociable section of a service, provided by means of the internet.[518] Where listed channels are delivered over the internet, there are different technically feasible means to ensure inclusion of listed channels, which includes native streams or 'deep links' that launch the channel within the relevant app. Our recommended action does not prescribe a specific approach. We therefore still consider the recommended action to be technically feasible.

8.80 The specific technical steps for inclusion are a matter for RTSS providers and DIPS providers to agree as part of their arrangements, which is discussed separately in Chapter 11 on the Guidance.

Impacts on RTSS providers

Our position at consultation

8.81 We said that we expected channel reordering to be a relatively straightforward task, with a small direct resource cost. We recognised potential opportunity costs, if providing the recommended positions to listed channels would displace other channels, including an

[517] [✂].
[518] Section 362AE(1) of the Act.

RTSS provider's own FAST channels or other third-party channels. Although a large number of channels could be affected in this way, typically they should only need to move down a small number of slots. We therefore expected only a small impact overall.

Stakeholder responses

8.82 LG said that compatibility issues between "DTT IP channels" and its existing FAST platform could result in increased operational costs. It added that significant development work would be required "to support the requested functionality", which appears to refer to user ability to change the channel order.[519]

8.83 Google noted that some live TV areas currently have a limit on the number of channels displayed. They argued that a proportionate reduction in the number of listed channels should be permitted.[520]

Our response

8.84 We now consider that the recommended actions should apply only to the main live TV and the most prominent live TV area on each dedicated live TV page, rather than all live TV areas. We consider this avoids unnecessary resource costs to amend other live TV areas.

8.85 We recognise that it may be more complex and therefore costly to implement the recommended action in live TV areas that combine channels from different sources or platforms, such as listed channels and FAST channels. We are aware that some RTSS do this, and the Code also allows flexibility for RTSS providers to create a FAST channel area separate from the main live TV area, should they prefer this approach.

8.86 In response to LG's comments about users being able to change the channel order, the Code does not recommend that providers offer this functionality, only that they may do so. Therefore, any associated costs are optional.

8.87 In response to Google's comment, we recognise that impacts may be greater where a live TV area has a smaller number of available slots. For instance, if a main live TV area has 20 positions, implementing the recommended action would involve placing some channels (e.g. BBC Four) within the top 20 positions, higher than the minimum threshold specified in the Code, further limiting the positions available for other channels. However, we would also expect it to be feasible to increase the number of available slots and unlikely to constitute large costs, should an RTSS provider choose this approach.

8.88 Overall, we consider the impacts on RTSS providers would be proportionate, given the specific duty to provide prominence to listed channels and the benefits that this is expected to deliver.

Impacts on DIPS providers and other channel providers

Our position at consultation

8.89 We did not expect DIPS providers to incur material costs.

8.90 We found that BBC One, BBC Two, ITV, Channel 4 and Channel 5 already occupied the highest positions in many cases. The proposals would help to secure that these channels continue to secure prominent positions going forward, whereas inclusion and placement of

[519] LG response, pp.4-5.
[520] Google response, p.9.

the other listed channels (including STV and S4C Digital) varied and these were more likely to be immediately affected by increased prominence.

8.91 As noted above, we recognised that other channels may receive lower prominence where listed channels are made more prominent, with potential adverse impacts on providers of those channels in terms of lower viewing. We said that specific impacts would depend on current positions of channels and whether an RTSS regionalises, with impacts likely to be small in most cases, but potentially more significant in limited cases, for example where a channel is moved from the first page of a live TV area to a second page.

Stakeholder responses

8.92 Some responses discussed the proposed listed channel positions in general terms, as set out above,[521] without specifically addressing impacts. Where responses did discuss the likely impacts on channel providers from changes in positions, stakeholders expressed mixed views. [✂].[522] S4C said that small shifts in position can have a disproportionate impact on audience reach for smaller PSBs,[523] [✂].[524]

8.93 One stakeholder also said that other channel providers may be adversely affected by proposed listed channel positions, as lower positions could lead to a dip in viewing. There may also be potential costs to update marketing materials with new channel numbers.[525]

Our response

8.94 We maintain that the recommended actions are likely to benefit DIPS providers overall, and although they may result in some other channels moving to lower positions, this may be necessary to give the listed channels appropriate prominence. We recognise that stakeholders had mixed views about the likely scale of impact from changes in channel order and consider this is likely to vary depending on context. We still consider any adverse impacts on other channels to be small in most cases.

8.95 On balance, we consider the adverse impacts would be proportionate relative to the benefits, given that any non-listed channel should typically only need to move down by a small number of slots.

Our decisions and final recommended actions

8.96 Live TV areas are an important route for users to access live TV content, and their use is likely to increase as more users migrate to internet-delivered live TV. It is therefore a key area where appropriate prominence should be secured, to support audiences in easily finding and accessing the PSB's listed channels. In accordance with our high-level principles and analytical framework, we are including recommended actions in the Code which RTSS providers can follow to give appropriate prominence to the listed channels in live TV area(s).

8.97 Having carefully considered the responses to the Consultation alongside our assessment of the likely impacts, for the reasons set out in this chapter we consider that our final

[521] See subheading 'Listed channel order and positions'.
[522] [✂].
[523] S4C response, p.6.
[524] [✂].
[525] [✂].

recommended actions, taken together, are proportionate and will secure appropriate prominence for the listed channels.

8.98 We summarise below the final recommended actions, explaining the principal changes we have made from our proposals. We also summarise some other relevant amendments that we have made for consistency and clarity.[526] The full text of the recommended actions is in the final Code in Annex 2, at recommendation A4.

Summary of our final recommended actions and changes from our proposals:

- **Action A4.1**: The listed channels recommendation applies to RTSS that have one or more live TV areas.
  Changes from consultation proposals: None.

- **Action A4.2**: The recommendation does not apply to any live TV area which (a) is a regulated EPG or (b) appears on a page on which a regulated EPG is more prominent than that live TV area. To determine whether a regulated EPG is more prominent than a live TV area, the provider should have regard to the principles set out in action A4.3(b).
  Changes from consultation proposals: We proposed only to exclude regulated EPGs from the scope of the recommendation. Given our decision to apply the recommendation only to the relevant live TV areas (as per action A4.3 below), this action now also excludes any live TV area which appears on a page where a regulated EPG is more prominent than it.

- **Action A4.3(a)**: The provider should include the listed channels set out in action A4.4 in (i) the most prominent live TV area on the RTSS (the "main live TV area") and (ii) the live TV area (or the most prominent live TV area if there is more than one) on any dedicated live TV page on the RTSS that does not include the main live TV area (together, the "relevant live TV areas").
  Changes from consultation proposals: This action now recommends that the listed channels be included only in the relevant live TV areas, rather than every live TV area on the RTSS as proposed.

- **Action A4.3(b)**: To determine which live TV area is the most prominent, the provider should have regard to these principles: a live TV area that is immediately visible is more prominent; the nearer to the top of the page the live TV area is positioned, the more prominent it is; the fewer clicks (or equivalent) it takes to reach the live TV area, the more prominent it is; and any other principle which is relevant to giving prominence to live TV areas on the RTSS.
  Changes from consultation proposals: This is a new provision setting out principles that providers should have regard to in determining which live TV area(s) is the most prominent, reflecting that the recommendation now applies only to the relevant live TV areas.

[526] The changes to the draft Code are set out in in Annex 6: Comparison of the Draft and Final Code of Practice.

- **Action A4.4**: Subject to action A4.5, the provider should include the listed channels in the relevant live TV areas when they are included in the DIPS provided by the provider of the relevant listed channel, in the order and positions proposed at consultation.[527]
  Changes from consultation proposals: This was action A4.3 in the draft Code. The proposed order and positioning of listed channels remains the same. This action now specifies that the listed channels should be included where they are included in the relevant DIPS, for consistency with the actions recommended for regionalised RTSS.

- **Action A4.5**: Where the presentation of channels in a live TV area differs for users in different areas of the United Kingdom, the provider should include the listed channels in the relevant live TV areas for users in Wales and users outside of Wales in the order and positions proposed at consultation.[528]
  Changes from consultation proposals: This was action A4.4 in the draft Code. We proposed that these regionalised actions should apply where the presentation of IPS and/or programmes on the RTSS is regionalised, but have decided to apply them only where the presentation of channels in a live TV area is already regionalised.

- Action **A4.6**: If any relevant live TV area, or any part of a relevant live TV area, presents or groups channels by genre, the provider should ensure that BBC News, BBC Parliament, CBBC and CBeebies (where they are included in BBC iPlayer) appear no lower than eighth position in any relevant genre section or channel grouping.
  Changes from consultation proposals: This was action A4.5 in the draft Code. No substantive changes.

- **Action A4.7**: Where a relevant live TV area does not present channels in a list, the provider should give equivalent prominence to that set out in actions A4.4 to A4.6 in the relevant live TV areas.
  Changes from consultation proposals: This was action A4.6 in the draft Code. We have updated cross-references to reflect the numbering of the final recommendation.

- **Action A4.8**: Users may decide the order of listed channels in the relevant live TV areas, provided that such functionality is available on an equivalent basis for the listed channels and other channels in those live TV areas.
  Changes from consultation proposals: This was action A4.7 in the draft Code. We have made this option conditional on this functionality being available for non-listed channels on an equivalent basis.

- **Action A4.9**: A listed channel need not appear more than once in each relevant live TV area.

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[527] BBC One in first position; BBC Two in second position; ITV in third position; Channel 4 in fourth position; Channel 5 in fifth position; S4C Digital in sixth position; STV in seventh position; BBC Alba, BBC Scotland, BBC Three and BBC Four to appear no lower than 24th position; and unless the live TV area groups channels by genre, BBC News, BBC Parliament, CBBC and CBeebies may appear in any position.

[528] The order and positions set out in action A4.4, with the following modifications: for users in Wales, S4C Digital should appear in fourth position, Channel 4 should appear no lower than eighth position, and STV, BBC Alba and BBC Scotland need not appear; for users outside of Wales, the relevant Channel 3 service to the user's location should appear in third position (and no other Channel 3 service need appear), S4C Digital should appear no lower than 24th position, and BBC Alba and BBC Scotland need not appear for users outside of Scotland.

Changes from consultation proposals: This was action A4.8 in the draft Code. No substantive changes.

Other relevant changes:

- **Inclusion of definition of "dedicated live TV page"**: This is a new definition that supports the application of the listed channels recommendation to the relevant live TV areas.
- **Inclusion of definition of "main live TV area"**: As defined in action A4.3(a).

9. Prominence Code of Practice: Attribution

Attribution means displaying branding on, or next to, programmes to indicate the source of the programme, film, or series. This helps audiences identify the programme's provider and make informed viewing choices.

We are broadly confirming the proposals we consulted on but have decided to make some changes in response to stakeholder feedback. We provide a summary of the final recommendations at the end of this chapter, including any changes we have made**.** We consider these recommended actions will be effective in ensuring that audiences can easily recognise and discover public service programmes, while continuing to ensure there is flexibility to reflects the different approaches taken by RTSS providers and support future innovation. We consider the likely impact of our decisions on RTSS providers, DIPS providers and other IPS providers to be proportionate.

9.1 In this chapter, we apply our analytical framework to set recommended actions for attribution:

- we summarise our consultation proposals;
- we assess the context, effectiveness and likely impacts of the recommended actions in light of the responses we have received; and
- we set out our final decisions in light of these assessments.

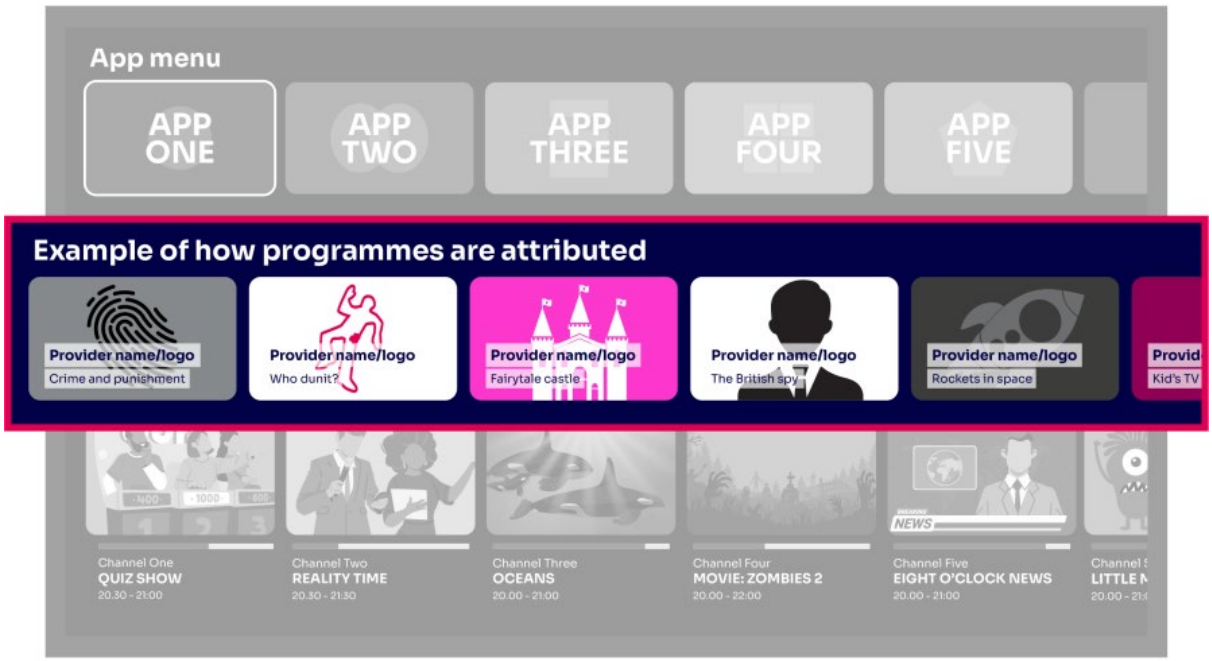
Background

Attribution

9.2 Attribution plays an important role in helping audiences recognise the source of programmes. Where programmes are presented outside an IPS provider's own app, audiences may not always recognise which provider made or commissioned the content they are being offered. The effect of clear attribution, therefore, is to help preserve for the audience the connection between public service programmes and the PSBs responsible for them, supporting both informed viewing choices and securing appropriate prominence.

9.3 While PSBs retain control over branding within their own apps, they are dependent on RTSS providers to facilitate attribution in disaggregated content areas, promotional areas and search results on the UI. This attribution can take different forms, including the display of logos on programme imagery, branded programme rows, or branding incorporated within playback experiences. To support the implementation of attribution, PSBs may need to provide metadata and branding assets in formats compatible with the requirements of individual TSS providers.

Figure 5: Example of how programmes can be attributed



Our consultation proposals

9.4 We set out in the Consultation our evidence and rationale for proposing recommended actions for attribution on the basis of the high-level principles and analytical framework we used to develop the draft Code.[529]

9.5 We considered that clear attribution of programmes, including through branding or provider identification, could support the prominence of DIPS. We also noted that, in the absence of clear branding or logos, users may be less able to recognise the DIPS associated with prominently displayed programmes, potentially undermining the prominence of those programmes.

9.6 With this in mind, we proposed three recommended actions that we considered would be effective in giving an appropriate degree of prominence to public service programmes and for which the impacts would be proportionate. In summary, we proposed that:

Recommendation A5 as proposed in the Consultation: Attribution

Action A5.1: The actions in this recommendation A5 apply to a provider in respect of each regulated television selection service it provides.

Action A5.2: Providers should clearly indicate to users in which DIPS a public service programme is included, wherever it is presented on an RTSS.

Actions A5.3: Public service programmes should be attributed at least as clearly as non-public service programmes.

[529] The evidence we reviewed indicating that attribution can play an important role in helping audiences decide what programmes to watch is noted in the Consultation in paragraphs 3.230 to 3.231.

Stakeholder responses and our assessment

9.7 Stakeholders expressed differing views on our proposals, with some suggesting we should make the recommendations more prescriptive, while others, generally the RTSS providers, sought greater flexibility. A number of stakeholders also raised practical questions about the role of metadata in enabling attribution and how the recommendations should apply where a programme is available through more than one IPS and therefore has multiple playback routes.

9.8 We consider this feedback in more detail below, and in light of it, assess the effectiveness of the recommended actions. In the subsequent sections, we assess their likely impacts before setting out our final decisions.

Level of attribution

Our proposals

9.9 We proposed that RTSS providers should ensure that public service programmes, wherever they are presented on the RTSS, are clearly attributed to the DIPS they are included in. We also said that public service programmes should be attributed at least as clearly as non-public service programmes. This was intended to ensure public service programmes are easy to discover.

Summary of responses

9.10 Several respondents supported our recommendations.[530] The CTVMA said that clear attribution to the relevant PSB player improves trust and reduces misrouting, while S4C considered it an important foundation to support effective programme discovery.[531] Channel 4 said that attribution ensures that audiences are aware of PSB programmes and are more likely to value and engage with those programmes going forward.[532]

9.11 However, some stakeholders called for clearer attribution for DIPS programmes and said that the proposal for public service programmes to be attributed at least as clearly as non-public service programmes would constitute parity and not prominence.[533] An individual respondent raised concerns that our approach could lead to DIPS programmes remaining unattributed if non-DIPS programmes are also not attributed.[534]

Our assessment

9.12 As discussed above, attribution can play an important role in helping audiences find and identify public service programmes. As such, we consider it is important that public service programmes are clearly attributed so that users are aware which DIPS they are included in. This should help make those programmes easy to discover and access.

9.13 We have considered the suggestion by some stakeholders that public service programmes should have greater or more pronounced attribution than other programmes. We do not

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[530] BBC response, p.7; Bectu response, p.4; BT Group response, p.7; Channel 4 response, p.3, 22; CTVMA response, p.3; Everyone TV response, p.14; ITV response, p.8; S4C response, p.7; YouView response, p.7.
[531] CTVMA response, p.3; S4C response, p.7.
[532] Channel 4 response, p.22.
[533] British Broadcasting Challenge response, p.5; Professor Catherine Johnson response, pp.8-9; Professor Steven Barnett response, p.5; VLV response, p.6.
[534] Professor Catherine Johnson response, pp.8-9.

think this is necessary. In our view, clear and consistent attribution for all programmes would help users to: understand the range of content on offer to them from different providers; differentiate between viewing options; and make informed decisions about what programmes to watch. We consider this to be consistent with the principles we set out for securing appropriate prominence, namely that public service programmes should be easily discoverable, and that audiences should continue to benefit from programming from a range of providers.[535]

9.14 However, having considered stakeholder feedback, we now take the view that public and non-public service programmes should be attributed in a "similar" way, rather than public service programmes being attributed "at least as clearly as" non-public service programmes, as proposed in our Consultation. This is consistent with the approach we have taken to the degree of prominence given to public service programmes in primary content areas and search results, which also proposes that providers compare how public service and other programmes are presented. To assist providers, we also consider it would be helpful to set out in the Code the factors that are likely to be relevant to this assessment, specifically the shape, size, form, contrast and highlighting of the form of attribution.[536] For the avoidance of doubt, this would not displace the recommendation that public service programmes always be clearly attributed, regardless of whether non-public service programmes are also attributed.

9.15 Taking stakeholder responses and our assessment as set out above into account, we consider that recommending public service programmes are clearly attributed and, where other programmes are attributed, receive similar attribution would be effective in securing appropriate prominence. The added non-exhaustive list of factors would provide greater clarity to RTSS providers on how to implement this approach.

Attribution to the DIPS

Our proposals

9.16 We proposed that RTSS providers should clearly indicate to users which DIPS a public service programme is included in.[537]

Summary of responses

9.17 Sky supported the objective of ensuring appropriate attribution for public service programmes but considered that RTSS and DIPS providers should retain flexibility over how attribution is delivered. It argued that, while users should be clearly informed of the relevant PSB provider, it may not always be appropriate to identify the DIPS through which the programme is available. Sky pointed to examples where attribution to a PSB provider brand, such as the BBC, or a PSB portfolio channel brand, such as ITV3, may be more appropriate than attribution to the corresponding DIPS. It therefore suggested that the Code should give PSBs and RTSS providers the flexibility to agree alternative approaches, provided that the relevant PSB is clearly identified. [538]

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[535] Paragraph 3.20 of the Consultation.
[536] These are the same factors set out in action A1.5 in the Code which recommends that the presentation of DIPS apps is similar to the presentation of other IPS apps in the relevant app menus.
[537] Paragraph 3.226 of the Consultation.
[538] Sky response, pp.65-66.

9.18 One stakeholder also explained that it currently agrees attribution requirements with PSBs on a case-by-case basis and displays relevant titles and logos in accordance with the PSBs' preferences.[539]

Our assessment

9.19 We agree that attribution to the relevant DIPS should not be the only way in which public service programmes can be attributed. In some circumstances, attribution to the provider of the DIPS or to a linear channel may be more appropriate and equally effective. For example, provided that the attribution is clear, attributing a programme to the BBC or BBC One, instead of BBC iPlayer, may be more useful to audiences.

9.20 We also recognise that DIPS and RTSS providers may wish to agree alternative approaches to reflect particular services and UI designs, or to highlight particular pieces of content. We also note that one stakeholder suggested this would be in line with its current practice. We therefore consider that the Code should be flexible enough to accommodate such arrangements.

9.21 We therefore consider that action A5.2 should recommend that public service programmes may be attributed to the relevant DIPS, the relevant PSB, the relevant channel, or as agreed between the RTSS provider and DIPS provider. This would provide flexibility to both DIPS and RTSS providers and accommodate a range of UI designs and circumstances, while at the same time ensuring that users receive clear information about the source of public service programmes.

How programmes should be attributed

Our proposals

9.22 In the Consultation, we explained that we did not consider it appropriate to specify exactly how RTSS providers should attribute public service programmes. We noted that we had observed a range of different approaches across RTSS, including logos on programme images, branded rows, or graphics within playback, and considered that approaches could reasonably vary depending on UI design.[540]

9.23 We explained that we had considered whether to propose a more prescriptive recommendation – for example, that attribution should be provided through the use of the DIPS logo. However, we provisionally concluded that this could disproportionately restrict how RTSS providers innovate their UIs, including through the use of logos rather than text in search results. We considered it could also impose additional costs on PSBs if it were to lead them to change their approach to metadata sharing with RTSS providers in order to enable attribution.[541]

Summary of responses

9.24 Respondents expressed differing views on the importance of a prescribed approach. BT Group and Roku supported the flexibility we had proposed.[542] In contrast, other

[539] [✂].
[540] Paragraph 3.227 of the Consultation.
[541] Paragraph 3.241 of the Consultation.
[542] BT Group response, p.7; CTVMA response, pp.3-4; Roku response, pp.7-8.

respondents called for a more prescriptive recommendation, while others suggested that applying a more prescriptive model could create technical and practical difficulties.

9.25 For example, the British Broadcasting Challenge called for more prescriptive attribution and suggested that a standardised PSB badge or label would help audiences identify programmes made to public service standards.[543] The VLV suggested that there should always be a visible logo on PSB programmes, while the CTVMA considered that attribution should be applied consistently across different areas of the UI, including programme rails, search results, voice search results and deep links.[544]

9.26 The BBC stated that as far as possible, there should be direct integration with the BBC iPlayer catalogue and, when it comes to branding, all images and programmes on the RTSS UI should carry BBC attribution in line with its branding guidelines.[545]

9.27 YouView agreed with our approach but encouraged us to ensure that attribution requirements remain practical and scalable, including when content is surfaced through aggregated or personalised environments.[546]

9.28 In contrast, techUK expressed concerns regarding prescriptive labelling requirements, citing the absence of established technical solutions and noting that such requirements appear to be unique to the UK. It said that the lack of interoperable standards could give rise to additional costs, resource demands and longer implementation timelines. It argued that the development of "cross-platform attribution mechanisms [would] require new standards, coordination across multiple industry actors, and significant engineering investment".[547]

9.29 TechUK also stated that its members consider that users already receive attribution through existing mechanisms, such as branding, content grouping and UI design, and that additional on-screen labelling may therefore be unnecessary. It called for a "flexible, phased and standards aligned approach".[548]

Our assessment

9.30 Our high-level principles for securing appropriate prominence and our analytical framework seek to ensure that public service programmes are easy to identify and access, while preserving appropriate scope for RTSS providers to innovate. Consistent with those principles, we consider that providers should have flexibility in how they deliver attribution, provided that users can still identify the source of public service programmes easily. Given the diversity of RTSS and UI designs, different attribution mechanisms may achieve this outcome. We therefore do not consider it necessary to prescribe any particular method of attribution across all services. This should allow attribution to be implemented practically and at scale, including in aggregated and personalised environments.

9.31 In response to the point raised by the CTVMA about the desirability of a consistent approach to attribution, we note the goal of this recommendation is to ensure public

[543] British Broadcasting Challenge response, p.5.
[544] CTVMA response, pp.3-4; VLV, response, p.6.
[545] BBC response, p.8.
[546] YouView response, p.7.
[547] techUK response, p.8.
[548] techUK response, p.8.

service programmes are clearly attributed wherever they are presented. Provided this is achieved, how RTSS providers adapt the specific format or look and feel of attribution across different parts of the UI is unlikely to have a material impact on this outcome.

9.32 We note the BBC's point regarding its own branding guidelines. The amended recommendation provides flexibility for RTSS and DIPS providers to agree how attribution should be delivered. Whatever approach is taken, we would expect it to ensure that users can clearly identify the relevant public service provider or service.

9.33 We also acknowledge the points raised by techUK, including its concern that a prescriptive approach could require the development of interoperable standards. As our recommendations do not prescribe a standardised approach, we do not consider they necessitate the development of a common cross-platform attribution mechanism. However, as with other parts of the Code, RTSS and DIPS providers will need to cooperate to secure the information and technical inputs necessary to enable clear attribution to be provided in accordance with the recommendation. The nature and extent of any implementation work will depend on providers' existing systems and arrangements.

9.34 Having considered stakeholder responses and taken our assessment as set out above into account, we consider that the approach we proposed in the Consultation would be an effective approach to the attribution of public service programming. We consider that, by offering RTSS providers discretion over the exact method they use to attribute programmes, they will retain an important level of flexibility to accommodate different UI designs and attribution mechanisms, while at the same time ensuring that users can clearly identify the source of public service programming.

Inputs and metadata to deliver attribution

Our proposals

9.35 The Code is designed to set out the recommended actions that RTSS providers can take to meet their appropriate prominence duties. As such, the draft Code did not include any recommendations about the provision of necessary inputs and metadata from DIPS providers. However, in the draft Guidance, we explained that we would generally consider terms regarding the supply by DIPS providers of inputs, including metadata, that are necessary for RTSS providers to follow the recommended actions in the Code to be core terms of agreements between RTSS and DIPS providers. This would include any information or data that RTSS providers need to attribute programmes to DIPS providers.[549]

Summary of responses

9.36 Several stakeholders, predominantly RTSS providers, highlighted that attribution depends on adequate metadata, such as logos, being shared between DIPS and RTSS providers.[550] Samsung suggested that we should include wording in the Code to expressly address this

[549] Draft Guidance, paragraphs 2.12(b) and 2.26(b).
[550] BT Group response, p.7; LG response, p.5; Samsung response p. 14; Roku response, pp.7-8; S4C response, p.7; YouView response, p.7.

dependency. It proposed that actions A5.2 and A5.3 should be dependent on the provision of metadata from the DIPS to the RTSS.[551]

9.37 [✂].[552]

9.38 Google highlighted that, while a DIPS or IPS provider may hold the rights to distribute programmes to viewers, it may not hold the associated branding rights. It said that programme owners may require their own branding to be displayed, even where programmes are distributed through another service. It argued that this would contribute to making action A5.2 "practically infeasible".[553]

9.39 Google proposed that action A5.2 be removed, on the basis that action A5.3 would be sufficient to enable users to identify where programmes are available and to secure appropriate attribution for DIPS. Alternatively, it suggested either amending action A5.3 so that RTSS providers need only take reasonable steps to signal to users on which DIPS content is available or narrowing the scope of action A5.2 so that it applies only to programmes commissioned and owned by the relevant DIPS provider.[554]

Our assessment

9.40 In relation to the metadata needed to deliver the recommended actions, we address this more broadly in Chapter 11 on the Guidance. The final Guidance sets out that core terms of agreements generally include terms regarding DIPS providers supplying RTSS providers with the inputs necessary to enable them to follow the recommended actions in the Code, including metadata and any information or data that RTSS providers need to attribute programmes to DIPS providers.[555] We have also considered comments about metadata quality in Chapter 11.[556]

9.41 In response to Samsung's suggestion that the Code should include the provision of metadata, we do not consider this necessary, given that the Guidance already identifies the provision of metadata needed to enable RTSS providers to follow the Code as a core term. We would therefore expect DIPS providers to supply the information and inputs reasonably necessary to enable attribution. Whether an RTSS provider could deliver the recommended attribution outcome without a particular input would depend on the circumstances.

9.42 [✂].

9.43 In response to Google, we recognise that a programme may be available through both a DIPS and a non-DIPS, and that third-party branding rights may affect how it is presented. As we explain in paragraph 6.148 above, the programme is only a public service programme in relation to its inclusion in the DIPS. The Code does not recommend that a programme available through a DIPS and a non-DIPS should always be attributed to the DIPS. However, it can only contribute to the prominence of public service programmes in primary content areas and search results if it is attributed to a DIPS and users can access it as included in that DIPS.

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[551] Samsung response, p.14.
[552] [✂].
[553] Google response, p.10.
[554] Google response, p.10.
[555] Guidance, paragraph 2.31(a).
[556] See paragraphs 11.145 and 11.160 to 11.162.

9.44 We do not agree with Google's suggestion that the recommended actions relating to attribution should apply only to programmes commissioned and owned by a DIPS provider. Under the Act, the relevant consideration is whether a programme is public service remit content,[557] rather than who commissioned or owns it.

9.45 Taking the stakeholder responses and our assessment set out above into account, we consider that the Guidance appropriately addresses the provision of metadata and other inputs needed to enable RTSS providers to deliver attribution. We therefore do not consider it necessary to include additional requirements concerning the provision of those inputs in the Code.

Attribution for programmes available on multiple services

Our proposal

9.46 In the Consultation, we acknowledged that some challenges may arise in implementing the attribution measures, such as in search results where programmes are available through multiple IPS. However, we said that we expected RTSS providers to be able to address these challenges by attributing a programme to each relevant DIPS and that they could also choose to attribute the programme to another IPS through which it is available if they wished to do so. We noted that such an approach may also be necessary on non-regionalised RTSS, where Channel 3 programmes should be attributed to both ITV and STV.[558] Accordingly, where a public service programme is included in more than one DIPS, taking the recommended action A5.2 would mean clearly attributing the programme to each relevant DIPS.

Summary of responses

9.47 Some responses, largely from RTSS providers and industry bodies, queried how feasible the recommended actions would be to follow, especially when taking into account that programmes often have multiple playback routes, with some seeking greater clarity about how the actions would be implemented in practice.

9.48 For example, VMO2 and techUK sought clarity on the point in the user journey at which attribution should be provided. They said that, where a programme is available from multiple providers, the different playback routes may only appear at a later stage.[559]

9.49 Similarly, Sky explained that programme attribution can vary depending on both the type of search function used and the stage of the user journey. For text-based searches, it provided examples of results pages where programmes are initially displayed without provider attribution, either in a list view on Sky Q or as tiles on Sky Glass. For voice-search results, it explained that a single provider may initially be attributed, even when a programme is available from multiple providers. Sky also said that on some pages, one provider may feature more prominently than another based on relevance.[560]

9.50 ITV raised a number of queries about attribution in the context of programmes available on multiple services. It said that in its experience, promotional tiles tend to provide direct access to a programme from a specific service. ITV asked whether we envisaged a "menu-

[557] As defined in section 362AA(12) of the Act.
[558] Paragraph 3.232 of the Consultation.
[559] VMO2 response, p.8; techUK response, p.8.
[560] Sky response, pp.68-72.

based approach" with a list of providers users could choose between. It argued that, if this was the case, PSBs should be entitled to prominence in any such list. Alternatively, ITV asked us to clarify that, where such functionality was not provided, "attribution should be only to the programme provider that will deliver the show should the user select the relevant tile".[561]

9.51 Both ITV and STV also raised a number of points related to how programmes available across both of their services should be attributed.[562]

9.52 STV stated that a regionalised RTSS should be able to correctly attribute Channel 3 network programmes shared between ITV and STV to a user's relevant service, and direct users to view on the service where they can watch it. STV was concerned that, where an RTSS is not regionalised, users could instead be presented with an incorrect regional version that they cannot access. [563]

9.53 STV also questioned whether non-regionalised RTSS could be relied on to attribute shared programmes accurately. It said that although "Ofcom makes the suggestion to attribute both ITV and STV to the content, this language does not appear in the Code". [564] STV also stated that, in the case of search results, it is common for providers to list all providers of such content and allow users to self-select their preferred playback route.[565]

9.54 ITV said that dual attribution could be considered misleading, as users may not be able to watch programmes on both services.[566] It said this could lead to "'dead' link outcomes" and that "a significant amount of PSB prominence would be wasted on journeys that cannot result in viewing". ITV also raised broader concerns regarding the practical implementation of attributing programmes available on both ITV and STV. It explained that it currently supplies RTSS providers with links to programmes alongside relevant metadata. However, determining whether programmes should be attributed to ITV, STV or both would require platforms to have up-to-date information on programme availability and user access rights. ITV noted that, because ITVX and STV Player are distinct services and there is no shared content identifier or similar mechanism linking the relevant programmes, platforms may need to develop new technical solutions to support this functionality.[567]

Our assessment

9.55 We acknowledge stakeholder concerns relating to attribution for programmes available on multiple services. Below we provide some clarification in response to stakeholder questions. We also set out why we consider it would be appropriate to make some amendments to the Code, in particular to provide greater clarity about how dual attribution to ITV and STV is expected to work.

9.56 It should be noted that a programme can only be a public service programme if it is included in a DIPS and, in the case of the PSBs other than the BBC, contributes to the fulfilment of the relevant PSB's public service remit. For the avoidance of doubt, if a

[561] ITV response, p.9.
[562] ITV response, pp.10-11; STV response, p.14.
[563] STV response, pp. 10-11.
[564] STV response, p.14.
[565] STV response, p.10.
[566] ITV response, pp.10-11.
[567] ITV response, p.11.

programme tile is only attributed to a non-DIPS and does not provide access to the programme via a DIPS, it is not a public service programme for the purposes of the Code.

9.57 In response to stakeholder comments about when in a user journey the attribution recommendations would apply, we acknowledge that RTSS providers may usefully present information to users in different ways and at different stages of the user journey. For instance, logos may appear on, or next to, a programme tile. In other cases, selecting a programme tile may take the user to a secondary page with further information about the programme, including the services on which it is included. We recognise that different approaches may be capable of providing clear attribution. We consider it would better reflect our intent to amend action A5.2 to replace the reference to '*wherever* a public service programme is presented' with '*in relation to the presentation of* a public service programme'. We consider this clarifies that RTSS providers have appropriate flexibility about how attribution is built into the user journey, provided that the source of the public service programme is clear to audiences.

9.58 In response to the approach outlined by Sky, where a programme is available on both a DIPS (as a public service programme) and a non-DIPS (as a non-public service programme), we explain separately in Chapter 7 on our search recommendations (paragraph 7.23) that we would typically expect these to be similarly relevant and therefore similarly prominent, although we recognise that there could be exceptions.

9.59 In response to points raised by ITV and STV, we have had regard to our principle that appropriate prominence should support user discovery and access to relevant public service programmes, including content intended to serve audiences in the user's location. We consider it would be inconsistent with this principle if attribution to the relevant DIPS for a user's location were absent. We therefore consider it would be appropriate to amend the Code to clarify that on non-regionalised RTSS, where a public service programme is included in both ITVX and STV Player, it should be attributed to both services. On an RTSS in which the presentation of programmes is regionalised, such a programme should be attributed to the service which serves the audience in the area in which the user is located.

9.60 To ensure that users can benefit from public service programmes where they are presented and attributed, we consider it appropriate to specify in the Code that users should be able to easily access public service programmes from where they are presented on the UI. This is consistent with the recommendations for primary content areas and search, which recommend users be able to easily access public service programmes from the relevant areas and search results respectively, extending the same expectation to any other areas of the UI where programmes are presented (such as disaggregated content rows that are not primary content areas). This should support the user in discovering and accessing public service programmes, including where a programme is available on both a DIPS and a non-DIPS. We consider this addition also to be important to ensure that users of non-regionalised RTSS are able to access a public service programme on whichever Channel 3 DIPS is relevant to them.

9.61 We do not agree with ITV's comment that dual attribution may be misleading. On an RTSS in which the presentation of programmes is not regionalised, where a public service programme is included in both ITVX and STV Player, dual attribution ensures that users understand this and can easily choose the playback route that is available to them. On the other hand, attribution to a single Channel 3 service could itself be misleading in cases

where territorial exclusivity arrangements prevent a user from accessing the programme on that service.

9.62 We recognise ITV's concern that dual attribution has the potential to result in 'dead link' outcomes if a user attempts to initiate playback through one service when they are only entitled to view the programme on the other service, due to territorial exclusivity arrangements. However, dual attribution can mitigate the risk of such outcomes, compared to a single attribution approach which could mislead a user if they do not have easy access to the content on that service. We also note that the Channel 3 DIPS providers themselves may be able to facilitate more effective user journeys by providing clear information within the DIPS, including where a user attempts to access a programme that is not available in their location.

9.63 Taking the stakeholder responses and our assessment set out above into account, we consider that the amendments to the Code and clarifications above should ensure that public service programmes available on multiple viewing options is attributed in a way that is easily discoverable and accessible for users across the UK.

Impacts on providers

Technical Feasibility

Our position at consultation

9.64 We said that RTSS providers already provide attribution to varying extents and we did not anticipate significant technical barriers to implementing the recommended action.

Stakeholder responses

9.65 As mentioned previously, some RTSS providers said that the ability to provide attribution may depend on availability of relevant metadata.[568] Google highlighted a specific scenario where branding rights might prevent a programme being attributed to a DIPS.[569]

9.66 ITV identified technical complexities associated with the proposal for some content to have dual attribution to ITV and STV on non-regionalised RTSS. It stated that, "in order to accurately determine whether a show would need to be ITV-branded, STV-branded, or dual-branded, a platform would need to know on a daily basis where the content was being hosted and what access rights the user has". It said that there is no shared content ID or similar to enable this, potentially requiring platforms to build a solution.[570]

Our assessment

9.67 We set out previously[571] our assessment that, while the provision of attribution may depend on metadata availability and branding rights, these factors should not prevent RTSS providers from being able to implement the recommended actions.

9.68 With regard to ITV's comments, we agree that implementing dual attribution of content included on both ITVX and STV Player depends on the RTSS platform identifying which programmes are available on both services. We understand that it is already commonplace

[568] See subheadings 'How programmes should be attributed' and 'Inputs and metadata to deliver attribution'.
[569] Google response, p.10.
[570] ITV response, p.11.
[571] See subheading 'Inputs and metadata to deliver attribution'.

for many RTSS to display multiple playback options for a programme, for example in response to a user search query and in some cases in disaggregated content areas. As set out in the Guidance, we consider that DIPS providers supplying to RTSS providers the necessary metadata to enable them to follow the recommended actions would generally be a core term of their agreements.[572] We therefore consider it technically feasible for an RTSS provider to ascertain whether a programme is included on both ITVX and STV Player, for instance through automated programme title searches or matching.

9.69 Based on the above, we remain of the view that the recommended actions are technically feasible.

Impact on RTSS providers

Our position at consultation

9.70 We recognised that providers might need to put in place processes to ensure attribution was applied clearly and consistently across the UI.[573] We expected costs typically to be small, as some RTSS providers may already provide adequate attribution and others may make relatively simple changes to implement the recommended actions.[574] We took into account that providers retain flexibility over how they design and operate the UI to provide attribution in practice.

Stakeholder responses

9.71 TechUK said that "developing cross-platform attribution mechanisms will require new standards, coordination across multiple industry actors, and significant engineering investment". It urged Ofcom to take a flexible approach.[575]

9.72 [✂].[576]

9.73 ITV noted that, to provide dual attribution to ITV and STV, RTSS providers may need to develop a relevant technical solution to identify which programmes are included on both PSBs' DIPS.[577]

Our assessment

9.74 Where we think we should change or clarify aspects of the recommended actions, this does not significantly change our assessment of impacts on providers RTSS. We consider the Code should allow for attribution to DIPS, PSBs, channels or any other form of attribution agreed between the parties, providing additional flexibility which may prevent RTSS providers incurring costs for unnecessary changes in some cases. We also think we should change the language of recommended action A5.2 to clarify that attribution may take place in different ways at different stages of a user journey, as long as attribution is clear and similar for public service programmes and other programmes. This avoids costs that may otherwise have been incurred to redesign UIs and user journeys.

[572] Paragraph 2.31(a) of the Guidance.
[573] Paragraph 3.235 of the Consultation.
[574] Paragraph 3.235 of the Consultation.
[575] techUK response, p.8.
[576] [✂].
[577] ITV response, p.11.

9.75 We have considered techUK's comment and consider that our approach allows appropriate flexibility in how attribution is provided. We do not expect that following the Code would necessarily require RTSS providers to incur costs to develop complex new industry standards or cross-platform mechanisms. To the extent that industry chooses to engage in such initiatives, this would be a voluntary choice and is not specifically recommended by the Code.

9.76 [✂].

9.77 With respect to programmes included in both ITVX and STV Player, we recognise that providers of non-regionalised RTSS may face additional costs to implement dual attribution and easy access to both DIPS. Relevant functionality to support multiple programme sources already exists on several RTSS. Where relevant capabilities do not exist, providers of non-regionalised RTSS may incur costs to:

i) Ascertain which programmes are included on both ITV and STV DIPS (e.g. through automated title search/matching processes as described under "technical feasibility" above), identifying relevant metadata, such as the programme's deeplink for each DIPS; and
ii) Modify UI designs to achieve dual attribution and to allow users to select from the two playback routes.

9.78 We do not have sufficiently specific information to quantify these costs, but indicatively we expect one-off costs could be in the scale of hundreds of thousands of pounds where more complex work is required, consistent with our understanding of the costs to introduce new features or make significant modifications to the UI.

9.79 Therefore, while our overall assessment remains that providing clear and consistent attribution may typically involve relatively small costs, we recognise costs may be higher in some cases, particularly for non-regionalised RTSS. Our recommended actions do not prescribe specific UI designs or approaches for implementing dual attribution and playback routes, allowing RTSS providers the option to pursue the least expensive ways of taking the recommended actions. We consider these costs proportionate, considering the importance of ensuring that Channel 3 content is easily discovered and accessed by users in all locations, including on non-regionalised RTSS.

9.80 Overall, based on the above, we consider the impacts on RTSS providers proportionate to the benefits of our recommendation.

Impact on DIPS and other IPS providers

Our position at consultation

9.81 We expected resource costs for DIPS providers to be limited, as PSBs already typically provide the inputs needed for attribution, such as metadata and branding assets. We noted that attribution may encourage viewing of public service programmes by making audiences more aware of its source and reinforcing trust. We did not foresee material costs for providers of other non-designated IPS.

Stakeholder response

9.82 Some stakeholder responses indicated that the impacts on DIPS providers are likely to depend on the extent to which their existing metadata, branding assets and processes are sufficient to support the attribution recommended by RTSS providers.[578]

9.83 ITV noted that the "requirement to revoke assets and redeliver them in different/bespoke forms may bring costs and management overheads". This appears to refer to assets such as images, either with logos burnt in or provided separately.[579]

Our assessment

9.84 We accept that, where RTSS providers implement dual attribution of some programmes to ITV and STV, this may result in some additional resource costs for providers of those DIPS to update their processes related to branding assets and relevant metadata. This depends on how dual attribution is implemented. For example, where some images are currently supplied by DIPS providers with a single burnt-in ITV or STV logo, it may become appropriate to use alternative images. We expect DIPS providers to be able to manage such changes, which we consider necessary to provide appropriate prominence to each DIPS on non-regionalised RTSS. Dual attribution may benefit STV in particular, as programmes which are exclusive to STV Player in STV's licence areas could otherwise be attributed only to ITV and only easily accessible via ITVX.

9.85 Overall, we remain of the view that costs for DIPS providers should be limited in most cases and proportionate relative to the benefit they receive from clear and consistent attribution.

Our final recommendations

9.86 Having considered the stakeholder responses, our assessment of effectiveness and the likely impacts as set out above, we have decided to include the recommended actions for attribution in the Code, with the amendments explained in this chapter and below. We consider that these recommended actions will be effective in securing appropriate prominence for public service programmes by ensuring that users know when a public service programme is presented on the RTSS and the source of that programme, and that public service programmes are not attributed less favourably than other programmes. We consider the likely impacts of this recommendation will be proportionate.

9.87 The box below summarises our final recommended actions and the principal changes from our consultation proposals. The full recommended actions are set out in recommendation A5 of the final Code (see Annex 2).[580]

Summary of our final recommended actions and decisions:

- **Action** A5.1: **The attribution recommendation applies to every RTSS.**
  Changes from consultation proposals: None.

- **Action A5.2(a):** In relation to the presentation of a public service programme on the RTSS, the provider should clearly indicate to users: (a) the DIPS in which the programme

[578] BT Group response, p.7; Google response, p.13; LG response, p.5; Samsung response, p.14.
[579] ITV response, p.11.
[580] All changes to the draft Code are set out in Annex 6: Comparison of the Draft and Final Code of Practice.

is included; (b) the relevant PSB; (c) the relevant channel; and/or (d) any other form of attribution agreed between the parties.
Changes from consultation proposals: This recommended action now says that attribution should be given "in relation to" the presentation of a programme, rather than "wherever" it is presented. It now allows providers to attribute a public service programme to the PSB that provides the DIPS in which the programme is included, the channel in which the programme is included, or any other agreed form of attribution, in addition to the DIPS in which the programme is included (as proposed).

- **Action A5.2(b)**: A public service programme included in both ITVX and STV Player should be attributed to: (a) where the presentation of programmes does not differ for users in different areas of the United Kingdom, both DIPS; and (b) where the presentation of programmes differs for users in different areas of the United Kingdom, the DIPS that is relevant to the location of the user.
Changes from consultation proposals: This additional provision makes clear that Channel 3 programmes included in both ITV and STV's DIPS should be attributed to both or, where the presentation of programmes is regionalised, ITV or STV as relevant to the user's location.

- **Action A5.3**: The way in which a public service programme is attributed (in accordance with A5.2(a)) should be similar to the way in which other programmes are attributed.
Changes from consultation proposals: This action now recommends that the attribution of public service and other programmes is "similar", rather than "at least as clear". It also reflects that attribution may take any of the forms recommended in A5.2(a).[581]

- **Action A5.4:** Users should be able to easily access public service programmes from where they are presented and attributed. Where a public service programme is attributed to both ITV and STV, users should be able to easily access the programme on both DIPS.
Changes from consultation proposals: This is a new recommended action to ensure that users can easily access public service programmes from where they are presented.

[581] Action A5.3 does not recommend that a form of attribution as agreed by the parties should be similar to the attribution of other programmes, given that it is for the parties to agree the terms of any such alternative form of attribution.

10. Accessibility Code of Practice

In our Consultation, we proposed recommended actions to ensure disabled users can use an RTSS for the same purposes as other users (so far as practicable), and to find and use assistance (including access services) provided in relation to IPS included in the RTSS.

We are broadly confirming the proposals we consulted on but have decided to make some minor changes and clarifications in response to stakeholder feedback; these are set out under 'Our decision' for each recommended action. We consider our final recommended actions will secure effective outcomes for disabled users, while continuing to ensure there is flexibility to reflect the different approaches taken by RTSS providers and support future innovation. We consider the likely impact of our decisions on RTSS providers to be proportionate.

Introduction

10.1 The Code must recommend actions that RTSS providers can take to comply with their prominence and accessibility duties in the Act. This chapter sets out the actions we recommend for compliance with the accessibility duty.

The accessibility section of the Code has two key objectives:

a) to ensure that disabled people, in particular those with disabilities affecting their sight or hearing, or both, can make use of the RTSS for the same purposes as people without disabilities (as far as practicable), and
b) to ensure that these users are informed about and able to make use of any assistance for disabled people provided by IPS included in the RTSS.

10.2 This chapter summarises the approach we took to developing our recommended actions for the draft Code, details the comments we received in response to our Consultation, and gives our response to those comments and our final decisions.

10.3 The recommended actions to ensure 10.1a is met are discussed at paragraphs 10.8 to 10.83, and the recommended actions to ensure 10.1b is met are discussed at paragraphs 10.84 to 10.141.

Our approach to developing accessibility recommended actions

10.4 In our Consultation, we explained that our approach aimed to ensure that the recommended actions complement, are consistent with, and do not duplicate other relevant requirements and standards. We considered in particular:

a) the new accessibility duties introduced under Part 4A of the Act for providers of certain On-demand Programme Services (ODPS).
b) development of accessibility regulation internationally, including the European Accessibility Act.
c) existing accessibility requirements in relation to regulated EPGs and the impact of the existing EPG Code on this Code.

10.5 We also assessed:

a) The effectiveness of the recommended actions at meeting the Act's objectives, using evidence including our research into the 'user journeys' of disabled people when accessing content via a TSS.
b) The potential impacts of our recommended actions on RTSS providers, drawing on a range of evidence including formal requests for information about their services.

10.6 Though providers may choose to take alternative actions to meet their accessibility duty, we assumed for the purpose of our impact assessment that they would follow our recommendations.

10.7 We have taken the same approach to assessing the effectiveness and impact of the final recommendations in the Code, taking account of any changes to our consultation proposals.

Making use of the regulated television selection service

10.8 Under the Act, RTSS providers must make sure that, so far as practicable, disabled people can use the RTSS for the same purposes as non-disabled people. A key aspect of this is making sure that disabled people can navigate the interface to find and access available IPS (including but not limited to DIPS) and the programmes they provide.

10.9 As set out in our Consultation, many RTSS rely heavily on visual cues for navigation, and research has shown that blind and partially sighted people often struggle to navigate them. Our Consultation explained that we therefore considered it important for our recommended actions to address the challenges faced by disabled people in general and blind or partially sighted people in particular.

10.10 Our proposed recommendations therefore focused on RTSS providing:

- Alternatives to visual information
- Text and image enlargement
- Distinguishable text and images
- Information on accessibility features

10.11 We proposed at consultation that our recommended actions would not apply to any part of an RTSS which is a regulated EPG, to avoid it being subject to two sets of regulation.[582] We did not receive any comments from stakeholders on this proposal and therefore confirm that the final recommended actions set out in this statement do not apply to regulated EPGs.

10.12 We set out below in more detail stakeholder views on each recommended action, along with our assessment and final decisions. Then we set out how the recommended actions are effective at meeting the duty altogether, and their overall impact on providers.

[582] RTSS may include regulated EPGs, which are subject to separate regulation under Ofcom's EPG Code. Code on Electronic Programme Guides, Ofcom.

Alternatives to visual information

Our proposed recommended action

10.13 Our draft Code proposed: "*Where visual information is needed to make use of the RTSS, including but not limited to navigating the user interface and perceiving information about assistance for disabled people, users should be able to access this information in a non-visual format. For example, through a function that renders text/symbols as speech*" (Action B1.3).

10.14 In our Consultation, we said that we envisaged that RTSS providers may seek to meet this recommendation by providing a "text-to-speech" or "voice guidance" feature, or a similar feature, that users can choose to enable. Any such feature would need to provide audible information relating to important non-text information such as symbols (e.g. the symbol for 'audio description').

10.15 We said in our Consultation that visual information needs to be provided in a different way to enable users with limited sight to use the service. We referred to audience research, which suggested that access to visual information via other sensory channels is essential for blind people and those with very limited sight to be able to use a TSS. We explained that the ability to perceive visual information via a different sensory channel benefits not only blind and partially sighted people, but also those with cognitive and neurodiverse conditions.[583]

10.16 We explained that the recommended action would, in our view, make it possible for disabled people, and in particular blind people or those with very limited sight, to navigate interfaces without having to rely on visual information which they may have no or very little ability to perceive.

10.17 In our assessment of likely impacts on RTSS providers, we noted that alternatives to visual information are already offered by most providers. We said that any providers who would need to introduce new functionality may incur one-off costs in the low hundreds of thousands of pounds. However, for the majority of providers currently offering a similar feature, we would expect costs to be small.[584] We did not propose to be prescriptive about the format of alternatives to visual information, allowing reasonable flexibility to implement in a cost-effective way. Text-to-speech functionality is already required by the EPG Code, so RTSS providers who already provide a regulated EPG may face lower implementation impacts where they have already developed similar functionalities. Costs may partially overlap with costs of compliance with other similar requirements, such as the European Accessibility Act.[585]

[583] Paragraphs 4.33 to 4.34 of the Consultation.
[584] Paragraphs 4.36 to 4.43 of the Consultation.
[585] European Union, 2019. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services. Official Journal of the European Union, L 151, 7 June, pp. 70–115. (Accessed: 30 October 2025).

Summary of responses

10.18 Most stakeholders were supportive of our proposal,[586] with the CTVMA and BT Group describing this type of feature as a baseline or foundational requirement.[587] However, there were some concerns about how and where it would apply.

10.19 Sky argued that implementing voice guidance (an alternative to visual information) on its oldest RTSS, Sky Q, would be technically difficult and involve disproportionate cost given the need to migrate it to a newer text-to-speech system.[588] It noted that Sky Q is no longer actively marketed,[589] [✂]. [590]

10.20 Respondents also requested clarity on which areas of the UI were covered by the recommended action. Sky said that the action should apply only to core user journeys on the UI.[591] TechUK argued that alternatives to visual information are not needed for some elements such as decorative images.[592]

10.21 Other stakeholders suggested that the proposal should go further. The Royal National Institute of Blind People (RNIB) argued that alternatives to visual information should be on by default in the set-up process on the RTSS, and that visual information should be kept up on screen for long enough to be read out by any voice guidance function.[593]

10.22 The Welsh Government and the ACW suggested that the recommended actions should take account of the accessibility needs of Welsh speakers, particularly in relation to finding and engaging with Welsh language content (the Welsh Government) and in relation to Welsh language voice prompts (the Advisory Committee for Wales). [594]

10.23 Some stakeholders, including BT Group, the BBC and the CTVMA, argued that alternatives to visual information should provide a consistent experience for users both across different RTSS, and between RTSS and the IPS included in the service.[595] The BBC noted that its research has identified inconsistency across platforms as a key issue for users. BT Group similarly made the point that impact is limited where non-visual access is not supported in apps. The RNIB called for more coordination between providers of RTSS and IPS to enable text-to-speech engines on RTSS to work in apps.[596]

Our assessment

10.24 As set out in our Consultation, our evidence suggests that providing visual information via other sensory channels is essential for blind and partially sighted people to be able to use RTSS for the same purposes as non-disabled people.

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[586] British Broadcasting Challenge response, p.5; BBC response, p.9; Bectu response, p.4; BT Group response, p.8; CTVMA response, p.4; Everyone TV response, p.14; RNIB response, p.3; Samsung response, p.14; University of Sheffield response, p.3; and YouView response, p.7.
[587] CTVMA response, p.4 and BT Group response, p.8.
[588] Sky response, p.54.
[589] Sky confidential response, p.57.
[590] [✂]
[591] Sky response, p.57.
[592] techUK response, pp.8-9.
[593] RNIB response, p.3.
[594] ACW response, p.2 and Welsh Government response, p.1.
[595] BT Group response, p.8; BBC response, p.9 and CTVMA response, p.4.
[596] RNIB response, p.6.

Technical implementation on RTSS

10.25 We consider that it is technically feasible to implement this feature on all RTSS. For example, Sky already provides voice guidance on some areas of Sky Q and has described how it could be implemented on the remaining areas.[597] We acknowledge that there may be additional resource requirements to implement features such as voice guidance on some RTSS, including where RTSS software needs significant updates, or the RTSS is no longer being actively developed. We have therefore considered the proportionality of our recommended action in relation to these claims.

10.26 We consider that the likely benefits to users, also highlighted by the CTVMA and BT Group, would justify the costs involved. In relation to Sky Q specifically, it retains a substantial user base, including people with sight loss who are likely to benefit from the recommended action. We believe these benefits will last into the foreseeable future, as the analysis we carried out at the time of our report to the Secretary of State suggested that none of the services ultimately designated were likely to fall below the active-user threshold within a reasonable period.[598] Sky's estimated costs would imply a one-off cost of approximately [✂] [599] for each user with sight loss. We consider this may be an upper bound, with some scope for costs to be lower.[600] Having assessed the costs and the likely user benefit, we consider the recommended action to be proportionate.

10.27 See Chapter 3 for a more general discussion of implementation issues where RTSS operate on older hardware.

Application of the recommended action to different parts of the UI

10.28 In light of the differences between RTSS and the likelihood that UIs will change over time, we do not consider it appropriate or necessary for the Code to identify the particular parts of the UI to which the recommendation applies. We instead consider it will be more effective for the recommendation to focus on the visual information needed to make use of the RTSS. It therefore does not, in response to techUK, apply to elements of the UI which are not necessary for making use of the RTSS, such as purely decorative elements. However, in relation to Sky's argument that our recommended action should be limited to the most used content discovery and navigation areas, we remain of the view that the recommendation should apply to any information that is needed to make use of the RTSS if it is to be effective.

Extending the recommended action

10.29 We consider that the proposed recommended action is already sufficient to ensure that navigational elements remain on screen long enough to be rendered into a non-visual format (for example to be read out by voice guidance). We therefore do not consider it necessary to change the recommendation in the way suggested by the RNIB.

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[597] Sky response to RFI, October 2026.

[598] As part of the process for making recommendations to the Secretary of State on which TSS should designated as RTSS, we considered that declining active usage of TSS should be a factor in our assessment. Ofcom, 2025, Designation of Television Selection Services, paragraph 3.104.

[599] Our cost estimates are derived from calculating the number of affected users, which we estimate to be [✂] Sky Q users with sight loss. The overall cost estimate was based on relevant demographics from ONS and Ofcom's Technology Tracker, 2025 and sight-loss prevalence data from RNIB.

[600] We consider that Sky's estimate may overstate those costs [✂].

10.30 We agree with the RNIB's comments on the importance of disabled users being able to use an RTSS independently. However, enabling voice guidance by default could make an RTSS harder to use for others, including people with cognitive conditions who may find it difficult to switch the feature off. For this reason, we do not think it is appropriate to add a 'default on' aspect to the recommended action. However, we have added clarification to the recommended action around providing information on accessibility features, including during set-up of an RTSS, which aims to support disabled users to set up their RTSS independently so that they can subsequently make use of it (we discuss this in more detail at paragraphs 10.76 – 10.77).

Languages used in relation to alternatives to visual information

10.31 Our draft Code did not specify in which languages alternatives to visual information should be made available. We agree that this should be clarified in the final Code.

10.32 In response to the Welsh Government's comments about bilingual accessibility when finding and engaging with Welsh language content, we support the aim of enabling users to access alternatives to visual information in Welsh. We note that the public service remit for television in the UK includes the provision by the PSBs (taken together) of audiovisual content that is in, or mainly in, a recognised regional or minority language.[601] Content in recognised regional or minority languages is currently provided on S4C Clic and on iPlayer, and a consequence of our recommended actions on prominence is that users of RTSS are likely to be presented with programme titles in one or more of these languages. We therefore consider it appropriate to clarify what action we recommend providers should take in respect of recognised regional or minority languages, including Welsh.

10.33 Our understanding is that where Welsh text appears on an English-language UI, for example, current text-to-speech functionality would read out the Welsh language text but, as with other languages, may not do this accurately with correct pronunciation. While there are online text-to-speech engines that have been developed in Welsh and which can switch between languages,[602] we are not aware of any text-to-speech engines on RTSS that can accurately recognise and read out text from multiple languages. It is our understanding that enabling most RTSS to properly recognise and switch accurately between languages would be a significant challenge.[603] This evidence suggests that providing accurate text-to-speech which can read out more than one language on an RTSS is technically challenging at this time.

10.34 For the reasons set out above, we think it is currently only appropriate to recommend that users are offered non-visual alternatives to text (as well as to other visual information) in the English language. However, it is clear that technology in this area is developing (particularly in relation to Welsh) and that commercially viable solutions may become available in the future. As such, we consider it would be appropriate to recommend in the Code that RTSS providers should take reasonable steps to offer non-visual alternatives to text in a recognised regional or minority language.

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[601] Section 264(5)(b) of the Act. Under section 264(16) of the Act, the recognised regional or minority languages are Welsh, the Gaelic language as spoken in Scotland, Irish, Scots, Ulster Scots and Cornish.
[602] https://tts.techiaith.cymru/
[603] Developing a cloud-based solution is a potential alternative but would require additional development costs and may not currently offer an adequate user experience due to a potential delay in text being read out.

10.35 We would expect RTSS providers to keep track of developments in this area and take reasonable steps to implement alternatives to visual information in UK regional or minority languages (for example when they become more readily available and are capable of supporting those languages). In assessing what steps are reasonable to take, it would be appropriate to consider the proportionality of any costs. What constitutes 'reasonable steps' will depend on a range of factors including the individual circumstances of an RTSS provider, the nature of the specific RTSS, and broader technological developments. We therefore consider the impact on RTSS providers of the recommended action would be proportionate.

10.36 We recognise that there may be some visual information (such as programme titles) presented on RTSS that is in a language other than English or the recognised regional or minority languages. We have clarified that we recommend RTSS providers take reasonable steps to improve this situation over time in relation to Welsh and other UK regional or minority languages. We do not consider it proportionate to have a recommended action to take reasonable steps in respect of every language, given the broad range of possible languages and the costs this could incur. We acknowledge that this means users who speak languages other than English may not initially receive the same accessibility experience in that language. However, we will keep this under review in the light of technological developments in text-to-speech engines as implemented on RTSS, and will keep the situation in relation to other languages under review.

10.37 We note the point made by the ACW that voice recognition should be able to detect regional accents and Welsh language voice prompts. As set out in our consultation we are not including the implementation of voice control as a recommended action to fulfil the accessibility duties.[604] See 7.55 to 7.62 for a further discussion relating to voice search in Welsh.

Our decision

10.38 Having considered all comments from stakeholders, the evidence they provided, and findings from relevant research, we have decided to include the proposed recommended action in the final Code, with some changes. Our final recommended action says that providers should ensure users can access in a non-visual format any visual information in the form of text which is in the English language, as well as any other visual information (such as images where these are needed to make use of the RTSS). Providers should also take reasonable steps to enable users to access text that is in a recognised regional or minority language in a non-visual format.

10.39 We consider that the final recommended action will help disabled users, especially those who are blind or have very limited sight, to be able to perceive information on the RTSS in a non-visual way (see 10.14 to 10.16). We also consider it is proportionate in its impact on RTSS providers.

[604] Paragraphs 4.80 to 4.81 of the Consultation.

Text and image enlargement

Our proposed recommended action

10.40 Our draft Code proposed: "*Users should be able to enlarge the size of any elements of the user interface necessary to make use of the RTSS, including images and text. For example, through a 'magnification' or 'zoom' function*" (Action B1.4).

10.41 In our Consultation, we explained that our proposed recommendation aimed to ensure that disabled users, and in particular partially sighted users, can adapt the size of the UI or elements of it to their preferred size in order to see information or visual elements on the UI more easily.

10.42 We said in our Consultation that for partially sighted people with some vision, enlarging elements of the UI can make it possible to navigate using text and image cues that might otherwise be hard to perceive. We explained that this functionality can help people with a range of sight conditions to navigate an RTSS, and many audiences may already be familiar with it as it is common in digital design. We highlighted audience research that suggested text enlargement could help partially sighted people navigate the UI. Some participants moved closer to the TV to see it, or wanted to magnify the text to their preferred size.[605]

10.43 Our Consultation explained our view that the recommended action would make it possible for disabled people, and in particular those who are partially sighted, to navigate using text and image cues that might otherwise be hard to perceive.

10.44 This action was intended to apply to both text and images (including icons) on the interface which are necessary for using the RTSS, for example to find and choose between IPS or programmes. Research suggested that some users prefer to enlarge only a specified element such as text, rather than the whole interface including images.[606] However, given that RTSS may present information in various ways, we proposed providers should have the flexibility to choose the approach that was most suitable for their UI, provided that all elements necessary for navigation can be enlarged.

10.45 In our assessment of likely impacts on RTSS providers, we noted that some form of text and image enlargement is already offered on most RTSS. We said that costs would therefore be minimal in most cases, whereas any provider that lacks relevant features may incur costs in the low hundreds of thousands of pounds. We did not propose to be prescriptive about the format of alternatives to visual information, allowing reasonable flexibility to implement in a cost-effective way. Enlargement functionality is already required by the EPG Code, so RTSS providers who already provide a regulated EPG may face lower implementation impacts where they have already developed similar functionalities. We also noted that any costs incurred by providers may partially overlap with costs of compliance with other similar requirements, such as the European Accessibility Act.[607]

[605] Paragraphs 4.49 to 4.51 of the Consultation.
[606] 2CV, 2026. Exploring audience journeys on connected TV devices, p.61.
[607] Paragraphs 4.53 to 4.56 of the Consultation.

Summary of responses

10.46 There was broad support for this proposal,[608] with the British Broadcasting Challenge arguing that it is a well-established feature.[609] The CTVMA said that for this action to be effective, it must work on the navigation UI, not only within content playback.[610]

10.47 Some stakeholders sought clarification on which elements of the UI the recommended action applied to. LG, Google and Samsung suggested the action should only apply to elements needed for navigation,[611] with Google suggesting amendments to our recommended action which it argued would clarify the scope of its application.[612]

Our assessment

10.48 In relation to the CTVMA's point about the scope of this recommendation, the Code applies only to the RTSS (including elements needed to navigate it). The recommended action therefore does not extend to elements within IPS, including content playback, although IPS may separately offer this feature.

10.49 We agree with stakeholder feedback that the wording of the proposed action could have been interpreted to mean that all images and text must be enlargeable. Our intention was in fact that the recommendation should apply only to images, text and any other elements that are necessary to make use of the RTSS. For example, purely decorative images would not need to be enlargeable as they are not needed to navigate the RTSS.

10.50 We consider that adding "where relevant" to the recommended action, a similar amendment to that suggested by Google, would clarify the action and avoid any unnecessary burden on RTSS providers to implement it on elements that are not needed to navigate the RTSS. We consider the recommended action would remain effective for disabled users, as it retains the key stipulation that elements necessary for them to navigate the UI should be enlargeable.

Our decision

10.51 Having considered all comments from stakeholders, and findings from relevant research, we have decided to include the proposed recommended action in our final Code, with one clarification. Our final recommended action specifies that users should be able to enlarge elements necessary to make use of the RTSS, including images and text "where relevant". The addition of "where relevant" clarifies that the actions applied only to images and text which are necessary to make use of the RTSS.

10.52 We consider that the recommended action as clarified continues to enable disabled users, particularly partially sighted users, to enlarge the visual elements they need to navigate and use the RTSS, and is proportionate in its impact on RTSS providers.

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[608] British Broadcasting Challenge response, p.5; Bectu response, p.4; BT group response, p.8; CTVMA response, p.4; Everyone TV response, p.14; Google response, p.11; RNIB response, p.4; Samsung response, p.15; University of Sheffield response, p.3 and YouView response, p.7.
[609] British Broadcasting Challenge response, p.5.
[610] CTVMA response, p.4.
[611] LG response, p.4; Google response, p.11 and Samsung response, p.15.
[612] Google response, p.12.

Distinguishable text and images

Our proposed recommended action

10.53 Our draft Code proposed: "*Users should be able to adapt the UI in order better to distinguish visual elements from their surroundings, where these elements are necessary to use the regulated television selection service. For example, enabling a high contrast ratio as defined by reference to the most recent version of the W3C Web Content Accessibility Guidelines criterion for enhanced contrast. This action does not apply where any such setting is the default setting on the RTSS"* (Action B1.5).

10.54 We proposed this recommended action to ensure the provision of distinguishable text and images so that they can be more easily perceived by users with partial sight, for example by adjusting the contrast of the UI.

10.55 We said in the Consultation that for partially sighted people who have some vision, the ability to distinguish important visual elements of the UI from their surroundings would allow them to perceive these elements fully and use them to navigate the RTSS. We explained why the ability to view interface displays in high contrast is important not just for people with recognised visual impairments, but for older people in general. We cited audience research that shows the usefulness of high contrast displays alongside text enlargement, and the benefits to older audiences of increasing the contrast of elements of the UI. We also noted that some users will already be familiar with using high contrast displays from their experience of using EPGs.[613]

10.56 We considered that our proposed recommended action would, in practice, ensure that users who are partially sighted can choose to change the contrast of the RTSS to a level that may help them differentiate between elements such as text and images against the background and other elements surrounding them.

10.57 Rather than specifying a particular contrast ratio (usually expressed numerically as the ratio between the darkest and lightest shades available), we linked our recommended action to the global Web Content Accessibility Guidelines (WCAG), a standard that is widely recognised as reflecting up-to-date best practice. We noted that in previous consultations on interface accessibility in the context of electronic programme guides, many stakeholders agreed that the current WCAG "AAA" contrast ratio[614] ensures enough contrast for users with colour blindness.[615]

10.58 In our assessment of likely impacts on RTSS providers, we noted that some form of high-contrast functionality is already offered by most RTSS providers. We said costs would therefore be minimal in most cases, whereas any provider that lacks relevant features may incur resource costs. We did not propose to be prescriptive about the format of high contrast features, allowing reasonable flexibility to implement in a cost-effective way. High contrast functionality is already required by the EPG Code, so RTSS providers who already provide a regulated EPG may face lower implementation impacts where they have already

[613] Paragraphs 4.61 to 4.64 of the Consultation.
[614] This ratio of 7:1 is the highest requirement for text in the WCAG "AAA" standard and is designed to compensate for the contrast sensitivity loss experienced by users with low vision, including those with vision loss similar to 20/80.
[615] Ofcom, 2017. Consultation: EPG Accessibility p.18.

developed similar functionalities. Costs may partially overlap with costs of compliance with other similar requirements, such as the European Accessibility Act.[616]

Summary of responses

10.59 Stakeholders were supportive of this proposed recommendation.[617] The CTVMA said this is a baseline requirement[618] and the British Broadcasting Challenge agreed that Web Content Accessibility Guidelines is the right benchmark.[619]

10.60 The CTVMA suggested we link this proposal to measurable factors, such as contrast ranges, minimum font sizing and focus states (visual indicators used to highlight selected elements e.g. outlines or borders).[620]

Our assessment

10.61 In relation to the CTVMA's suggestions, we consider that adding more prescriptive measures to our recommended action would limit flexibility for providers to implement it in a way that best ensures the outcome on their RTSS's specific UI. We have linked our proposal to the Web Content Accessibility Guidelines as this is a widely recognised benchmark contrast range, and our recommended action B1.4 will mean users are able to enlarge text. In our research with disabled audiences, participants referred to high contrast displays as a useful tool in using RTSS, but did not refer to using focus state styles.[621] We therefore consider our recommended action as proposed would be effective in enabling disabled audiences to make use of the RTSS.

Our decision

10.62 Having considered all comments from stakeholders and findings from relevant research, we have decided to maintain our recommended action in substance. We have, however, clarified the wording of the recommended action, as we consider that the proposed drafting in relation to default settings could have been difficult to interpret. We have therefore amended the wording of the action to ensure it is clear that it can be met either via the default presentation of the UI (where this meets the intended outcome of the recommended action) or by enabling users to adapt the interface. The final wording is set out in the Code at B1.5. For the avoidance of doubt, this does not change the effect of the action we are recommending.

10.63 As set out above (paragraphs 10.54 to 10.57), we believe that the recommended action will help disabled users, especially those with partial sight loss, to identify and use the visual elements necessary to navigate and make use of the RTSS for the same purposes as other users.

10.64 As set out above (paragraph 10.58), we have assessed the steps required for RTSS providers to take the recommended action and consider these to be proportionate,

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[616] We recognised in the Consultation that this requirement is more specific than those in the European Accessibility Act and some providers might therefore consider implementation of our proposed action a distinct cost.
[617] British Broadcasting Challenge response, p.5; Bectu response, p.5; BT Group response, p.8; CTVMA response, p.4; Everyone TV response, p.14; RNIB response, p.4; Samsung response, p.16; University of Sheffield response, p.3 and YouView response, p.7.
[618] CTVMA response, p.4.
[619] British Broadcasting Challenge response, p.5.
[620] CTVMA response, p.4.
[621] User Journeys research, p.53

particularly given that some form of high contrast functionality is already offered by most RTSS providers.

Information on accessibility features

Our proposed recommended action

10.65 Our draft Code proposed: "*The RTSS should include information for users about the availability and use of the features described above. This could include, for example, information in a 'settings' or 'accessibility' menu, either providing the information directly or signposting other sources of information such as websites or helplines. Such information should be easily discoverable on the RTSS for disabled users. For example, any 'accessibility' sub-menu in a 'settings' menu should be visible without the user needing to take further action once they have navigated to the 'settings' menu"* (Action B1.6).

10.66 We said at consultation that, as well as being informed about content with assistance for disabled people in the form of access services, users should be able to easily find the settings for and information about the accessibility features of an RTSS. We therefore proposed that RTSS should include easily accessible information about the features we proposed to recommend so that disabled users would be able to make use of the RTSS for all the same purposes as non-disabled people.

10.67 Our Consultation noted findings from audience research and a focus group with the RNIB that users of TSS struggled to locate and use accessibility settings. As a result, they were sometimes unaware of or could not use the available features. Our Consultation explained our view that the proposed recommended action would help users to access accessibility features and information about them, and consequently help them to use the RTSS for the same purposes as non-disabled people.

10.68 We set out that the most obvious way this could be done is via an 'accessibility' sub-menu where users can access the relevant features and learn about what they do. The information on how such features work could also be provided by signposting to other sources. To be effective in reaching its audience, this information should be easily discoverable, for example visible without the need for users to scroll down to the bottom of a menu or navigate through multiple pages of a long settings menu.

10.69 In our assessment of likely impacts on RTSS providers, we noted that RTSS generally already have some form of 'accessibility' menu, and we considered it a relatively minor amendment to add detail to those menu options. We also considered that minimal action, such as RTSS providers altering the order of their existing settings menus, would ensure accessibility features can be found more easily.[622] We did not propose to be prescriptive about how the action was implemented, allowing reasonable flexibility to implement it in a cost-effective way.

Summary of responses

10.70 Stakeholders generally agreed with our recommended action. However, some argued that accessibility features should be made more prominent or easy to identify on the UI, and that our Code should provide more clarity on how this is done.[623] For example, the RNIB

[622] Paragraphs 4.76 to 4.77 of the Consultation.
[623] BBC response, p.9; RNIB response, p.5 and Professor Catherine Johnson response, p.10.

suggested accessibility settings should be at the top of the settings menu.[624] Similarly, the BBC said accessibility features should not be hidden within deep menus; it suggested they should be visible as standalone items (instead of being grouped within an accessibility menu) in order to benefit users more broadly (in particular older users) who may not identify as disabled and therefore would not consider general 'accessibility' settings as relevant to them.[625]

10.71 Related to the discoverability of accessibility features, the RNIB argued that alternatives to visual information (our recommended action discussed at paragraphs 10.13 to 10.39) should be switched on by default when a user first sets up their RTSS. They said this was important as it would allow users to set up their RTSS independently.

10.72 An individual respondent suggested RTSS build in a 'simple mode' (a simplified navigation overlay designed for older users,[626] as described in the DTG/i2 media research project conducted for Ofcom) or place accessibility settings one click away from the homepage.[627]

Our assessment

10.73 Given the variation in RTSS UIs, our proposed recommended action did not prescribe how providers should make accessibility features discoverable but included examples of ways in which providers could satisfy the recommended action. These included providers making the 'accessibility' sub-menu in a 'settings' menu visible without the user needing to take further action once they have navigated to the 'settings' menu.

10.74 We remain of the view that it is important that RTSS providers have flexibility in how they make this information discoverable. As the designs of platforms vary considerably, setting more specific actions would risk these being more hidden than they currently are on some RTSS UIs, for example because an RTSS might have to create a new area on their interface as per our specific recommendation, when the information is already easy to find. We therefore do not think it is practical or appropriate to set more specific actions.

10.75 We do not consider it necessary to recommend that individual accessibility features are listed outside any 'accessibility' menu. There is no standardised way of referring to individual features such as voice guidance or high contrast displays. The available research suggests that some users struggle with the complexity of TSS interfaces and that there is low recognition of the universal accessibility symbol for people with non-mobility impairments.[628] As listing the features separately may rely on signposting that users are not familiar with, we consider this is likely to increase confusion for audiences, resulting in the features being less discoverable.

10.76 We agree with the RNIB that it is important to enable disabled users to use their device independently. As explained at 10.30, we are not recommending that alternatives to visual information should be on by default at set-up. However, we do think that accessibility

[624] RNIB response, p.5.
[625] BBC response, p.9.
[626] The prototype 'simple screen' used in this research was a low-fidelity overlay featuring an uncluttered home screen with four clearly labelled buttons aligned with common user goals ('Watch Live TV', 'Browse TV Guide', 'Search for programme' and 'Get help')
[627] Professor Catherine Johnson response, p.10.
[628] Vice J et al, Effectiveness of the International Symbol of Access and inclusivity of other disability groups. *Disability and health journal* vol. 13,1 (2020): 100836. doi:10.1016/j.dhjo.2019.100836

features should be clearly available to users when setting up their RTSS, so that disabled people can identify and activate any features they need in order to use the RTSS.

10.77 We did not intend our proposed recommendation to take effect only once the user has set up the RTSS. However, we accept that our Code could be clearer that accessibility information should be made available when a user is using the RTSS for the first time, by stating this expressly. As this is a clarification of the proposed recommended action, we do not consider it alters the impact on providers as set out in our Consultation. We note that many RTSS providers already offer accessibility settings at the initial set-up stages on the TV or among the first options a user must choose in the set-up process. Where this is not the case, the RTSS may face a one-off implementation cost to make accessibility settings available at this stage. However, given that all RTSS providers already have some sort of menu for accessibility settings, we expect these costs to be limited and proportionate to the benefit of enabling users to identify and use accessibility features from the outset of using an RTSS. We took account of these costs when assessing the impact of our proposed recommended action, and continue to consider that they are proportionate.

10.78 In response to suggestions for a 'simple mode', the evidence of its benefits is mixed. While the DTG research suggested this would benefit older users, our User Journeys research did not suggest a need for a simple mode for disabled participants. By virtue of being an uncluttered interface, any simple screen overlay that is effective is likely not to include all functions of the RTSS (for example recommendations) and is unlikely to allow disabled users to make use of the RTSS for the same purposes as other users. Therefore, if we did recommend a simplified screen overlay or 'simple mode', this is likely to involve choices about which functions to include, for which the existing evidence basis is lacking. We consider that the outcome-focused requirement for information about accessibility features to be easily discoverable is more appropriate at this time. Given these reasons, we do not think it appropriate to include it as an action in our Code.

Our decision

10.79 Having considered all comments from stakeholders, any evidence they provided, and findings from relevant research, we have decided to include the proposed recommended action in our final Code with one clarification. Our final recommended action clarifies that information on accessibility features should be easily discoverable on the RTSS for disabled users, including during set-up. This avoids any risk of misinterpretation, ensuring that disabled users are able to identify and activate relevant disability features when they first use the service, while retaining flexibility for providers to take account of their interfaces.

10.80 We consider that the recommended action as clarified will secure effective outcomes for disabled users, and is proportionate in its impact on RTSS providers.

Overall effectiveness and impact of our recommended actions to ensure disabled people are able to make use of the RTSS for the same purposes as other people

10.81 The recommended actions we have set out at section B1 of our Code aim to ensure that disabled people can make use of the RTSS for the same purposes as non-disabled people, so far as practicable.

10.82 We believe our recommendations, taken together, are effective in achieving this as they should enable users with a range of sight loss severity to navigate the predominantly visual

interface of an RTSS. Our Code includes a recommended action to ensure that an RTSS provides access to visual information through non-visual means, such as voice guidance, which will enable users who are blind or have very limited vision to use the RTSS for the same purposes as other people. Our Code also includes recommended actions that will enable users to adjust the size of elements on the RTSS, and should ensure that visual elements are distinguishable, whether through the default interface or by allowing users to adapt it. We consider these actions will benefit users who have partial sight loss and need enhanced visual cues on-screen to navigate the RTSS. We are also recommending that RTSS providers make information about accessibility features clear and easy to find on the RTSS, so that users can identify and make use of the features available to them.

10.83 We consider the overall impact on RTSS providers of the recommended actions, taken together, to be proportionate. Impacts may vary by provider, with most providers already offering relevant functionality and only expected to face small costs to implement the recommended actions. A small number of providers may incur greater one-off implementation costs where the relevant functionalities are currently absent or limited. In such cases, we consider that new or enhanced functionality is needed to comply with the duty to enable disabled users to make use of the service for the same purposes as other users, and to secure the benefits summarised above. Our recommended actions give appropriate flexibility to RTSS providers in how this is done, allowing providers to adopt cost-effective approaches as long as the action is achieved. Where development work is required, this may be facilitated if the RTSS provider has already developed relevant capabilities to comply with the EAA or EPG Code.

Being informed about – and able to make use of – available assistance for disabled people on IPS

10.84 Under the Act, RTSS providers must include features in the service to inform users about, and ensure they are able to make use of, assistance for disabled people provided in relation to the IPS included in the RTSS. 'Assistance for disabled people' is defined as including, in particular: subtitling, audio description, and presentation in, or translation into, sign language (collectively referred to as 'access services'). It could also refer to other content accessibility features, such as Bluetooth hearing aid connectivity or adjustable audio (like features that enhance dialogue clarity). It can also refer to navigational accessibility features such as those described above in the subsection 'Making use of the regulated television selection service'.

10.85 As set out in our Consultation, disabled audiences can face challenges with finding content they can watch and enjoy, as they do not always have information on which programmes have access services. In our conversations with user groups, users highlighted the frustration and time wasted from lack of, or misleading labelling of, access services. Where the programme is paid-for, this can also mean payments are made for inaccessible content. Disabled audiences also report that access services are not always available for a full series, so they sometimes start watching a series only to find they cannot watch the rest of the episodes.

10.86 Our proposed recommendations therefore focused on RTSS providing:

- Labelling of accessible content, and
- Enabling the use of assistance for disabled people (including access services)

10.87 We proposed at consultation that our recommended actions would not apply to any part of an RTSS which is a regulated EPG, to avoid it being subject to two sets of regulation.[629] We did not receive any comments from stakeholders on this proposal and therefore confirm that the final recommended actions set out in this statement do not apply to regulated EPGs.

10.88 We set out below stakeholder views on each recommended action, along with our assessment and final decisions. Then we set out how the recommended actions are effective at meeting the duty altogether, and their overall impact on providers.

Labelling of accessible content

Our proposed recommended action

10.89 Our draft Code proposed: "*Information regarding the presence of assistance for disabled people in relation to a programme should be available to users before the user accesses that programme. This might be, for example, the information given as a result of a user search or when hovering over programmes in a disaggregated content area. Users should be able to access information that a programme has audio description in a non-visual format, for example via a text-to-speech function or via an audible beep. This action applies where: the RTSS displays information in relation to a programme; and the provider possesses metadata on the availability of assistance for disabled people provided in relation to that programme*" (Action B2.3).

10.90 The proposed recommendation was intended to make it easier for users to see what access services are available on a programme when browsing for content on an RTSS, helping disabled users identify content with the access services they need. We said that blind users or those with severe sight-loss should also be able to be informed of access services in a non-visual format, for example via a 'beep' sounding where audio description is displayed as available on a programme.

10.91 In our Consultation, we referred to research in which disabled participants reported difficulties finding content they could watch or enjoy because information about the availability of access services was not always available.

10.92 We also considered problems that participants in research said they had experienced due to a lack of or inaccurate labelling. For example, some participants spoke about accessing a programme only to find that it did not have the access service they needed. Others that they had wasted money by purchasing a programme or subscribing to a service, only to find that the content did not have the necessary access service. Disabled audiences also reported that access services are not always available for a full series, so they sometimes become invested in a programme and are disappointed that they cannot finish it.

10.93 We proposed that our recommended action apply only where an RTSS already displays information relating to a programme, including basic information such as year released or age rating. The action would apply wherever that information appears, for example on a static page or when a user hovers over a particular image. We said we would not expect

[629] RTSS may include regulated EPGs, which are subject to separate regulation under Ofcom's EPG Code.

information about access services to appear in cases where there was no other information provided, for example where the user is presented only with image tiles of programmes.

10.94 We said that the recommendation would apply only where RTSS providers possess the relevant metadata on the available assistance for disabled people. This is because an RTSS provider would need such metadata in order to fulfil this action.

10.95 We also said it would apply to information relating to individual programmes or films rather than, for example, a series. This was to prevent inaccurate or misleading labelling of an entire series where individual episodes differ with regards to the accessibility features they include.

10.96 The proposed action referred to the availability of 'assistance for disabled people' provided in relation to IPS, rather than specifically access services (subtitling, audio description, and signing). This reflects the broad scope of the Act and ensures that information about other programme-specific accessibility features is also provided where relevant. Providing this information on the RTSS before a user accesses a programme should make it easier for accessible content to be identified.

10.97 In our assessment of likely impacts on RTSS providers, we noted that some providers already label the access services that are available in relation to programmes, where the IPS provider has provided the relevant metadata. We cited evidence suggesting that costs to develop sign language labelling and metadata changes could be in the region of high hundreds of thousands of pounds but made clear that the recommended action would only apply where the RTSS provider has the metadata, and already displays programme-level information. This means that providers would not be required to create metadata they do not possess or introduce a new programme-information feature solely to comply with the recommended action, limiting the likely incremental costs. We also noted that implementation costs may overlap with costs associated with using metadata to fulfil other recommended actions in the prominence sections of our Code, such as attributing public service programmes on DIPS. We set out that our proposal was not prescriptive about how RTSS display accessibility labels. Providers would therefore retain flexibility to implement the action in a cost-effective way for their UI and audience.

Summary of responses

10.98 Stakeholders generally agreed with our aim of securing that content is labelled with the availability of access services.[630] However, some questioned the effectiveness of our specific proposal.

User benefit

10.99 A number of stakeholders thought labelling of accessible content would be of limited user benefit.[631] LG and techUK argued that our Consultation overstated the benefits of labelling given that disabled viewers often watch a range of content, including programmes that do not carry access services.[632] Roku said that the benefits of labelling would be limited and

[630] British Broadcasting Challenge response, p.6; Bectu response, p.5; BT Group response, p.9; CTVMA response, p.5; Everyone TV response, p.15; RNIB response, pp.5-6; Samsung response, p.17; University of Sheffield response, p.3 and YouView response, p.8.
[631] Google response, p.11; LG response, p.6; Roku response, pp.8-9 and techUK response, p.10.
[632] LG response, p.6.

incremental given upcoming obligations on providers of Tier 1 VOD services to make the majority of their catalogue accessible.[633]

Misleading or incomplete information

10.100 Google argued that where IPS providers have not provided the relevant metadata, users could be incorrectly led to believe that a programme does not have access services when it actually does. It argued for a more flexible action which allows RTSS providers to consider user needs and improve this over time.[634]

10.101 YouView also raised the issue of potentially misleading information, pointing to situations where there are multiple versions of a programme on an IPS, with different types of assistance for disabled people (e.g. one programme with sign language and one without), but only the non-accessible version carries programme information on the RTSS.[635] In this situation, labelling could mislead users or obscure the fact that an accessible version of a programme is available.

Programmes available on multiple IPS

10.102 Some RTSS providers thought the recommended action would create an unnecessary burden on them, changing or complicating their UI. Google was concerned about labelling at episode-level as disaggregated content and recommendations on its TSS are generally displayed at a series level, and a recommended series or episode often refers to a programme available on several IPS (on each of which it may have different accessibility features). It argued that to comply it would need to create a new area of its UI that shows content by episode/service.[636] Roku similarly understood the recommended action to involve a complex and potentially confusing adjustment to the UI in order to display accessibility labels associated with each instance of a programme as made available via different IPS.[637]

10.103 Other stakeholders raised broader concerns about the technical and operational work required to implement the labelling recommendation.[638] TechUK argued it would create disproportionate compliance costs, including costs associated with maintaining accessibility metadata.[639]

Arguments for our proposed recommended action to go further than labelling

10.104 On the other hand, some stakeholders argued for alternative solutions which go further than our proposed labelling recommendation:

a) The BBC cited its own research which found that the most requested improvement by blind and partially sighted people was for accessibility information to be shown on search results.[640]

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[633] Tier 1 ODPS providers will have an obligation to provide access services on a certain proportion of programmes available via their ODPS. Our proposed Tier 1 Accessibility Code would require providers of Tier 1 ODPS (some of which are also IPS) to meet access services quotas on each platform on which their content is available.
[634] Google response, p.12.
[635] YouView response, p.8.
[636] Google response, p.11.
[637] Roku response, p.8.
[638] Roku response, pp.8-9; Google response, pp.11-12 and techUK response, p.10.
[639] techUK response, p.10.
[640] BBC response, p.9.

b) The British Broadcasting Challenge, BT Group, the CTVMA, NADP and the RNIB suggested that providers could go further with a range of features such as filters, categories, recommendation or prioritisation mechanisms for accessible content.[641]
c) The RNIB suggested having different labels for series that are fully vs partially accessible, or for programmes that are accessible without Audio Description.[642]
d) The University of Sheffield suggested standardised icons should be used to denote each access service.[643]

Encouraging consistency in metadata sharing and labelling

10.105 Some stakeholders also had views on how metadata could be used to further enable awareness of and access to accessible content. The CTVMA argued for more consistency in how metadata on access services is shared, for example through metadata standards so that labels are reliable across different platforms and apps.[644] BT Group mentioned a need for consistency in how this information is surfaced across various stages of the user journey, as currently it may be less consistently presented, for example once users transition into third-party apps.[645] ITV expressed support for our commitment to support industry, through our Accessibility Forum, in tackling the issues of inconsistent and non-standardised metadata sharing.[646]

Our assessment

User benefit

10.106 We do not agree with stakeholders that the benefit to users of labelling content is limited. Accurate labelling enables disabled users to identify programmes with the access services they need before choosing or paying to watch them. As outlined at paragraph 10.85, our research found that users experienced frustration where this information was absent or inaccurate. The current use of accessible content must therefore be understood in the context of how much accessible content is available and how easily users can identify it.

10.107 We anticipate the amount of accessible programming will rise as requirements for Tier 1 ODPS take effect. However, we consider that labelling on RTSS will still be needed so users can easily identify which programmes carry access services. The new requirements apply only to a subset of IPS (those that are also Tier 1 ODPS) available on RTSS, and the quota requirements do not cover all programmes.[647]

Misleading or incomplete information

10.108 We consider our recommendation to be necessary to inform users about the assistance provided for them in relation to IPS. It will increase the amount of accurate information available to users about programmes available with access services. We acknowledge there will be instances where an accessible programme is not labelled as carrying access services, for example where IPS providers have not provided the relevant metadata to the RTSS provider (as described by Google), or where there are two versions of a programme and

[641] British Broadcasting Challenge response, p.6; BT Group response, p.9; CTVMA response, p.5; NADP response, pp.1-2 and RNIB response, pp.5-6.
[642] RNIB response, p.5.
[643] University of Sheffield response, p.4.
[644] CTVMA response, p.5.
[645] BT Group response, p.9.
[646] ITV response, p.11.
[647] The quota requirements for non-exempt Tier 1 ODPS are for 80% of catalogue hours to carry subtitling, 10% audio description and 5% signing.

only the non-accessible version carries programme information (as described by YouView). However, these gaps already exist. Our recommendation should reduce these gaps by ensuring RTSS providers use the information available to them.[648]

10.109 As noted by BT Group, our recommendation gives RTSS providers the flexibility to build on the labelling recommendations, supporting innovation in how accessibility information is presented to users. In future, there may be other ways of presenting or recommending accessible content that providers wish to implement.

Programmes available on multiple IPS

10.110 In relation to Google and Roku's concerns, our intention was that the recommended action would apply only where an RTSS already presents information (such as a synopsis) about a programme as included in a specific IPS. It would not apply where the RTSS presents only one set of information for a programme which is included in multiple IPS ('IPS-neutral' information), as the accessibility of the programme may differ between those IPS.

10.111 We recognise that the wording of our proposed recommendation did not make this sufficiently clear. We therefore consider that clarifying that the recommended action applies to information in relation to individual programmes 'as included in a particular internet programme service' would help RTSS providers to understand the action.

10.112 In terms of the effectiveness of ensuring users are informed about content with access services, we recognise that users may not always be informed where access services are available on one or more IPS. However, we consider it more important to avoid indicating that a programme is accessible where this may not be the case, particularly if a user may rely on that information to make a decision to subscribe to a service or purchase a programme.

10.113 We consider that clarifying the recommended action as described above would make clear that RTSS providers are not expected to make complex adjustments to their UI. It would also make clear that the action applies to individual programmes as included in a particular IPS, and therefore RTSS providers are not expected to introduce complex labelling where IPS-neutral programme information is presented.

10.114 In relation to techUK's concern that the recommended action would create disproportionate compliance costs, we did not receive new evidence that changes our assessment at consultation. The action applies only where an RTSS provider already possesses the relevant metadata and displays programme-level information, and providers retain flexibility over how that information is presented. Taking into account these limitations and the expected user benefits, we continue to consider the likely costs proportionate.

10.115 We note that our recommended action does not prevent RTSS providers from developing effective methods of indicating access service provision across different IPS where IPS-neutral programme information is given, and we encourage RTSS to explore ways of doing so.

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[648] As outlined at footnote 649, the amount of information available would also increase if, as proposed in our Consultation on a Tier 1 Accessibility Code, providers of some IPS are required to pass on the relevant metadata to RTSS providers.

Arguments for our proposed recommended action to go further than labelling

10.116 We note the BBC's findings that blind and partially sighted people want accessibility information to be shown on search results. Our recommended action aligns with this finding as it means that accessibility information would be shown on search results where the relevant metadata is available and where the search result already shows some programme information in relation to that programme as included on a particular IPS.

10.117 We recognise, as suggested by the British Broadcasting Challenge, BT Group, the CTVMA, NADP and the RNIB, that users may benefit from other features, for example the facility to filter content by available access service to search for content with access services, or from content categories for programmes carrying a particular access service. However, as discussed in our Consultation, any action we recommend to support features such as these would be heavily limited by existing metadata provision, meaning search results or content categories would not provide a comprehensive collection of the accessible programmes available. We do not think these actions are necessary to fulfil the obligation to inform disabled users of the assistance available to them.

10.118 Similarly, because RTSS providers may not receive complete and accurate metadata from IPS on available access services, we do not think it is appropriate at this stage to introduce a recommended action to provide more complex labelling of the kind suggested by the RNIB. However, we encourage providers to go further than the Code recommendations where they can, for example where they are able to develop effective methods for informing viewers that a series is either fully or partially accessible.

Encouraging consistency in metadata sharing and labelling

10.119 We agree with the CTVMA, ITV and BT Group that there may be value in a more standardised approach across industry to sharing metadata on access services, so that information is presented to users more frequently and more consistently across RTSS and IPS. Our duties under the Act do not extend to setting recommended actions for IPS providers,[649] and so the recommended actions in the Code cannot include cross-industry standards. However, we encourage RTSS and IPS providers to work together to improve consistency, and will support such collaboration via our biannual Accessibility Forum.

10.120 We also note the University of Sheffield's suggestion for standardised access service icons. While research has highlighted this as important, there is currently no consensus on the most effective styles of labelling (and preferences may differ by user). We therefore do not consider it appropriate to include a more prescriptive labelling specification in the recommended action. However, we encourage providers of RTSS and IPS to factor this into their products and collaborate to ensure better outcomes for disabled users.

[649] We note that Part 4A of the Act separately includes a requirement for providers of regulated 'Tier 1' ODPS to ensure that disabled people are provided with adequate information about the access services they make available. Our consultation on a draft accessibility Code for Tier 1 ODPS proposed that Tier 1 Service providers must pass on information about the availability of access services to the providers of third-party platforms through which the Tier 1 Service is available to users. These requirements under Part 4A may apply to some IPS providers if their ODPS is designated as 'Tier 1'. We will be publishing our final Tier 1 Accessibility Code in due course.

Our decision

10.121 Having considered all comments from stakeholders, the evidence they provided, and findings from relevant research, we have decided to include the proposed recommended action in our final Code, with one clarification. Our final recommended action says that it applies where the RTSS displays a programme 'as included in a particular internet programme service'. This will make clear that labelling applies only where the RTSS presents information about a programme on a specific IPS, and not to IPS-neutral information where the programme is available on multiple IPS. This reduces the risk of users being given inaccurate accessibility information.

10.122 We consider that the recommended action as clarified will secure effective outcomes for disabled users, and the impact on RTSS providers is proportionate.

Enabling the use of assistance for disabled people (including access services)

Our proposed recommended action

10.123 Our draft Code proposed: "*Where assistance for disabled people is provided in relation to programmes included in one or more IPS included in the RTSS, the provider of the RTSS should take reasonable steps to secure that this assistance can be made use of by users of the RTSS. This includes, but is not limited to, use of subtitles, audio description, and British Sign Language"* (Action B2.4).

10.124 This proposed recommendation aimed to ensure that, where access services or other assistance for disabled people is available in relation to a programme included in an IPS, interoperability issues between RTSS providers and IPS providers should not restrict or prevent users from using them.

10.125 In our Consultation, we explained that technical and operational issues have in the past meant that access services available on programmes on some IPS may not play out to users, depending on the RTSS on which they are accessed. While these issues are becoming less prevalent due to increased app-based delivery, our latest report on broadcast and on-demand accessibility found that, in a small number of cases, access services were available through an IPS on most RTSS, but not on certain individual RTSS.[650] This is evidently to the detriment of disabled users.

10.126 Our Consultation said the recommendation would be effective, as we believed it would help to ensure that disabled people can make use of assistance provided in relation to IPS carried on RTSS. Many disabled users rely on access services to be able to enjoy content. For example, the Royal National Institute for Deaf People's 2023 'Subtitle It!' survey found that 85% of respondents with hearing loss said that a lack of subtitles stopped them from watching a programme.[651]

10.127 We explained that many IPS providers already offer programmes with access services on a voluntary basis, and some will have a regulatory obligation to do so.[652] However, we said that ensuring that these access services play out to users on a given RTSS is not completely

[650] Ofcom, 2025. On Demand Programme Services Television and on-demand programme services: Access services report.
[651] RNID, 2023. Subtitle It Report.
[652] See footnote 647

within the control of the IPS provider; it also relies on the RTSS provider to ensure that the RTSS supports it.

10.128 Similarly, however, we recognised that RTSS providers would not be solely responsible for delivery of access services to users, as this can be dependent on the format in which IPS pass on access services to RTSS. Therefore we said that RTSS providers would be required only to take 'reasonable steps' to deliver access services to the end user.

10.129 In our assessment of the likely impacts on RTSS providers, we noted that providers already incur costs to support delivery of IPS, which we understand includes support for playout of access services. We said that, where there are additional technical complexities, or issues with the quality of access services supported by the RTSS, we considered it likely that RTSS providers would work with IPS providers to seek out all reasonable solutions. We said it was therefore possible that an RTSS provider may in limited circumstances incur costs associated with the proposed recommended action, and that these were likely to be in the form of resource costs.

Summary of responses

10.130 Generally, stakeholders agreed with our proposal. Sky wanted clarification that it only applied to the enabling of access services, and not to accessibility features (such as those recommended at B2.3 to B2.5 of the Code).[653]

10.131 Some stakeholders suggested further actions in this area could benefit users:

a) RNIB asked for consistent formats to be used for access service files so that they can be used across different platforms. It pointed out that making this efficiency could have benefits to the wider access service industry by freeing up resource to produce more audio-described content.[654]
b) The CTVMA suggested RTSS should build in 'test and confirm' steps to ensure accessible content works, such as for users to confirm subtitles are enabled.[655]

Our assessment

10.132 Our proposed recommended action refers to assistance for disabled people provided in relation to one or more programmes included in an IPS. The intended focus of this recommendation is on access services, as this is where we have been made aware of interoperability issues in the past. However, the recommendation uses the statutory language of 'assistance for disabled people' in order to include other current content-related accessibility features such as adjustable audio, where relevant.

10.133 In response to Sky, the recommended action relates to assistance provided in relation to programmes, and therefore does not cover navigational accessibility features such as text to speech functionality or magnification (which are not in any case commonly offered as features built into IPS themselves). The recommended action also does not mean that accessibility features offered by the RTSS provider on its RTSS (such as text to speech functionality) must work within the IPS environment, as this is out of scope of these requirements as set out at paragraph 10.143.

[653] Sky response, pp.57-58.
[654] RNIB response, p.7.
[655] CTVMA response, p.5.

10.134 We consider the RNIB's point about access service file formats to be relevant mostly to the IPS providers who coordinate the provision of access services for programmes in their service. As outlined at paragraph 10.143, we do not have powers to apply recommended actions to IPS providers. We nevertheless intend to use our Accessibility Forum to explore the possibility of a voluntary agreement around consistent file formats.

10.135 We agree that the ability to use accessibility services is crucial, and our recommendation clearly sets this out. We therefore do not think it is necessary or proportionate to add further requirements such as 'test and confirm' steps.

Our decision

10.136 Having considered all comments from stakeholders, the evidence they provided, and findings from relevant research, we have decided to maintain our recommended action as proposed.

10.137 As set out above (paragraphs 10.125 to 10.126), we believe that the recommended action will ensure that disabled people are able to make use of assistance provided in relation to IPS available on the RTSS.

10.138 As set out above (paragraph 10.129), we expect all RTSS providers to be able to implement this recommended action and for the impact to be proportionate.

Overall effectiveness and impact of our recommended actions to ensure users are informed about – and able to make use of – available assistance for disabled people on IPS

10.139 The recommended actions we have set out at paragraphs 10.84 to 10.138 aim to ensure that disabled people are informed about – and able to make use of – available assistance for disabled people on IPS.

10.140 Our recommended action around labelling ensures that disabled audiences are informed when a programme carries access services (or other assistance for disabled people) and reduces the amount of misleading information that may be given to users. Our recommended action on enabling the use of assistance for disabled people complements this by recommending RTSS providers take reasonable steps to ensure that users can use that assistance once they access the programme.

10.141 We consider the overall impact on RTSS providers of the recommended actions, taken together, to be proportionate. While some RTSS providers may incur additional development or resource costs, the recommended actions are limited to those we consider necessary to meet the statutory requirements, and provide flexibility in how they are implemented, including by limiting accessibility labelling to circumstances where the relevant metadata is available and programme-level information is already displayed. There may also be limited resource costs for IPS providers in engaging with RTSS providers, providing information needed to support accessibility labelling.

Other stakeholder comments and our response

10.142 Some stakeholders made more general comments or suggestions relating to our proposals or the experience of disabled people using RTSS and IPS:

a) ITV, Sky and YouView suggested that there should be **more clarity on the respective responsibilities of RTSS and IPS providers** in relation to the recommended actions and the UI.
b) The RNIB argued that the recommended **accessibility features need to be interoperable** (for example, enlargement still being available when a high contrast setting is in use)**.**[656]
c) Everyone TV and Sky argued that our **Code should be modified to allow providers to make 'reasonable endeavours' to provide accessibility features**, to account for difficulties they say exist with implementation of some of our recommended actions. They state this would be more aligned with other accessibility regulations, such as our EPG Code.
d) Some stakeholders argued for **more consistency of user experience across the RTSS and IPS**. The RNIB said that RTSS and IPS providers should be encouraged to standardise on common access pathways (i.e. the steps a user takes to do something) as inconsistencies can cause confusion and frustration for users.[657] The BBC cited its own research which also highlighted user need for consistency in the way that a particular IPS behaves across different connected TV platforms, and said that Ofcom should consider how the Code can encourage a more consistent baseline for accessibility interoperability across regulated TV platforms so that (for example) screen reader users encounter more predictable navigation regardless of the device or service being used.[658]
e) Other stakeholders had suggestions focused on **recognition of user preferences**. BT Group, Google and the BBC commented on the need for more automatic recognition of user preferences with respect to accessibility features. Google suggested that IPS should be required to integrate with RTSS to allow user preferences to be carried across from the RTSS to the app, and to allow users to make requests to the RTSS within an app, e.g. a voice command to turn on subtitles. Both the BBC and RNIB argued that user preferences should 'persist' to reduce how many times users have to re-select them when moving between services or platforms. The BBC suggested that RTSS providers should be required to 'persist' accessibility features when moving from an RTSS to an IPS, wherever an IPS allows for this. The RNIB further suggested that accessibility 'profiles' should be explored as a way of users saving their preferences so that they can more easily be reverted to when used in a household with multiple people (who may all have different preferences).
f) The CTVMA and RNIB argued that **actions related to remote control use could have benefit for users**, for example the CTVMA suggested quick toggles for access services. The RNIB argued that buttons on remote controls that turn on access services should be able to pass this signal to apps.
g) The RNIB emphasised **the need to test accessibility features with the relevant users, and to provide simple, standardised mechanisms for feedback and reporting issues.**[659] They pointed to work being done by Sensor Media to create a resource which keeps a record of content available with access services across different services and platforms, which includes an open forum for end users to provide feedback to broadcasters and other service providers.

[656] RNIB response, p.4.
[657] RNIB response, p.2.
[658] BBC response, p.10.
[659] RNIB response, pp.3-4 and 6.

h) Some stakeholders suggested ways **Ofcom could support this area in the longer term**. BT Group said that there was value in Ofcom continuing to develop a longer-term strategic vision for how accessibility standards on connected TV platforms are expected to evolve as services become more personalised and technologically more sophisticated.[660] The RNIB said that Ofcom should collate best practice in accessibility features around navigation, playback controls, content labelling and accessible content discovery in order to help create default/standardised accessibility patterns and to advise smaller providers.[661]

Our response

10.143 **To clarify the role of RTSS and IPS providers**, the Act imposes the accessibility duty only on RTSS providers. The Code therefore sets out how RTSS providers can comply with that duty in relation to their own service, and cannot include any recommendations for IPS providers.[662] However, we encourage RTSS and IPS providers to work together to ensure an optimal experience for disabled users and have indicated throughout this statement where we believe there is scope for greater cooperation and shared best practice. We have also said that Ofcom will facilitate and support such joint action through its biannual Accessibility Forum.

10.144 **The interoperability of features recommended by this Code** was, and remains, our intention; on many TSS this is already the case. We consider that interoperability is inherent to implementing the recommended actions set out in the Code. For example, each action relating to navigational accessibility applies to all elements necessary to navigate the UI (including, for example, settings used to turn other accessibility features, and information on the availability of assistance for disabled people).

10.145 We do not consider it appropriate to recommend that **'reasonable endeavours'** are made by RTSS providers to provide accessibility features. As outlined above we believe that it is feasible and proportionate for the recommended actions to be taken in relation to all current RTSS. We note that stakeholder comments around 'reasonable endeavours' requirements were made in light of arguments that our recommended actions were disproportionate or unfeasible to implement within a particular timeframe (less than 12 months). We have addressed timeframes in the Chapter 13.

10.146 **In relation to the consistency of UI designs**, we do not consider that our Code should be any more prescriptive in terms of the methods used to implement accessibility features. In practice, RTSS UI design varies widely, and many aspects of the user journey (for example within IPS) lie outside the control of the RTSS provider and outside the scope of the Code. This means that our Code could not effectively recommend actions to standardise user pathways, for example, or require the 'persistence' of user preferences as they move between the RTSS and the IPS it includes. We will continue to facilitate conversation and sharing of best practice at our Accessibility Forum, with the aim of standardising implementation and removing barriers to accessibility for users where practical.

10.147 We agree that **remote control shortcuts** or quick toggles can reduce barriers to using assistance provided for disabled people. However, TV remotes are not currently within the

[660] BT Group response, p.9.
[661] RNIB response, p.7.
[662] However, as previously noted, Part 4A of the Act imposes accessibility requirements on IPS that are also Tier 1 ODPS

scope of the regime. The duties apply to the RTSS itself, not the hardware used to navigate that service. We encourage RTSS providers to consider the accessibility of their remote controls where possible.

10.148 We agree that it is important for RTSS providers to **communicate with the relevant audiences and to provide feedback mechanisms**. Doing so will help RTSS providers achieve the relevant user outcomes of the recommended actions. We do not think it is necessary or proportionate to specify in the Code how they should do this, but again will facilitate industry-wide cooperation via our Accessibility Forum.

10.149 We can see the value in regulated and unregulated parties developing a shared understanding of best practice as technology evolves. We will continue to work with groups such as the Digital Television Group's Accessibility and Usability Group, and our own Accessibility Forum, to further best practice and to establish where best to record this as a resource for industry, with the ultimate aim of providing a more consistent, reliable experience for disabled users attempting to find and use accessible content across a range of platforms and services.

11. Guidance on Agreement Objectives

DIPS must be available on RTSS in order to be made prominent. DIPS and RTSS providers must therefore enter into commercial agreements for DIPS to be included in RTSS. When doing so (and while those agreements are in force), DIPS and RTSS providers are required to act consistently with certain statutory objectives, referred to in the Act as the 'Agreement Objectives'. It is Ofcom's role to provide guidance on the Agreement Objectives to help DIPS and RTSS providers understand how they may act consistently with them.

In the Consultation, we were mindful of the range of providers and services potentially in scope of the new regime. We therefore designed the Guidance to provide a flexible framework that could apply to all DIPS and RTSS and help providers to act consistently with the Agreement Objectives. We also sought, so far as practicable, to future-proof the Guidance to ensure that it keeps pace with innovation, changes in technology and audience behaviour. Accordingly, we adopted a principles-based approach in the draft Guidance.

We have maintained this general approach in the final Guidance, which we consider to be appropriate and proportionate. Given the variety and complexity of agreements between providers, we have not set out specific guidance in relation to every possible term. In our view, a more prescriptive approach would not be practical and could lead to the Guidance becoming quickly outdated. However, in response to stakeholder feedback, we have made some changes to the final Guidance to provide greater clarity on how providers may act consistently with the Agreement Objectives.

11.1 In this chapter we:

- outline the relevant legal framework;
- summarise what we said in the Consultation about the draft Guidance;
- summarise comments from stakeholders in response to the Consultation and explain how we have taken account of their views; and
- set out our final decisions regarding the Guidance and its likely impacts.

Summary of the relevant legal framework

11.2 Below, we set out a short summary of the relevant legal framework; for more detail see the legislative framework section of the Guidance (Annex 3) and the legal framework annex to this Statement (Annex 1).

11.3 The Media Act amended the Act by introducing a new regime,[663] which sets out that:

a) Providers of DIPS are subject to a 'must offer' duty, and providers of RTSS are subject to a 'must include' duty (we refer to these duties as the 'MOMI duties').[664]

[663] The new regime is set out in Part 3A of the Act.
[664] Sections 362AJ(1) and (2), and 362AK(1) of the Act.

b) RTSS providers must provide an appropriate degree of prominence to each DIPS, as well as the public service remit ('PSR') content[665] (or programmes included in BBC DIPS) and any listed channels included in the DIPS, included in its RTSS (we refer to this as the 'prominence duty' in this chapter).[666]
c) Providers of DIPS and RTSS must act consistently with three Agreement Objectives when entering into agreements to include DIPS in RTSS and while those agreements are in force.[667] These are that: (1) a DIPS, including its PSR content and any listed channels included in that DIPS, is given appropriate prominence on an RTSS; (2) agreements between providers do not adversely affect a PSB's ability to fulfil its public service remit; and (3) agreements between providers do not disproportionately restrict how RTSS providers make innovations in the ways that users access and select IPS or IPS programmes.
d) Ofcom must provide guidance about how DIPS and RTSS providers may act consistently with the Agreement Objectives.[668] Ofcom must have regard to this guidance when exercising or deciding whether to exercise its dispute resolution powers under the new regime.[669]
e) The BBC has existing distribution duties in the BBC Charter and Agreement[670] so is not subject to the must offer duty, nor to the duty to act consistently with the Agreement Objectives. However, the Guidance applies to the BBC when carrying out any duty under the BBC Charter and Agreement that is comparable to the duty of other DIPS providers to act consistently with the Agreement Objectives.[671]

Introduction

11.4 As set out in the Overview, we consulted on our draft Guidance in January 2026. We received 38 responses to the Consultation, which included responses that commented on the draft Guidance. We have carefully considered these in finalising the Guidance. The rest of this chapter is structured around the different sections of the Guidance:

a) role and scope of the Guidance;
b) payments: general principle;
c) steps to enable and maintain inclusion of DIPS; and
d) prominence.

11.5 For each section, we provide a summary of our consultation proposals for that section of the draft Guidance, summarise the comments stakeholders made, and set out our

[665] 'Public service remit content' is defined as material included in an IPS that contributes to the fulfilment of the licensed PSB's or S4C's public service remit (section 362AA(12) of the Act).
[666] Section 362AO(1) of the Act. The prominence duty also applies to material included in DIPS that contributes to the promotion of one or more of the BBC's public purposes (section 362AO(3)(a) of the Act). The Code accordingly refers to 'public service programmes' to mean programmes that are PSR content and programmes included in BBC DIPS.
[667] Sections 362AJ(3) and 362AK(2) of the Act. The Agreement Objectives are in section 362AM(1) of the Act.
[668] Section 362AL(1) of the Act.
[669] Section 362AL(5) of the Act.
[670] The Royal Charter for the continuance of the British Broadcasting Corporation, December 2016 (the 'BBC Charter') and the Agreement between the Secretary of State for Culture, Media and Sport and the BBC, December 2016 (the 'Agreement').
[671] Section 362AL(2) of the Act.

responses to the issues they raised. There are also two additional sections at the end, titled:

a) 'other comments' to address stakeholder comments that do not relate specifically to one of the sections of the draft Guidance; and
b) 'other changes to the Guidance' to address other changes we have made to the Guidance following the Consultation.

11.6 At the end of each section, we set out our decisions about the Guidance. In reaching these decisions, we have considered their likely impacts and our relevant statutory duties. Our combined impact assessments (across the Code and Guidance), including on equality and the Welsh language, are set out in Chapter 12 and Annex 5.

Role and scope of the Guidance

Our proposals

11.7 In paragraphs 5.4 – 5.11 of the Consultation, we set out our approach to developing the Guidance. We recognised the complexity and variety of current agreements between providers, noting that they are often comprehensive agreements which cover matters or services beyond the inclusion of IPS in TSS. We explained that the Guidance is focused on the terms of commercial agreements between providers that ensure the aims of the statutory regime are met, i.e. that each DIPS is included in every RTSS and is given appropriate prominence. We also explained that the Guidance sets out how DIPS and RTSS providers may act consistently with the Agreement Objectives when agreeing those terms.

11.8 We summarised the three Agreement Objectives as follows:

a) The Prominence Objective requires that a DIPS is given an appropriate degree of prominence on an RTSS. This aims to ensure that one of the key purposes of the new regime – to ensure the prominence of public service content for audiences – is achieved. Appropriate prominence is to be interpreted according to the actions recommended in our Code.
b) The PSR Objective is that, where a DIPS contributes to the fulfilment of a PSB's public service remit, the MOMI agreements do not adversely affect that PSB's ability to fulfil that remit.[672] We consider that the PSR Objective aims to protect the delivery of the public service remit from the potential impact on PSBs of the duty on them to offer their DIPS as available to every RTSS.
c) The Innovation Objective is that agreements between providers do not result in a disproportionate restriction on an RTSS provider's ability to innovate in the ways that its users may select and access IPS or IPS programmes on its service. It follows that some restrictions on RTSS providers' ability to innovate in this way may be proportionate.

11.9 The Act requires providers to act consistently with all three Agreement Objectives. Therefore, we explained that the Agreement Objectives cannot be considered in isolation from each other and that our Guidance seeks to assist providers in resolving potential conflicts between them. For example, we acknowledged that as providers may have competing interests, there is potential for conflict between the PSR Objective and the

[672] In the case of the BBC, the PSR Objective applies to the promotion of one or more of the BBC's public purposes.

Innovation Objective as DIPS and RTSS providers attempt to reach agreements. This was reflected in paragraph 2.8 of the draft Guidance.

11.10 Given the range of priorities and bargaining positions of different PSBs and TSS providers, as well as the complexity of existing agreements and the rapid pace of developments in platform technology, we focused the draft Guidance on general principles. We considered that this approach would avoid the potential difficulties of overly prescriptive guidance, which may not be practicable for individual agreements and could quickly become outdated.

11.11 We were also mindful that the new duties introduced by the Media Act – particularly the MOMI duties – would change the bargaining dynamics between DIPS and RTSS providers by removing the option of withdrawing from negotiations.

11.12 We explained the non-binding nature of the Guidance. As a result, there is no requirement for providers to make substantial changes to their existing commercial agreements or to conduct complex (and potentially costly) renegotiations of those agreements, provided that their statutory duties are being met.

11.13 Lastly, we set out our intention to keep the Guidance under review to ensure that it remains relevant and helpful for providers as the market evolves.

Approach to assessing impacts on providers

11.14 For the Consultation, we assessed the likely impacts of our Guidance on DIPS and RTSS providers, as well as on other IPS and TSS providers. At the time, there were no DIPS or RTSS providers, as no designations had taken place. We therefore assumed that the RTSS would be those we recommended for designation in our report to the Secretary of State and that the DIPS would be the six IPS currently offered by the PSBs. Since then, the Secretary of State has designated the 15 TSS we recommended.[673] However, no IPS have been designated yet, so our assumption remains that the DIPS will be the six IPS currently offered by the PSBs.[674]

11.15 The impacts we considered included:

a) resource costs where providers may decide to undertake new activity which leads them to incur costs. For example, if a provider undertakes additional technical development to its DIPS or RTSS in light of this Guidance; and
b) value transfers between providers. For example, where the service provided remains the same but payment terms between DIPS and RTSS providers change, or broader contractual terms otherwise become more favourable to one provider.

11.16 The Guidance specifically relates to agreements between DIPS and RTSS providers, and we did not identify any significant impacts on other IPS and TSS providers beyond those considered in Chapters 3 and 6 of the Consultation, where we discussed the likely impact of our draft Code (Chapter 3) and the combined impact assessment of both the draft Code and Guidance (Chapter 6).[675]

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[673] The Television Selection Services (Designation) Regulations 2026 came into force on 1 July 2026.
[674] The Act permits IPS providers to apply for more than one IPS to be designated. However, as currently each PSB only offers one IPS, we have assumed each PSB will have only one IPS designated.
[675] When assessing the likely impact of our Code in Chapter 3 of the Consultation, we considered the draft Guidance and how this could affect the impact of the Code (including the impacts on other IPS and TSS

11.17 We highlighted the importance of considering the relevant counterfactual – that is, the outcomes that might materialise in the absence of our Guidance. The counterfactual is inherently uncertain in practice. In our assessments, we had regard both to: (i) the status quo, in terms of current agreements between providers; and (ii) the possibility that, without our Code and Guidance, those agreements could change in future. Many aspects of those agreements are commercially sensitive, and we therefore redacted confidential information.

11.18 We noted that some of the impacts are inherent to the new duties on DIPS and RTSS providers introduced by the Media Act, rather than arising solely from our Guidance, which describes how these providers can act consistently with the Agreement Objectives.

Summary of responses

11.19 Several stakeholders commented on the level of detail in the draft Guidance. On the one hand, Google recommended limiting the scale of prescription to avoid the Code and Guidance becoming a "de facto set of rules".[676] On the other hand, YouView and ITV suggested that more detail and clarity was needed, with YouView stating that further worked examples would reduce uncertainty and better support negotiations between DIPS and RTSS providers.[677]

11.20 ITV also considered that the importance of PSB sustainability was not sufficiently reflected in the draft Guidance. It said that it is hard to see how "interventions around PSB inclusion and prominence" could disproportionately restrict innovation by global RTSS providers.[678]

11.21 LG proposed the addition of a fourth Agreement Objective directed at fair competition and equal access to PSB services for all RTSS providers.[679]

11.22 Roku and techUK suggested that the Code and Guidance should include a presumption that the parties' statutory duties (including the prominence duty) are met if they have concluded an agreement which they both consider to be consistent with those duties.[680] TechUK argued that this would reduce incentives to use Ofcom's dispute resolution process as a parallel negotiating forum since DIPS providers would not be able to use that process as a further negotiating tool after agreement has been reached.

Our assessment

11.23 As noted at the beginning of this chapter and in paragraph 11.10, we agree with Google that the Guidance should not be overly prescriptive and should therefore be focused on general principles. However, as the responses from YouView and ITV make clear, some stakeholders consider that further detail would assist with their contractual negotiations. We recognise that there is a balance to strike between providing sufficient clarity and

providers). In particular, we took into account paragraphs 2.10 and 2.11 of the draft Guidance which set out that appropriate prominence should generally be given without requiring payment in exchange (discussed below).

[676] Google response, p.14.

[677] ITV response, p.16; YouView response, p.8.

[678] ITV response, pp.15-16.

[679] LG response, p.17.

[680] Roku response, p.2; techUK response, p.3.

avoiding being so prescriptive that the Guidance is not appropriate for a wide range of circumstances and risks becoming outdated quickly.

11.24 Ultimately, however, we are providing guidance rather than binding rules, and are doing so in circumstances where there are already agreements in place between many PSBs and RTSS providers. Those agreements can be complex and vary depending on the provider. They may also evolve over time as technology and user habits change. In that context, we remain of the view that the Guidance should focus on general principles that can be applied to a range of circumstances. Nevertheless, in light of the comments we received, we have identified some areas where we think further clarification would be appropriate. These are discussed below in the 'Payments', 'Steps to enable and maintain inclusion of DIPS' and 'Prominence' sections of this chapter.[681]

11.25 In response to ITV's comments about the relative weight given to the sustainability of the PSBs compared to the Innovation Objective, we note that the PSR Objective is that agreements between DIPS and RTSS providers do not "adversely affect" the ability of DIPS providers to fulfil their public service remits[682] rather than being generally about supporting the sustainability of the PSBs. Further, as the Act requires providers to act consistently with all three Agreement Objectives, the PSR Objective must be considered alongside the other Agreement Objectives, including the Innovation Objective (i.e. that agreements do not have a disproportionate impact on the ability of RTSS providers to innovate in how users access and select IPS or IPS programmes). We recognise that there may be circumstances where some restrictions on such innovation may be proportionate and have considered that in developing the Guidance.[683]

11.26 In response to LG's suggestion of adding a fourth Agreement Objective, we note that the Agreement Objectives are set out in the Act and are therefore a matter for Parliament.

11.27 Regarding the request from Roku and techUK to introduce a presumption of compliance where a DIPS and an RTSS provider have reached an agreement that they both consider to be consistent with their statutory duties, the Act does not give Ofcom powers to introduce such a presumption. In any event, providers must comply with their statutory duties, and we must exercise our statutory functions, irrespective of whether or not providers consider their agreements to be consistent with their statutory duties. For example, as noted in paragraph 2.6 of the Guidance, the fact that DIPS and RTSS providers are in agreement does not prevent us from taking enforcement action against providers that we consider are not complying with their duties under the new regime. Similarly, the fact that providers have reached an agreement does not prevent one of those providers from referring a dispute to us.[684] The Act requires us to handle a dispute where it is highly likely that a DIPS will not be included in an RTSS, or will not be given the appropriate degree of prominence within it, and where there are not alternative means for resolving the dispute.[685]

11.28 No stakeholders commented on our overarching approach to assessing the impact on providers and we have maintained this as set out in paragraphs 11.14 – 11.18 above.

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[681] See for example paragraphs 11.56, 11.111, 11.115, 11.130 and 11.159.
[682] Or in the case of the BBC to promote its public purposes, as set out in section 362AM(1)(b) of the Act.
[683] As noted in the Consultation at paragraph 5.6(f).
[684] A provider may refer a dispute to Ofcom if (and when) there is no realistic prospect of resolving the dispute without referring it (section 362AT(3) of the Act).
[685] Sections 362AU(3) and (4) of the Act.

Our decision

11.29 Having carefully considered the responses provided by stakeholders, we remain of the view that the most appropriate and proportionate approach is to focus the Guidance on general principles, but have sought to provide additional clarification where appropriate in the Guidance and/or in this Statement.

Payments: general principle

Final approach: In general, it would be inconsistent with the Agreement Objectives for DIPS or RTSS providers to require payments for terms that are reasonably necessary: (i) for the inclusion of the DIPS or (ii) to give appropriate prominence to the DIPS. Cost recovery may be appropriate in some circumstances.

Additional terms must still be consistent with the Agreement Objectives and with the overarching aim of the new regime.

Our proposals

11.30 In the Consultation, we noted that agreements between IPS and TSS providers are complex and may include terms relating to the inclusion and prominence of IPS in TSS, as well as other terms or services. Terms relating to payments, both direct and indirect (e.g. exchanges of services without payment), are often key parts of those agreements.

11.31 As mentioned above, the MOMI duties change the bargaining dynamics between DIPS and RTSS providers by requiring them to engage in negotiations to reach an agreement for a DIPS to be included in an RTSS. In practice, those agreements will also cover arrangements for prominence because of the prominence duty. This creates a potential risk that a provider could seek to profit from the MOMI and prominence duties, for instance by demanding new and/or increased payments for terms that reflect those duties in the knowledge that the other party cannot withdraw from negotiations.[686]

11.32 In the draft Guidance we proposed to differentiate between 'core' and 'additional' contractual terms.[687] This distinction was intended to address that risk and provide a clear framework for providers to assess whether payment terms would be consistent with the Agreement Objectives. We defined core terms as those that are reasonably necessary for meeting:

a) the MOMI duties; and
b) the prominence duty.

11.33 All other terms of the agreements between providers – i.e. those that are not reasonably necessary to meet the objectives of the legislation but still relate to those objectives – would be additional terms.[688]

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[686] Paragraphs 5.19 to 5.21 of the Consultation.
[687] Draft Guidance, paragraphs 2.9 to 2.15; paragraphs 5.22 to 5.32 of the Consultation.
[688] As noted in paragraph 2.4 of the Guidance, we recognise that, in practice, agreements between providers may include terms beyond those that relate to the inclusion of DIPS in RTSS or to giving appropriate prominence to DIPS. However, the Guidance will only apply to the terms that relate to: (i) the inclusion of DIPS in RTSS; and (ii) giving appropriate prominence to DIPS (including PSR content and any listed channels in those DIPS).

11.34 The draft Guidance said that it would generally be inconsistent with the Agreement Objectives for either the DIPS provider or the RTSS provider to require payment from the other in respect of core terms. By contrast, it would generally be consistent with the Agreement Objectives if RTSS or DIPS providers were to require payments for additional terms.

11.35 We explained that we would consider 'payment' to include any direct fees or revenue shares, as well as indirect payments. We said that indirect payments may arise where the inclusion of DIPS in RTSS or the provision of appropriate prominence is made conditional on accepting other terms that affect the value transfer in agreements. For example, such terms could involve purchasing additional services, or imposing further obligations or restrictions that affect provider costs or revenues.

11.36 We noted that terms that are 'reasonably necessary' will typically include, but are not limited to, provisions relating to: the DIPS being included in the RTSS; the RTSS giving appropriate prominence to the DIPS; and associated technical requirements such as the sharing of programme metadata. However, we also explained that it is not the case that all terms that relate to these areas will be reasonably necessary for meeting the MOMI and prominence duties. What is reasonably necessary may vary depending on the circumstances, and we set out a non-exhaustive list of relevant factors for identifying those terms:

a) audience needs and expectations about accessing the DIPS, its PSR content and any listed channels;
b) audience needs and expectations of the RTSS;
c) relevant industry practice by other providers (whether designated or otherwise); and
d) technical feasibility.

11.37 We explained that the Guidance would include some examples of additional terms throughout. We also noted that additional terms could include, for example, terms that relate specifically to any content in a DIPS that a PSB does not intend to use to fulfil its public service remit, such as paid-for content. We referred to this as 'non-PSR content'.

11.38 We explained that, if a DIPS contains non-PSR content, that content must be offered and included as part of that DIPS as a whole, in accordance with the MOMI duties. This means that some terms relating to it may be reasonably necessary for the inclusion of that DIPS in RTSS. For example, core terms about the technical steps required for DIPS to be included and maintained in RTSS would relate to any non-PSR content in a DIPS (as well as to PSR content and any listed channels).

11.39 We also explained that terms in agreements which relate specifically to non-PSR content in DIPS are unlikely to be reasonably necessary for inclusion. For example, terms about in-app purchases or paid-for subscriptions would be additional terms. Although additional terms would be subject to commercial negotiation, we proposed to remind providers that they must still ensure that such terms are consistent with the Agreement Objectives and with the overarching aim of the new regime.

Cost recovery

11.40 We proposed that there may be circumstances where it is reasonable for a provider to recover costs in respect of actions that are reasonably necessary to include DIPS in RTSS. For example, we said that it may be consistent with the PSR Objective for an RTSS provider

to contribute to the reasonable costs incurred by a DIPS provider when making technical changes to its DIPS.[689]

Summary of responses

11.41 Stakeholders generally did not object to our proposed payments principle and several were supportive. For example, Channel 4 said that it strongly agreed with the proposal for no payments for core terms and observed that it broadly reflects standard market practice.[690]

Scope for DIPS and RTSS providers to require payments

11.42 A few stakeholders raised concerns or suggested alternative approaches. For example, ITV suggested that we take a broader view of the circumstances in which payments by RTSS providers to DIPS providers might be appropriate. ITV considered that requiring such payments would not undermine delivery of any of the Agreement Objectives and noted there is "no broad economic protection for RTSS providers" in the Act.[691]

11.43 LG stated that "blocking the ability to charge fees would undermine the sustainability of the platform business" and was concerned about the fairness of the payments principle. It also outlined its concern that the payments principle combined with the proposals in the draft Code risked going beyond what is necessary to achieve Parliament's aim of appropriate prominence and would "unnecessarily [distort] competition within the RTSS ecosystem".[692]

Meaning of 'payment'

11.44 We received some requests for further clarification regarding what we meant by 'payment'. TAC asked us to specify in the Guidance that payments other than revenue shares are "specifically regulated". Meanwhile, EMP, TAC and Channel 4 raised concerns about RTSS providers seeking to make core terms conditional on additional terms, with Channel 4 giving the example of integrations that enable prominence being contractually tied to other features, such as supporting the TSS' payment platform.[693]

Core and additional terms

11.45 ITV considered that the draft Guidance was unclear about the circumstances in which payments may be consistent with the Agreement Objectives. It suggested that Ofcom had "concluded that payments in either direction are incompatible with [the Agreement Objectives]." Given this, it argued that the position in the draft Guidance that payments for additional terms must still be consistent with the Agreement Objectives was "contradictory".[694]

11.46 ITV also argued that there is an increased risk of disputes as well as the potential for PSBs to be "held to ransom" if it is not clear to RTSS and DIPS providers which terms are core and which are additional. To address this issue, ITV proposed that the relevant factors in

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[689] This cost recovery section was included in the 'Steps to enable and maintain inclusion of DIPS' section of the draft Guidance and discussed in paragraphs 5.43 to 5.44 of the Consultation.
[690] The following responses expressed agreement with our proposed payments principle: Channel 4 response, pp.25-27; BBC response, p.11; Roku response, p.9 and British Broadcasting Challenge response, p.6.
[691] ITV response, pp. 26-27.
[692] LG response, p.7, 9-12.
[693] TAC response, p.6; EMP response, p.6; Channel 4 response, p.29.
[694] ITV response, pp.25-26.

the draft Guidance[695] "should give sufficient guidance as to the outcomes anticipated". ITV provided a list of outcomes that it considered to be necessary and proposed that these "could be captured in the same style as the 'relevant factors' already included". For example, it suggested that one of its proposed outcomes – "the underlying business model of ITVX is enabled" – could be included in the Guidance as the following relevant factor for the purposes of identifying core and additional terms: "The needs of DIPS providers to optimally monetise their service such that there is no adverse effect on the ability of the provider to fulfil the public service remit".[696]

DIPS costs

11.47 S4C considered that DIPS should not be required to fund development driven by RTSS innovation or commercial priorities and the BBC requested confirmation that, where a DIPS is currently included in an RTSS, nothing in the Guidance should result in an expectation that increases the cost burden to DIPS providers, e.g. through greater customisation of the DIPS for that RTSS.[697]

Our assessment

Scope for DIPS and RTSS providers to require payments

11.48 As explained above, when developing the draft Guidance, we had regard to the potential risk that a provider could seek to profit from the MOMI and prominence duties by demanding new and/or increased payments for terms necessary for inclusion and/or appropriate prominence. Accordingly, we proposed that the principle should apply to both DIPS and RTSS providers, as we considered the risk to exist in both directions.

11.49 Given this risk, we do not think it would be appropriate to amend our general principle to broaden the circumstances in which payments might be made in one direction (e.g. from RTSS providers to DIPS providers, as suggested by ITV).

11.50 As noted in the Consultation, our approach to payments in the Guidance aims to provide an appropriate degree of flexibility to adapt to different commercial contexts, given that the range of terms being negotiated and agreed among different providers is varied and complex.[698] Based on our review of contracts between RTSS providers and PSBs, and as noted by Channel 4, we also consider that it broadly reflects current practice between RTSS providers and PSBs.[699]

11.51 Regarding LG's argument that the proposed payments principle would undermine the sustainability of its business model, we recognise that RTSS providers generally not requiring payments from DIPS providers for core terms may affect some existing commercial agreements.[700] However, we consider this to be:

a) justified on the basis that core terms are reasonably necessary for providers to agree in order to meet their statutory duties; and

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[695] Summarised in paragraph 11.36 above.
[696] ITV response, pp.16-17.
[697] BBC response, pp.12-13; S4C response, p.8.
[698] Paragraph 5.24 of the Consultation.
[699] Channel 4 response, p.26.
[700] See the 'Impacts on providers' sub-section below for more detail.

b) proportionate as it enables providers to continue to negotiate payments in respect of terms that are not reasonably necessary to meet the MOMI and prominence duties.

11.52 LG's comments appear to be largely driven by concerns that PSBs could receive access to "advertising space" free of charge. In Chapter 6, we explain that the recommended actions for primary content areas do not prescribe a specific degree of prominence in the hero banner and do not affect general advertising that is unrelated to programmes. Taking this into account, we do not expect unnecessary distortions to competition in the "RTSS ecosystem" as LG suggests.

11.53 We have also considered LG's concerns about the payments principle (combined with the proposals in the draft Code) going beyond what is necessary to achieve Parliament's intention for the new regime and unnecessarily distorting competition.[701] We note that the statutory aims of the new regime are to ensure the prominence of public service content for audiences by including DIPS in RTSS and giving them an appropriate degree of prominence. We also note that the broader impacts of the new regime on competition and innovation have been subject to scrutiny by Parliament.[702] The Government's impact statement for the new regime noted that, absent intervention, "PSBs would be put at an increasing competitive disadvantage relative to global services".[703]

11.54 As further explained in our combined impact assessment in Chapter 12, we have had regard to competition impacts in developing the Code and the Guidance.[704] We consider that our overall approach is both appropriate and proportionate.

Meaning of 'payment'

11.55 In response to comments from TAC, we note that paragraph 2.12(a) of the draft Guidance set out what we meant by 'payment', which covers all direct and indirect payments, including but not limited to revenue shares. We have retained that paragraph in the final Guidance.

11.56 To address concerns raised by EMP and Channel 4 about RTSS providers seeking to make core terms conditional on additional terms, we have amended paragraph 2.15 of the Guidance to make clear that it would generally be inconsistent with the Agreement Objectives for a provider to make its acceptance of core terms conditional on the other provider's acceptance of additional terms.

Core and additional terms

11.57 In response to ITV's view that some aspects of the draft Guidance about payments appeared contradictory, we have considered carefully how the payments principle operates within the framework of the Agreement Objectives as a whole. As explained at

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[701] We have responded to LG's comments about the Code in the relevant chapters, including in paragraphs 6.29 and 6.34 of Chapter 6.

[702] Including in the overarching impact assessment produced by the Government for the Media Bill.

[703] DCMS, November 2023, A principles-based framework for a new prominence regime for PSB online services, paragraph 91: "The growing commercial power of TV platforms as 'gatekeepers' also increases the likelihood that PSBs would be put at an increasing competitive disadvantage relative to global services, and efforts to compete are likely to increasingly see value transfers from the UK-based organisations such as the BBC and ITV to companies based overseas. There is the risk that PSBs would have to pay increasing amounts to TV platforms for inclusion and prominence as TV platforms' market power increases."

[704] Section 3(1) of the Act.

paragraph 11.9 above, the Act requires providers to act consistently with all three Agreement Objectives, which therefore cannot be considered in isolation.

11.58 We consider that it would generally be consistent with the Agreement Objectives for a provider to require payment in respect of an additional term. However, whether a specific payment is consistent with the Agreement Objectives would depend on the circumstances of the case.

11.59 We have also considered ITV's proposal that the Guidance should set out anticipated outcomes to help providers determine whether terms are core or additional. We agree that the Guidance should provide sufficient clarity to help providers make that distinction. However, we do not think that prescribing particular outcomes would provide a better basis for doing so, as those outcomes may not be appropriate or consistent with the Agreement Objectives in all situations.

11.60 As explained at the beginning of this chapter, we have designed the Guidance to provide a flexible framework that can be applied to a range of circumstances. Accordingly, paragraph 2.12(b) of the draft Guidance set out a non-exhaustive list of factors to assist providers in identifying core terms, rather than prescribing outcomes that may not be appropriate in every case. We consider that this approach remains appropriate.

DIPS costs

11.61 In response to the BBC's request for confirmation that the Guidance should not create an expectation that would increase the cost burden to DIPS providers compared with the current position, the payments principle aims to provide a clear framework that can apply to different commercial contexts. The extent to which the cost burden to DIPS providers is affected will therefore depend on which terms are reasonably necessary to meet the MOMI and prominence duties in the particular circumstances.

11.62 Regarding S4C's statement that DIPS providers should not be required to fund development driven by RTSS innovation or commercial priorities, we note that the Guidance allows for DIPS providers to require payment for additional terms. Therefore, if an RTSS provider has a new feature or function that is not reasonably necessary to meet the MOMI and prominence duties, it may be consistent with the Agreement Objectives for a DIPS provider to require payment for integrating it.

11.63 The Guidance also recognises that cost recovery may be appropriate even where development work is reasonably necessary to meet the MOMI and prominence duties (and so terms relating to that development work would be core terms). This could include circumstances where one party's development work is influenced by the other party's innovation or commercial priorities. As we explained in the Consultation, cost recovery is more likely to be appropriate where significant one-off development is required rather than smaller business-as-usual development.[705] For example, where significant technical changes to an RTSS require a DIPS provider to undertake substantial development work, it may be consistent with the PSR Objective for the RTSS provider to contribute to reasonable costs incurred by the DIPS provider. We have decided that it would be helpful for providers for the Guidance to reflect this at paragraph 2.18.

[705] Paragraph 5.44 of the Consultation.

11.64 Having reflected on this further following the Consultation, we consider that it is helpful to clarify that the cost recovery principle may also apply in relation to actions that are reasonably necessary for DIPS (including PSR content and any listed channels included in that DIPS) to receive appropriate prominence as set out in our Code. For example, if an RTSS made significant changes to its content metadata requirements, resulting in substantial additional resource costs for the DIPS provider to continue to receive appropriate prominence, then it may be consistent with the PSR Objective for the RTSS provider to contribute to the DIPS provider's reasonable costs.

Impacts on providers

11.65 We have not made any significant amendments to the Guidance regarding payments following consideration of stakeholder comments. As such, we remain of the view that, in most cases, we expect that providers not requiring payments from each other for core terms will have only small or moderate impacts on payments between DIPS and RTSS providers in the near term.[706] Providers retain discretion to require payment in relation to additional terms if they choose to do so.

11.66 In the longer term, we consider that the Guidance may have greater benefits. It gives protection to DIPS providers from being required to make payments for core terms. Without this protection, commercial terms could evolve in ways that make payment demands more likely, with potentially negative effects for DIPS providers. For instance:

a) RTSS providers requiring payments for terms that are reasonably necessary for the inclusion of DIPS in RTSS. Examples could include RTSS providers requiring shares of DIPS providers' advertising revenues or inventory from free-to-view content within a DIPS; and/or
b) RTSS providers making terms that are reasonably necessary for giving appropriate prominence conditional on the acceptance of other contractual terms.

11.67 This approach also gives protection to RTSS providers from being required to pay to include DIPS in their RTSS or to give them appropriate prominence in order to meet their statutory duties.

11.68 With regard to cost recovery, we understand that providers generally bear their own costs with respect to the technical steps necessary to include and give prominence to PSB IPS in their RTSS. Our cost recovery guidance could result in some cost recovery arrangements being agreed that might otherwise not have been, although this is uncertain. Such arrangements could be beneficial to providers, by enabling development or innovation that may not otherwise take place. We expect this element of the Guidance to impact providers only in relatively rare cases. We do not anticipate significant negative impacts.

Our decision

11.69 Having carefully considered stakeholders views on our proposed payments principle, we remain of the view that the framework is appropriate. However, we have amended paragraph 2.15 to clarify how providers may act consistently with the Agreement Objectives in respect of additional terms.

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[706] We have based our view on our assessment of information provided to us by RTSS providers and PSBs relating to their current agreements for inclusion and prominence. [✂].

11.70 In addition, we have moved the 'Cost recovery' paragraph from the 'Steps to enable and maintain inclusion of DIPS' section of the Guidance to the 'Payments: general principle' section and have amended it to:

a) acknowledge that cost recovery might be appropriate in respect of actions that are reasonably necessary for the prominence duty, as well as for the MOMI duty; and
b) make clear that cost recovery is more likely to be applicable where one-off development is required, rather than business-as-usual development.

Steps to enable and maintain inclusion of DIPS

Final approach: Providers generally bear their own costs for enabling and maintaining the inclusion of DIPS in RTSS and providing appropriate technical support and testing.

It may also be consistent with the Agreement Objectives for providers to make payments if they wish the DIPS to be delivered using a technology or combination of technologies other than an app.

Our proposals

11.71 In the Consultation, we noted that:

a) many of the steps that are required for PSB IPS to be included and maintained in TSS incur costs;
b) in many scenarios it is common practice for PSBs and TSS providers to bear their own costs with respect to those technical steps;
c) in general, PSBs usually customise their IPS to meet the TSS' specifications (though in some cases TSS providers may provide technical resource to support the necessary adaptations and the BBC generally provides a standard version of iPlayer to most TSS); and
d) the amount of integration work varies depending on the TSS.[707]

Core terms

11.72 In the draft Guidance we specified a number of terms relating to the technical steps required for the inclusion of DIPS in RTSS that we considered would generally be core terms.[708] As explained above, these terms would not generally be subject to payment by either provider.

11.73 We focused on general behaviours in order to provide sufficient flexibility to account for different technical approaches to including DIPS and to futureproof the Guidance as technologies and services evolve.

11.74 In relation to the inclusion of a DIPS in an RTSS for the first time, we proposed that terms relating to required technical work and testing would generally be core terms. We also proposed that, to secure the ongoing inclusion of a DIPS in an RTSS, core terms would generally include the provision of ongoing technical information and support in a timely manner, as well as any technical work necessary to implement changes resulting from DIPS or RTSS version updates.

[707] Paragraphs 5.33 to 5.34 of the Consultation.
[708] Draft Guidance, paragraphs 2.17 to 2.19.

11.75 Since the successful inclusion of DIPS on RTSS depends not only on the parties' technical standards, but also on the conduct of the providers, the core terms we proposed also encouraged DIPS and RTSS providers to provide each other with relevant information and support in a timely manner, giving reasonable notice of any planned updates which could affect the inclusion of the DIPS.[709]

Additional terms

11.76 The draft Guidance also set out some terms that we considered would generally be additional. These were terms relating to technologies, features or functionality that are not reasonably necessary for inclusion of the DIPS in the RTSS, such as dynamic advertising or ad skipping, and terms about the provision of audience data.[710]

Delivery of DIPS[711]

11.77 Lastly, we recognised that apps are currently the most common form (i.e. technology) for delivering IPS to TSS and were available on all of the TSS that we had recommended for designation. However, we acknowledged that this may not always be the case. We explained that our draft Guidance intended to take account of both the existing commercial reality, and situations where DIPS providers might deliver their DIPS using another technology or multiple technologies. In that context, we proposed that where either provider wants the DIPS to be included in a form that is not an app, it may be consistent with the Agreement Objectives for payments to be made by the provider who wishes to offer or include (as applicable) the DIPS in a form that is not an app.[712]

Summary of responses[713]

DIPS standard of functionality

11.78 Some stakeholders commented on the standard of functionality that should be expected of DIPS included in RTSS. Google agreed that DIPS should function to the standard expected by audiences, but recommended we also include "the standard generally required on the RTSS of IPS integrated with its interface".[714] Similarly, Roku considered that the Guidance should state that it would generally be reasonable – and consistent with the Agreement Objectives – for RTSS providers to require that DIPS be developed in line with their standard technical specifications, with bespoke technical solutions left to commercial negotiation.[715]

11.79 On the other hand, ITV proposed the inclusion of text stating that a DIPS should function on an RTSS "as it would on a platform owned-and-operated by the DIPS provider or comparable RTSS providers […]."[716]

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[709] Paragraphs 5.37 to 5.42 of the Consultation; draft Guidance, paragraphs 2.17 to 2.19.
[710] Draft Guidance, paragraphs 2.20 to 2.21.
[711] In the Consultation, this section was titled 'Form of DIPS'.
[712] Paragraphs 5.39 to 5.40 and 5.45 of the Consultation; draft Guidance, paragraph 2.23.
[713] Several respondents commented on the provision of audience data. This was included in both the 'Steps to enable and maintain inclusion of DIPS' and 'Prominence' sections of the draft Guidance. We have addressed comments relating to audience data in the 'Prominence' section below.
[714] Google response, p.13.
[715] Roku response, p.10.
[716] ITV response, pp.22-23.

Features and functions

11.80 Several stakeholders asked whether terms relating to specific features or functions should be viewed as reasonably necessary for inclusion. For instance, ITV recommended that terms ensuring the effective operation of DIPS accessibility features and adequate content protections should be core terms. Google suggested that DIPS providers should be required to integrate with RTSS voice control requests and RTSS-level accessibility settings.[717]

11.81 Google noted that some TSS features [✂] deliver significant engagement. It argued that, if a DIPS provider does not invest in those features, then that DIPS will be less able to compete effectively and "engage audiences in the way they wish to navigate to content." Google considered that terms relating to such features should be core terms provided that the RTSS provider can demonstrate that user engagement with these features "will provide greater returns than many other features."[718]

11.82 'Continue watching' features were mentioned in several stakeholder responses.[719] For example, Channel 4 considered that RTSS providers should not be able to demand payment for features linked to user watching behaviour, while ITV said that terms relating to the inclusion of PSB content in continue watching should be core terms. Similarly, S4C considered that DIPS should be included automatically in continue watching rails, as long as "appropriate metadata integrations are in place." It argued that their inclusion should not be contingent on separate commercial agreements with device manufacturers or platform operators.[720]

11.83 A few stakeholders commented on listed channels and live TV areas on RTSS. For example, S4C described it as "essential" that the inclusion of listed channels in RTSS' live TV areas is not contingent on payment or the sharing of revenue with RTSS providers. Google asked us to confirm whether terms relating to the inclusion and placement of a live TV area on an RTSS would be additional terms.[721]

11.84 ITV said that RTSS providers should not be able to mandate the use of their own or preferred ad sales solution. It asked for clarification as to how the Guidance would apply if an RTSS provider operating "an ingest-only model" required a DIPS provider to integrate with its ad-skipping functionality, including whether compensatory payments would be permitted. Another stakeholder [✂] argued that there should be appropriate safeguards or compensation for the inclusion of PSB linear channels in any "ad-skipping or premium tiers for which subscribers pay additional fees."[722]

11.85 Finally, Google asked us to confirm whether terms relating to remote control buttons and the carriage of BBC Sounds and/or BBC Interactive TV are additional terms.[723]

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[717] ITV response, p.17; Google response, p.12.
[718] Google response, pp.13-14.
[719] By 'continue watching' we mean a feature that enables TSS users to resume programmes they have previously started watching. These features typically involve content from different providers being displayed in a dedicated row, rail or area on the TSS UI. In some cases, different names may be used for this feature, but, for simplicity, we refer to these features as 'continue watching' in the rest of this Statement.
[720] Channel 4 response, p.26; ITV response, p.12; S4C response, p.5.
[721] S4C response, p.7; Roku response, p.7; Google response, p.9.
[722] ITV response, p.12, 21-22, 24; [✂].
[723] Google response, pp.12-13.

Processes and conduct

11.86 We received several responses that related to DIPS and RTSS providers' processes and conduct. For example, Channel 4 considered that the Guidance should state that RTSS providers should treat DIPS providers fairly compared to other IPS providers with regards to development and testing. It described challenges securing quality assurance ('QA') resource for updates to its IPS. For example, Channel 4 said that after it had developed support for a continue watching feature on a major TSS, it had had to wait two months in the "QA pipeline". Meanwhile, Google recommended that we require that any DIPS technical approval or testing procedure should be conducted at RTSS level rather than at device level, with device level testing required only if issues arise on a specific device.[724]

11.87 LG asked us to explicitly state that no payments would be required for device submission or compliance testing.[725]

Delivery of DIPS

11.88 Several respondents commented on our proposals regarding the technical delivery of DIPS.

Responses from PSBs

11.89 Responses from PSBs generally agreed with the draft Guidance that DIPS are normally delivered through an app.

11.90 Overall, PSBs' concerns tended to focus on the native delivery[726] of DIPS, including their on-demand content and listed channels, as an alternative to delivery through apps and deep links[727] into apps. They also raised concerns about the payment and MOMI implications of these alternative delivery technologies.

11.91 For example, the BBC asked us to clarify that an RTSS provider should not have the right to insist on the delivery of DIPS via a technology other than an app.[728] ITV and Channel 4 raised questions about the implications of non-app technologies being used to deliver DIPS. They asked us to clarify that, where a DIPS is not delivered through an app, the RTSS provider should pay the DIPS provider for that delivery.[729]

11.92 ITV commented on the application of our general payments principle[730] to non-app delivery of DIPS. It noted that, in circumstances where an RTSS only operates using native delivery, the provision of ITV native content to that RTSS provider might be reasonably necessary for inclusion. It asked whether, in those circumstances, payments would be consistent with the Agreement Objectives.[731]

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[724] Google response, p.13; Channel 4 response, p.27.
[725] LG response, p.17.
[726] We understand that references in PSB responses to "syndication", "ingested VOD", "linear streams" and "live IP [internet protocol] streams" all refer to content (whether on-demand or linear) being provided directly to TSS providers and delivered to TSS users outside of an app environment via the built-in platform player. We refer to this as 'native content', 'native streams' or 'native delivery' in this Statement.
[727] By 'deep link', we mean the web address (URL) that sits behind a content tile which, when a viewer clicks on the tile (which could be for a specific programme or channel) on a TSS UI, they will be sent directly to the content in the content provider's app.
[728] BBC response, p.13
[729] ITV response, p.25; Channel 4 response, pp.26-27.
[730] Set out in paragraphs 2.9 to 2.16 of the Guidance.
[731] ITV response, p.24.

11.93 ITV and Channel 4 both objected to the draft Guidance describing non-app delivery of DIPS as 'exceptional'. ITV noted that "some RTSS already have substantial 'out of app' design elements" and considered that more RTSS providers were likely to adopt this approach in order to offer users a more seamless experience.[732] Channel 4 gave three examples of RTSS providers who have requested or explored non-app delivery of content and stated that the "market norm" is for RTSS providers to pay for "non-standard" (i.e. non-app) delivery.[733]

11.94 Some PSBs also made specific comments about the delivery of listed channels. Channel 4 suggested the delivery of listed channels should be a core term, with delivery by a deep link to a DIPS app treated as standard in line with "current market norms".[734] Similarly, the BBC argued that, where a "TV set manufacturer" is not already receiving native streams of listed channels, PSBs should not be required to make additional technical changes beyond providing deep links to those channels.[735]

11.95 Channel 4 and S4C argued that PSBs should be able to determine how their listed channels are delivered on RTSS.[736] Channel 4 said that otherwise this will result in a significant value transfer away from the PSBs in conflict with the PSR Objective. Channel 4 cautioned that, if we do not provide guidance on the distribution method for listed channels, RTSS providers are likely to seek to negotiate access to native streams and to then raise a dispute with Ofcom where DIPS providers do not agree to provide them in this way.

Responses from other stakeholders

11.96 Several other stakeholders also commented on the MOMI and payment implications of using non-app technologies to deliver DIPS.

11.97 Sky considered that the draft Guidance was unclear as to whether the MOMI duties require PSBs to offer their content in a form other than an app if an RTSS provider makes this request. Sky stated that the Guidance should state explicitly that native delivery of PSB content is in scope of the MOMI duties, otherwise Ofcom will inevitably have to adjudicate on disputes about this issue. Sky proposed that the Guidance be amended to clarify that, where an RTSS provider "has requested the DIPS be made available via alternative means, the must offer obligations will be satisfied by the PSB making the DIPS available via [that alternative technology]."[737]

11.98 Sky stated that, without this clarification, there is a risk that PSBs could withdraw the native content that they currently deliver to some Sky platforms. It argued that this withdrawal of native content could have a "chilling effect" on future TSS innovation. Sky cautioned that withdrawal would also negatively impact the user experience by introducing "unnecessary friction", making it harder for viewers (especially vulnerable people) to find and access PSB content. Sky highlighted that this could lead to a reduction in viewing of PSB content and ultimately result in audiences switching away from Sky's platforms.[738]

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[732] ITV response, p.25
[733] For example, Channel 4 noted that its agreement with Sky includes payment terms for native content (Channel 4 response, pp.26-27) and [✂].
[734] Channel 4 response, pp.21-22, 28.
[735] BBC response, pp.6-7.
[736] Channel 4 response, p.28; S4C response, pp.6-7.
[737] Sky response, p.6.
[738] Sky response, p.43, 48, 50.

11.99 LG also objected to the draft Guidance describing DIPS as "normally delivered through an app." It argued that this approach is "fundamentally inconsistent with the stated goal of simplifying navigation," and considered it would limit innovation and ultimately "harm UK audiences by restricting choice and diversity of experience".[739]

11.100 Other respondents, including some RTSS providers[740] also made specific comments about the delivery of listed channels.

11.101 Sky considered that native streams provide a "significantly superior viewing experience for viewers" compared to app-based delivery. It said that native delivery allows users to select programmes and channels directly from the Sky EPG, without the friction caused by moving between different apps with individual characteristics, each requiring users to log in.[741]

11.102 Sky also cautioned that a failure by Ofcom to clarify that native streams are within the scope of the MOMI duties would risk "undermining the Government's Future of TV distribution project".[742] It said that maintaining familiar features, including a traditional EPG and the ability to move easily between live channels from different providers, is seen as an important part of a successful transition to IPTV. Without guaranteed access to native streams, Sky argued that it would not be able to provide a consistent EPG experience.[743]

11.103 Sky therefore requested that we clarify in the Guidance that:

a) RTSS providers should not be required to carry only the app-delivered version of a listed channel or to list the app-delivered version in their EPGs; and
b) the listed channel should instead be delivered by an alternative technology where the RTSS provider has requested this.[744]

11.104 LG and techUK both strongly objected to paragraph 5.40 of the Consultation,[745] which they understood to allow DIPS providers to charge RTSS providers for native streams of listed channels. They noted that PSBs currently provide these streams to Freely, Sky and VMO2, and argued that other RTSS providers should have equivalent access.[746]

Our assessment

DIPS standard of functionality

11.105 Our position remains that it is appropriate for core terms to generally include the carrying out of technical work required to ensure that the DIPS functions on RTSS to the standard expected by audiences. This is consistent with the aims of the new regime, including

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[739] LG response, p.16.
[740] Sky response, pp.45-47; LG response, p.7; techUK response, pp.7-8; Roku confidential response, p.9.
[741] Sky response, p.45.
[742] The Government is currently considering the timetable and delivery of a managed transition from digital terrestrial television to internet-based services (DCMS, June 2026, Watch this space: a new strategic direction for UK Media – green paper and public consultation).
[743] Sky response, pp.45-47.
[744] Sky response, p.45.
[745] In paragraph 5.40 of the Consultation, we said: "*Where a provider wishes to use a different form of DIPS, there could be potential financial and/or operational impacts on the other provider, depending on the context. We propose to make clear that payments could be made, subject to commercial negotiation, if the DIPS is provided in a form that is not an app. This aims to protect providers against the possible operational and financial impacts of offering or including the DIPS in a form that is not an app without payment*".
[746] LG response, p.7; techUK response, pp.7-8, 11.

enabling users to find and discover DIPS, their PSR content and listed channels on RTSS. We consider it to be in the mutual interest of RTSS and DIPS providers to ensure that DIPS work well and users' expectations of the quality and reliability of DIPS are met.

11.106 We have assessed Google's and ITV's proposals[747] in this context. We understand Google's and ITV's positions to be that the standard of functionality required for inclusion should be determined by the RTSS provider (in the case of Google) or the DIPS provider (in the case of ITV). However, we do not consider that it would be appropriate for either RTSS providers or DIPS providers to determine that standard. As the responses from the stakeholders demonstrate, a range of approaches are already in place reflecting the varying features, functionality and objectives of the different providers.[748] We therefore remain of the view that an approach which prioritises the existing practices and preferences of one party may not be effective in securing the aims of the new regime.

Features and functions

11.107 In response to questions from stakeholders about specific features and functions, we do not think it is appropriate for the Guidance to determine whether individual features and functions are reasonably necessary for inclusion. This is because the answer will vary depending on the particular circumstances and because the provision of guidance at a general level helps to ensure that it remains relevant as technologies and services evolve. We consider that providers in active negotiations should use the framework in the Guidance to assess whether a term relating to a particular feature or function is reasonably necessary for including the DIPS in the RTSS and/or giving it appropriate prominence.

11.108 In doing so, providers should take account of the relevant factors set out in the Guidance, including those relating to audience needs and expectations, and relevant industry practice.[749] When applying those factors to an accessibility or 'continue watching' feature, for example, relevant considerations may include the potential benefits to audiences.

11.109 How audiences use an RTSS, including, as Google suggests, their engagement with a particular feature, may also be relevant when considering audience needs and expectations. However, the level of engagement with a feature does not by itself determine whether a term relating to it is reasonably necessary to secure inclusion and/or appropriate prominence for the DIPS. That will depend on the circumstances in question.

11.110 In response to S4C's and Google's comments about the inclusion of listed channels in RTSS' live TV areas, where an RTSS has a live TV area that falls within the scope of the Code, we would generally consider terms relating to the inclusion and prominence of listed channels included in a DIPS in that area to be core terms. However, whether an RTSS has such an area and where it is positioned on an RTSS UI are matters for the relevant RTSS provider.

11.111 In response to comments about ad-skipping functionality, we remain of the view that terms relating to it would generally be additional terms because they would not generally be reasonably necessary to meet the MOMI or prominence duties. For the same reason, we also consider that terms relating to ad sales solutions would generally be additional

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[747] Summarised above in paragraphs 11.78 to 11.79.

[748] As we explained in paragraph 5.34 of the Consultation, it is our understanding that, in general, commercial PSBs usually customise their IPS to meet the specifications of different TSS (though in some cases TSS providers may provide technical resource to support the necessary adaptations). The BBC, in contrast, generally provides a standard version of iPlayer to most TSS.

[749] See paragraph 2.12(b) of the Guidance.

terms. In response to ITV's concern about RTSS providers mandating the use of their own or preferred ad sales solution, we note that providers must still ensure that additional terms are consistent with the Agreement Objectives, for example by not making its acceptance of core terms conditional on the other provider's acceptance of additional terms.[750]

11.112 Regarding Google's request for confirmation that terms about remote control buttons and the carriage of BBC Sounds and BBC Interactive TV are additional terms, as set out in paragraph 2.4 of the Guidance, the Guidance will not apply to terms that do not relate to the MOMI or appropriate prominence duties. In general, we consider that terms relating to hardware, including remote controls, or to the inclusion of services that do not form part of a DIPS are unlikely to relate to the MOMI or appropriate prominence duties. Where that is the case, the Guidance would not apply to those terms.

Processes and conduct

11.113 We note stakeholders' comments regarding providers' conduct and processes and understand that there are different approaches to development, testing and certification. The Guidance is intended to accommodate varying approaches, while encouraging providers to avoid unnecessary delays in making DIPS available and prominent and to complete testing and certification processes in a timely manner.[751]

11.114 We would therefore be concerned about unnecessary delays in DIPS being made available and prominent on RTSS. We expect providers to negotiate in good faith and complete in a timely manner any technical work (including testing and certification) required for the initial and ongoing inclusion of a DIPS in an RTSS.

11.115 Consistent with this, the draft Guidance stated that terms providing for necessary testing and certification in a timely manner would generally be core terms, with the result that it would generally be inconsistent with the Agreement Objectives for payments to be required in respect of such terms. We have made a small amendment to paragraph 2.23(b) of the Guidance to make clear that this applies to testing and certification necessary for the ongoing, as well as initial, inclusion of a DIPS in an RTSS.

Delivery of DIPS

11.116 Stakeholder comments about the delivery of DIPS raise two main issues:

a) first, whether the MOMI duties require DIPS (including PSR content and any listed channels included in DIPS) to be offered or included via a particular technology (the 'MOMI issue'); and
b) second, whether, and in what circumstances, payments for the delivery of DIPS (including PSR content and any listed channels included in DIPS) using a particular technology or combination of technologies may be consistent with the Agreement Objectives (the 'payments issue').

11.117 Our response to these issues is set out below.

The MOMI issue

11.118 Several stakeholders asked us to clarify in the Guidance whether the MOMI duties require a DIPS to be offered or included using a particular delivery technology. As explained in

[750] See paragraph 2.15 of the Guidance.
[751] As we said in paragraph 5.38 of the Consultation.

paragraph 2.2 of the Guidance,[752] the role of the Guidance is to set out how DIPS and RTSS providers may act consistently with the Agreement Objectives when entering into commercial agreements to include DIPS in RTSS. The core and additional terms framework established in the Guidance reflects DIPS and RTSS providers' respective MOMI duties, as well as the duty of RTSS providers to give appropriate prominence to DIPS. However, it is not the role of the Guidance to set out how providers may comply with their MOMI duties.

11.119 That said, we note that the Act does not require DIPS to be offered or included using a particular delivery technology. Consistent with this, our designation decisions will not specify the technology used to deliver a DIPS, since this is not part of the statutory designation framework.[753] The technical delivery of DIPS – including their PSR content and any listed channels included in DIPS – is therefore for providers to negotiate as part of their MOMI agreements. We consider that it would be helpful to clarify this in the Guidance and have included wording to this effect in the new paragraph 2.24.

11.120 In this context, we note Sky's and Channel 4's comments about the likelihood of providers bringing disputes to Ofcom about the MOMI issue unless Ofcom provides further clarity in the Guidance.

11.121 If the parties cannot agree terms about the technical delivery of DIPS (including terms about the technical delivery of any listed channels included in a DIPS), they may refer a dispute to Ofcom.[754] The reference of disputes to Ofcom is an integral part of the new regime and we will consider the specific circumstances when deciding what action to take. In addition, and as noted in the Guidance,[755] when exercising our dispute resolution powers in a particular case, we must have regard to the Guidance[756] and must resolve disputes in a way that we consider to be the most appropriate to meet the Agreement Objectives.[757]

11.122 However, providers should be mindful that the reference of a dispute to Ofcom should be viewed as a last resort and can only be done if (and when) there is no realistic prospect of resolving the matter through commercial negotiation.[758]

The payments issue

11.123 In the draft Guidance we proposed that it may be consistent with the Agreement Objectives for payments to be made for the delivery of non-app DIPS.[759] Several stakeholders asked us to clarify how this proposal fits within the payments framework in the Guidance, which distinguishes between core and additional terms.

11.124 As explained above, it is for providers to negotiate terms about the technical delivery of DIPS in their MOMI agreements. To the extent those terms are reasonably necessary for the inclusion of DIPS, they will be core terms.

11.125 In response to stakeholders' comments, we have clarified in the Guidance that, in order to include DIPS in RTSS, providers need to agree terms for the technical means of delivering

[752] And as set out in section 362AL(1) of the Act.
[753] See paragraph 1.17 of Ofcom's IPS Designation Application Form.
[754] Sections 362AT to 362AY of the Act.
[755] Guidance, paragraphs 1.10 and 1.12.
[756] Section 362AL(5) of the Act.
[757] Section 362AX(3) of the Act.
[758] Section 362AT(3) of the Act.
[759] Draft Guidance, paragraph 2.23.

DIPS (we refer to these terms as 'technical delivery terms' in the Guidance). This means that core terms of MOMI agreements will include technical delivery terms that are reasonably necessary for the inclusion of DIPS. We have reflected this in the Guidance by moving the paragraphs about the delivery of DIPS to sit under the 'Core terms' heading of the 'Steps to enable and maintain inclusion of DIPS' section of the Guidance.

11.126 This does not mean, however, that all technical delivery terms are necessarily core. Whether a technical delivery term is a core term in a given case will depend on the specific circumstances in question.

11.127 We note that several stakeholders raised concerns about the draft Guidance stating that DIPS are normally delivered through[760] an app. As we explained in the Consultation, this reflects the fact that apps are currently the most common way of delivering IPS to TSS and are available on all RTSS.[761]

11.128 We remain of the view that it is sensible for the Guidance to take account of the commercial reality regarding the current use of apps for IPS delivery, while also acknowledging that DIPS may be delivered using a different technology or a combination of technologies. We have therefore retained the wording from the draft Guidance which recognised that DIPS are normally delivered through an app. We will, however, keep this under review as the market and technologies evolve. We have also deleted the reference in the draft Guidance to non-app delivery of DIPS happening in 'exceptional' circumstances, in light of the comments from ITV and Channel 4.

11.129 In the Consultation, we set out that there could be potential financial and/or operational impacts on providers where non-app delivery is used to include DIPS in RTSS, depending on the context.[762] Comments from PSBs emphasised that the choice of delivery technology may have commercial implications for DIPS providers. For example, as ITV has noted, where content is delivered outside the DIPS app, this may affect the DIPS provider's ability to generate revenue from advertising.[763] Channel 4 stated that the "market norm" is for RTSS providers to pay for non-app delivery, noting that its agreement with Sky for the delivery of native content includes payment terms.[764] We recognise, however, that techUK and LG were concerned about DIPS providers charging RTSS providers for access to native streams of listed channels.

11.130 In response to these points, we remain of the view that there may be circumstances where payments for non-app delivery are consistent with the Agreement Objectives. We have therefore retained the proposal from the draft Guidance. We have made some changes, however, to simplify the wording[765] and to reflect that this is a possible exception to the general principle of no payments for core terms[766] and applies where core terms include technical delivery terms that provide for non-app delivery (which depends on the

[760] The draft Guidance referred to DIPS being delivered in the form of an app. For accuracy, we have amended this wording to refer to DIPS being delivered through an app.
[761] Paragraphs 5.39 and 5.45 of the Consultation.
[762] Paragraph 5.40 of the Consultation.
[763] ITV response, pp.21-24.
[764] Channel 4 response, pp.26-27.
[765] For example, in the final Guidance we have replaced the words "the provider who wishes to offer or include (as applicable) the DIPS that is not an app" with "the provider who wishes to make use of [non-app delivery]" (Guidance, paragraph 2.25).
[766] Guidance, paragraph 2.10.

circumstances of any given case). However, the Guidance is intended to be flexible and adaptable to providers' individual circumstances, and it does not necessarily follow that payments for core technical delivery terms that provide for non-app delivery will always be consistent with the Agreement Objectives.

Impacts on providers

11.131 We consider that our Guidance on the steps we expect providers to take to enable the inclusion of DIPS in RTSS is unlikely to impose significant additional resource costs on either set of providers. We consider our Guidance largely represents current practice. To the extent that some additional resource costs are incurred by some providers as a result of the Guidance – for example by providing additional technical information or doing so more quickly – we do not consider that these costs would be significant. In any event, we consider that any such costs would be justified by the benefits of ensuring that providers understand how they can act consistently with the Agreement Objectives when performing their MOMI duties on an ongoing basis. The Guidance on steps to enable inclusion of DIPS may also benefit providers in certain cases, for example by reducing unnecessary delays in carrying out technical work and testing which may lead to smoother operational processes.

11.132 As discussed above at paragraph 11.129, we recognise that the choice of delivery technology may have commercial and/or operational implications for DIPS and RTSS providers. Our guidance allows flexibility for providers to reach commercial agreements that reflect their particular circumstances, including payments where consistent with the Agreement Objectives.

Our decision

11.133 Taking account of stakeholders' responses, we remain of the view that terms providing for the actions set out in:

a) paragraphs 2.22 and 2.23[767] are generally core terms; and
b) paragraphs now 2.26 and 2.27[768] are generally additional terms.

11.134 We also remain of the view that the DIPS should function in the RTSS to the standard expected by audiences, so have retained that wording at paragraph 2.23 of the Guidance,[769] except to clarify that testing and certification may also be relevant to technical work necessary for ongoing inclusion of a DIPS in an RTSS.

11.135 Regarding delivery of DIPS, we have replaced the previous 'Form of DIPS' paragraph with a new 'Delivery of DIPS' subsection under 'Core terms' at paragraphs 2.24 and 2.25 of the Guidance. We have also made some changes to simplify the wording and to clarify that:

a) the Act does not require DIPS to be offered or included using a particular delivery technology;
b) the technical delivery of DIPS (including their PSR content and any listed channels included in them) is for providers to negotiate as part of their MOMI agreements;
c) core terms will include technical delivery terms that are reasonably necessary for the inclusion of DIPS; and

[767] Draft Guidance, paragraphs 2.18 and 2.19.
[768] Draft Guidance, paragraphs 2.20 and 2.21.
[769] Draft Guidance, paragraphs 2.18.

d) where core terms include technical delivery terms that provide for non-app delivery, payments for non-app delivery may be consistent with the Agreement Objectives.

Prominence

Final approach: RTSS providers generally bear the costs of following the recommended actions in the Code[770] and DIPS providers generally bear the cost of supplying the necessary inputs (such as metadata) to enable RTSS providers to follow the recommended actions in the Code, but not the use of those inputs for any other purpose.

To act consistently with the Agreement Objectives, we expect RTSS providers to: (i) explain the specific measures that they will take to follow the recommended actions in the Code and include these measures in their agreements; and (ii) supply sufficient information to DIPS providers to enable them to verify that the measures are being applied in practice.

Our proposals

11.136 In the Consultation, we explained that the Code sets out recommended actions that RTSS providers can take to comply with the prominence duty, but both providers must act consistently with the Prominence Objective when entering into agreements for the inclusion of DIPS in RTSS.[771]

11.137 We noted that most PSB IPS were already integrated with the main content discovery features of the TSS on which those IPS were available, such as disaggregated content areas and search. We also noted that this involves the PSBs supplying inputs required to integrate their content with those features. We explained that these inputs may include:

a) metadata feeds[772] which may need to be provided in specific formats which can vary across different TSS;
b) branding assets such as channel logos so that content can be attributed when it appears in the TSS UI; and
c) audience data, so that TSS providers are able to integrate IPS content with certain personalised TSS features, such as continue watching.

11.138 We also noted that some PSBs had told us that integration with different UI features can be costly and time-consuming, requiring them to prioritise which features to implement first.

Core terms

11.139 To help DIPS and RTSS providers act consistently with the Agreement Objectives, particularly the Prominence Objective, the draft Guidance set out the terms about prominence that we considered to be core:

a) RTSS providers following the recommended actions in the Code; and

[770] Although the Guidance refers to RTSS providers following the recommended actions in the Code, we would expect the same principles in the Guidance to be relevant to circumstances where RTSS providers meet their prominence duty by taking alternative actions.
[771] Paragraphs 5.49 to 5.51 of the Consultation.
[772] Which may include, for example, programme titles, technical requirements, programme genre and synopsis.

b) DIPS providers supplying to RTSS providers the inputs necessary to enable them to follow the recommended actions in the Code (including metadata, information about PSR content on DIPS to be given appropriate prominence and information or data necessary to attribute programmes).

11.140 We also explained in the Consultation that, as part of the recommended Code actions, we expected RTSS providers would:

a) work with DIPS providers on metadata integrations where necessary to secure prominence in primary content areas and search; and
b) explain during their negotiations with DIPS providers the specific measures they will take to follow the Code and include those measures in their agreements.[773]

Additional terms

11.141 We proposed that the following terms would generally be additional terms:

a) terms about audience data; and
b) terms providing for RTSS providers to give prominence to the DIPS and its content beyond the actions recommended in the Code.

11.142 We recognised that there could be value in RTSS providers sharing audience data with DIPS providers. However, we did not consider that, in general, it would be reasonably necessary for RTSS providers and DIPS providers to share this data with each other to meet the MOMI or prominence duties. For these reasons we considered that terms about the provision of audience data would generally be additional terms.[774]

Summary of responses

Core terms

Metadata

11.143 Stakeholders made a number of comments about metadata in their responses. Those comments broadly fall into three categories:

a) the use of DIPS providers' metadata by RTSS providers;
b) the content, quality and format of metadata provided by DIPS providers; and
c) the use of third-party sources for metadata about DIPS content.

11.144 In relation to the use of DIPS providers' metadata, TAC and Channel 4 highlighted the potential commercial value of DIPS providers' metadata to RTSS providers. S4C, TAC and ITV were of the view that metadata provided to support attribution and prominence should only be used for those purposes. TAC and ITV considered that terms allowing the use of that metadata for other purposes should be additional terms. ITV gave examples of such uses, including training AI models, enriching RTSS providers' advertising sales data and enhancing the RTSS provider's own content offer.[775]

11.145 Regarding the quality, format and content of the metadata supplied by DIPS providers, ITV said that core terms relating to metadata should not require DIPS providers to create or acquire additional data, translate existing data into alternative formats or provide data that the RTSS provider cannot use to satisfy its prominence duty. In contrast, Google said that

[773] Draft Guidance paragraphs 2.24 to 2.26; paragraphs 5.52 to 5.54 and 5.56 of the Consultation.
[774] Draft Guidance paragraphs 2.27 to 2.28; Paragraphs 5.55 and 5.57 of the Consultation.
[775] ITV response pp.18-20; S4C response pp.7-8; TAC response p.7; Channel 4 response p.23.

the quality of the metadata provided by DIPS providers materially affects an RTSS provider's ability to meet its obligations, so it should be made clear in the Guidance that the metadata provided should be of a quality and depth recommended by the RTSS provider.[776]

11.146 Channel 4 raised concerns about the sources an RTSS provider could use for metadata relating to a DIPS and its content. It noted, in particular, that "PSBs typically offer both direct metadata feed integrations and/or allow platforms to combine our metadata with authorised third-party sources, such as Gracenote".[777] Channel 4 said that RTSS providers should only use metadata sources contractually agreed with the relevant DIPS provider. It argued that this would protect its branding and ensure no inappropriate content appears in the images used to attribute its content.[778]

Regionalisation

11.147 STV argued that terms providing for regionalisation of RTSS should be treated as core terms on the basis that they meet the relevant factors set out in the draft Guidance, including audience expectations, existing industry practice and technical feasibility.[779]

11.148 ITV said that inclusion of its DIPS in Scotland should not be regarded as an additional term.[780]

Additional terms

11.149 Roku asked us to confirm that terms going beyond what is reasonably necessary to deliver appropriate prominence would be additional terms. ITV argued that any payment for additional promotion over and above the actions recommended in the Code should be voluntary.[781]

Audience data

11.150 In the draft Guidance, we proposed that terms about the provision of audience data would generally be additional terms. Several PSBs commented on this proposal. Channel 4 and ITV agreed with this approach in circumstances where the DIPS and its content is delivered via an app and deep links, since that means that the DIPS provider has direct access to audience data within the DIPS.[782]

11.151 However, both ITV and Channel 4 considered that if the DIPS is delivered using a technology other than an app and deep links, the DIPS provider would no longer be able to collect audience data directly. In that scenario, Channel 4 and ITV considered that an RTSS provider should share comparable data. Channel 4 explained that such data sharing is needed to ensure fair value exchange and to enable it to track delivery of its remit. It also stated that such an approach to data sharing is "common practice in syndication deals".

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[776] ITV response p.19; Google response p.13.
[777] Gracenote is a company that aggregates and supplies content metadata to connected TV platforms and other services.
[778] Channel 4 response p.23, 27.
[779] STV response pp.16-17.
[780] ITV response pp.9-10.
[781] Roku response p.9; ITV response pp.18-19.
[782] Channel 4 response p.29; ITV response pp.20-21.

Both ITV and Channel 4 raised concerns that platforms may refuse to share audience data if it is an additional term.[783]

11.152 Even in the scenario where a DIPS is delivered through an app, ITV considered that terms regarding RTSS providers sharing user IDs and deep link tags or referrers should be core terms.[784] ITV said that this information is necessary for it to: understand how users are finding its content; make sense of any prominence data provided by the RTSS provider; improve how it surfaces and delivers its content; and support its advertising models.[785]

11.153 STV, TAC and S4C were concerned that terms relating to the sharing of audience data by RTSS providers with DIPS providers would generally be additional terms. They stressed the importance to DIPS providers of being able to learn about how users find and interact with their content, particularly in disaggregated content areas, search results and the hero banner. S4C described that data as essential for DIPS' commissioning, scheduling and editorial decisions, while STV said that the data informs decisions about how to improve its services and deliver its remit. TAC said such data would help PSBs decide how to target audiences, and, for this reason, RTSS providers should be required to share audience data with DIPS providers for free.[786]

Transparency

11.154 Several respondents, including the PSBs and Bectu, raised concerns about DIPS providers lacking information about how DIPS, including PSR content and any listed channels in DIPS, are given appropriate prominence in practice. ITV highlighted the "knowledge asymmetry" faced by DIPS providers, since they have no visibility of which areas of an RTSS UI are most used, how prominence is measured or how it compares to other DIPS. Channel 4 noted that it currently has no reliable method to track how its prominence changes each year. The BBC stated that DIPS providers need to know which parts of the UI are the most used to understand whether the proposed recommended actions in the Code are effective and considered that the need for user-journey data is even greater because the Code and Guidance are not compulsory for RTSS providers.[787]

11.155 In light of their concerns, Channel 4, ITV, Paramount, the BBC and STV argued that RTSS providers should report how they deliver appropriate prominence to DIPS providers. The CTVMA encouraged the inclusion of "minimum transparency terms" in agreements, and ITV, Channel 4 and the BBC considered that terms regarding this type of reporting should be core terms.[788]

11.156 Regarding what should be included in such reporting, the BBC proposed that it should include "transparency on what a DIPS is receiving in comparison to others". ITV said that

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[783] Channel 4 response p.29; ITV response p.21.
[784] We understand that user ID in this context refers to a unique identifier assigned to an RTSS user (which ITV wishes to match with its own identifier for the same user) and that deep link tags or referrers are pieces of metadata attached to a content deep link that indicate where within the RTSS UI (for example, a particular row on the homepage) a user clicked to be taken to that content.
[785] ITV response p.18, 21.
[786] S4C response p.8; STV response p.17; TAC response, p.7.
[787] Bectu response, p.2, 4, 6; ITV response, pp.13-14; BBC response, pp.11-12; Channel 4 response, p.28.
[788] Channel 4 response, p.28; ITV response, pp.13-14, 18; Paramount response, p.2; BBC response, pp.11-12; STV response, p.17; CTVMA response, p.6.

reporting should include which ITV programmes were promoted, when and for how long, where on the RTSS UI and to whom.[789]

11.157 Respondents also commented on when RTSS providers should make information available to DIPS providers. Paramount said that platforms should provide sufficient data to support fair negotiations as well as to monitor ongoing compliance. ITV similarly stated that RTSS providers should disclose relevant information ahead of negotiations with DIPS providers and also report on delivery once those agreements are in place.[790]

11.158 Some RTSS providers also supported reporting on how appropriate prominence has been delivered. For example, Samsung suggested that RTSS providers should give DIPS providers an annual report and signed declaration as evidence of compliance with the Code. BT Group considered that greater clarity on how compliance can be demonstrated would help to provide regulatory certainty. On the other hand, another RTSS provider did not consider it necessary to include prominence guarantees in its contracts with DIPS providers because there is already a statutory duty on RTSS providers to give DIPS appropriate prominence.[791]

Our assessment

Core terms

Metadata

11.159 As set out above, whether a term is core or additional depends on whether it is reasonably necessary to enable an RTSS provider to include a DIPS (as well as its PSR content and any listed channels) and/or give it appropriate prominence. We agree with stakeholders that terms providing for:

a) DIPS providers to supply metadata beyond what is necessary for these purposes; or
b) RTSS providers to use that metadata for other purposes

would generally be additional terms. We have therefore clarified this at paragraph 2.32 of the Guidance.

11.160 In response to stakeholder comments about the content, quality and format of metadata provided by DIPS providers, exactly what metadata is reasonably necessary for the MOMI and prominence duties may vary depending on the circumstances and on the providers in question. We think it is important that the Guidance is flexible enough to accommodate the metadata requirements of a broad range of providers and services. For these reasons, we do not think it would be helpful or appropriate to give prescriptive guidance about the quality, content or format of metadata.

11.161 In response to Google's comment that the metadata provided by DIPS providers should be of a quality and depth recommended by the RTSS provider, we do not consider that it would be appropriate for one provider to unilaterally decide this, as it may go beyond what is reasonably necessary in a given context. However, as set out in the Guidance, we consider that DIPS providers supplying RTSS providers with the metadata necessary to

[789] ITV response, p.18; BBC response, pp.11-12.
[790] Paramount response, p.2; ITV response, pp.13-14.
[791] BT Group response; p.10; Samsung response, p.13, [✂].

enable them to follow the recommended actions in the Code would generally be reasonably necessary for DIPS to receive appropriate prominence.[792]

11.162 Regarding ITV's concerns about DIPS providers being required to create or acquire additional metadata, whether that is a core term will depend on what is reasonably necessary to include a particular DIPS in a particular RTSS and/or to give it appropriate prominence. However, there may be some circumstances where it is reasonable for a DIPS provider to recover costs incurred in creating, acquiring and/or providing metadata to an RTSS provider, for example as a result of significant changes to an RTSS' metadata specification. As explained at paragraph 11.64 above, we have expanded the existing 'Cost recovery' section of the Guidance to clarify that the cost recovery principle may also apply in respect of actions that are reasonably necessary to meet the prominence duty, in addition to meeting the MOMI duties.[793]

11.163 Regarding Channel 4's comments about RTSS providers using third-party metadata sources, we recognise there may be different ways of obtaining metadata. The Act does not prevent providers from using a third-party metadata source, provided that they comply with their duty to act consistently with the Agreement Objectives. In that context, we consider that it is for DIPS and RTSS providers to agree between themselves how to supply metadata that is reasonably necessary to include and give appropriate prominence to the DIPS, as the most appropriate approach may vary depending on the circumstances. Regardless of the approach agreed, responsibility for complying with the MOMI duties, the duty to act consistently with the Agreement Objectives and (for RTSS providers only) the prominence duty remains with DIPS and RTSS providers.

Regionalisation

11.164 In response to STV's comments about regionalisation, we note that the Code sets out two approaches based on whether an RTSS offers a regionalised or non-regionalised UI. As outlined above, we would generally consider terms providing for RTSS providers to follow the recommended actions in the Code to be core terms. Therefore, if an RTSS is regionalised, terms that are reasonably necessary for RTSS providers to follow the recommended actions for regionalised RTSS would generally be core terms.

11.165 Regarding inclusion and prominence of a designated ITV IPS in Scotland, although the MOMI duties require DIPS to be offered to and included in every RTSS (and therefore core terms would include terms that are reasonably necessary for DIPS to be included), this does not determine the prominence that a DIPS provided by ITV should receive in STV's licence areas. We address this in Chapter 5.

Additional terms

11.166 We agree with Roku that any terms providing for RTSS providers to give prominence to the DIPS beyond the recommended actions in the Code would be additional terms. As that was already reflected in the draft Guidance,[794] we have not made any changes to address this issue.

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[792] Guidance, paragraph 2.31(a).
[793] Guidance, paragraphs 2.17 to 2.18.
[794] Now at paragraph 2.32 of the Guidance.

Audience data

11.167 In the Consultation, we recognised that there could be value in RTSS providers sharing audience data with DIPS providers.[795] That value is reflected in the comments made by ITV, STV, TAC and S4C who noted that audience data from RTSS providers could assist them in decisions about content commissioning, scheduling and curation (e.g. by providing insight into which content is popular and with whom). They also noted that access to such data could help them improve their services and support their advertising models.[796]

11.168 Audience data encompasses a range of information collected by DIPS and RTSS providers, including data about the viewing of content, user journeys to content both within and outside of the DIPS and information about users (such as demographic data). This data may vary significantly in breadth and depth, and may be aggregated (i.e. information about multiple users that has been combined to give an overall picture) or at an individual level (i.e. information about a particular user). The impact of having, or not having, access to audience data will therefore depend on the nature of the data and the particular circumstances, including what alternative data is available.

11.169 As noted by ITV and Channel 4, when a DIPS is delivered through an app, the DIPS provider can usually collect some audience data within its DIPS (such as viewing data, data about user journeys within the app and possibly information about the user). The RTSS provider may collect some additional data on the user's journey before they enter the app. Where another delivery technology is used (e.g. native delivery), the DIPS provider may not be able to collect the same level of audience data itself.

11.170 We recognise the value of audience data to PSBs. However, the fact that particular audience data may be valuable does not necessarily mean that its provision is reasonably necessary for the MOMI or prominence duties to be met. Whether it is reasonably necessary will depend on the circumstances, including the data in question, the technology used to deliver the DIPS, the other information available to the DIPS provider and the purpose for which the data is needed.

11.171 Taking these considerations into account, we remain of the view that terms about sharing audience data will not typically be reasonably necessary for the MOMI or prominence duties to be met, and would therefore generally be additional terms. However, terms relating to audience data must also be consistent with the Agreement Objectives, including the PSR Objective. Whether it would be consistent with the Agreement Objectives for an RTSS provider to share (or not share) particular audience data with a DIPS provider will depend on the specific circumstances.

Transparency

11.172 Several stakeholders raised concerns about DIPS providers lacking information about how RTSS providers are meeting the prominence duty. We recognise that a lack of transparency could potentially impact a DIPS provider's ability to make informed decisions in negotiations about appropriate prominence, or to understand whether and how agreed prominence measures are being delivered in practice. In those circumstances, there is a potential risk of outcomes that are inconsistent with the Agreement Objectives and with the overall aim of the new regime.

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[795] Paragraph 5.55 of the Consultation.
[796] ITV response p.18, 21; S4C response p.8; STV response p.17; TAC response, p.7.

11.173 Transparency may be particularly relevant in situations where the Code gives RTSS providers discretion as to how they deliver appropriate prominence, including in search and primary content areas. In these cases, a DIPS provider may not otherwise have sufficient information to understand during negotiations how appropriate prominence will be achieved or subsequently whether agreed measures are being delivered.

11.174 In the Consultation, we said that RTSS providers should explain the specific measures they would take to follow the recommended actions in the Code during negotiations and include those measures in their agreements.[797]

11.175 Having considered stakeholders' responses, we consider that further information may assist providers in conducting effective negotiations and developing a common understanding of how the Code recommended actions are being implemented. It may also help assure DIPS providers that measures to follow the recommended actions in the Code are being applied in practice. In this way, transparency is likely to support both RTSS and DIPS providers in acting consistently with the Agreement Objectives.

11.176 For these reasons, we consider it appropriate to add a new 'Transparency' section to the Guidance at paragraph 2.34. This explains that we consider it would be inconsistent with the Agreement Objectives if RTSS providers do not:

a) explain the specific measures that they will take to follow the recommended actions in the Code during negotiations with DIPS providers;
b) agree to include those measures in MOMI agreements; and
c) supply sufficient information to DIPS providers to enable them to verify on an ongoing basis that those measures are being applied in practice.

11.177 The information needed will depend on the circumstances, but relevant information to be supplied on a regular basis may include:

a) the parts of the RTSS UI the RTSS provider considers to be primary content areas;
b) the position of the DIPS in the app menus and any listed channels included in the DIPS in the live TV areas;[798] and
c) relevant qualitative or quantitative information about programme allocation in primary content areas.

Impacts on providers

11.178 We discussed the impact of our position that RTSS providers following the recommended Code actions is a core term – and therefore generally not subject to payment - in paragraphs 11.65 – 11.67 above.

11.179 We also expect DIPS providers to incur some resource costs to provide the necessary inputs such as metadata to enable RTSS providers to follow the recommended actions in the Code. We consider that any such costs incurred would typically be outweighed by the benefits that DIPS providers would receive. We do not expect our guidance that terms about audience data are generally additional terms will have a significant impact on providers, who will continue to be able to negotiate these terms.

11.180 As set out above, we have added a new 'Transparency' section to the Guidance. We consider that providing this information during negotiations and/or as part of contractual

[797] Paragraph 5.54(b) of the Consultation.
[798] In accordance with paragraphs A1 and A4 of the Code.

agreements is good practice, will aid efficient negotiations and may potentially help to reduce the scope for disputes between providers. For example, the provision of information and/or explanations at an early stage, as well as on an ongoing basis, may help to avoid misunderstandings between parties.

11.181 We would expect RTSS providers in any case to implement relevant processes to assure themselves that they are achieving the intended outcomes of the new regime, including collecting relevant information. Therefore, we expect the additional costs to provide the information described in paragraph 2.34 of the Guidance to DIPS providers to be modest, and justified by the benefits noted above.

11.182 In Chapter 12 we discuss the combined impact of our proposed Code and Guidance. Overall, we recognise that costs could be significant for some providers. However, we consider such costs to be proportionate and justified taking into account the likely benefits to audiences of the proposed Code actions, the flexibility afforded to providers to seek cost-effective ways to comply with the Code and the resources available to providers.

Our decision

11.183 After carefully considering the responses to our Consultation, we have amended the 'Prominence' section of the Guidance to clarify that terms providing for the following actions are additional terms:

a) DIPS providers supplying any inputs beyond those that are necessary to enable RTSS providers to follow the recommended Code actions; and
b) RTSS providers using those inputs for any purpose other than following the recommended Code actions.[799]

11.184 We have also:

a) amended the 'Cost recovery' subsection, which now sits in the 'Payments' section of the Guidance, to include the recovery of costs in respect of actions reasonably necessary for meeting the prominence duty; and
b) added a new 'Transparency' section setting out the information we expect RTSS providers to provide to DIPS providers in order to act consistently with the Agreement Objectives.[800]

11.185 We have not made any changes to our guidance relating to terms about the provision of audience data.

Other comments

Summary of responses

11.186 We received comments from stakeholders on several other matters that were not included in the draft Guidance. These included comments regarding:

a) the adoption of fair, reasonable and non-discriminatory ('FRND') principles as a framework for the Guidance;
b) Everyone TV;

[799] Guidance, paragraph 2.32.
[800] Guidance, paragraphs 2.17 to 2.18 and 2.34.

c) the BBC;
d) dispute resolution;
e) TSS designation; and
f) IPS designation.

FRND principles

11.187 EMP recommended that we adopt FRND principles in the Guidance as a framework for fair access to platforms. It argued that FRND has proven to be an effective and consumer-friendly model that enables market entry, supports service diversity and prevents exploitative platform behaviour. Without a similar policy in the Guidance, it considered there to be a risk of the connected TV environment becoming anti-competitive.[801]

Everyone TV

11.188 One stakeholder asked us whether Everyone TV – which operates the Freely RTSS – is bound by the same requirements as DIPS providers when negotiating on their behalf. It argued that the ownership structure of Everyone TV[802] results in "unfair self-preferencing" that is in conflict with the structure of the Act, which assumes that agreements will be negotiated directly between DIPS and RTSS providers. [✂].[803]

The BBC

11.189 Google asked us to confirm that the BBC is bound by the same requirements and expectations as other DIPS providers.[804]

Dispute resolution

11.190 Some respondents asked about our dispute resolution process. For example, Samsung recommended that we include measures to ensure that DIPS remain available on RTSS during periods of commercial disagreement and techUK asked how we might approach a dispute that could mean that audiences do not have access to PSB content, including how the MOMI duties would be met in those circumstances.[805]

TSS designation

11.191 Some respondents raised points relating to TSS designation. For example:

a) the BBC requested that we introduce a mechanism in the Guidance which would allow RTSS and DIPS providers to mutually agree to sunset a device range, e.g. where that device does not meet the BBC's certification requirements; and
b) LG argued that the "late" inclusion of Freely as an RTSS "undermines the entire evidence base of the Consultation" and creates an anti-competitive market that disadvantages other RTSS because Freely has "privileged access to PSB linear IPTV services".[806]

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[801] EMP response, pp.6-7.
[802] Everyone TV is a joint venture owned by the BBC, ITV, Channel 4 and Channel 5.
[803] [✂].
[804] Google response, p.12.
[805] Samsung response, pp.4-5, 8-9; techUK response, p.3.
[806] BBC response, p.12; LG response, p.16.

IPS designation

11.192 LG acknowledged that the Act permits more than one DIPS per PSB, but asked Ofcom to state that only one IPS per PSB may be designated and therefore be entitled to receive appropriate prominence.[807]

Our assessment

FRND principles

11.193 Regarding EMP's comments about FRND principles, we consider that our approach to the Guidance already provides clarity to providers about key commercial terms and is appropriate to:

a) satisfy our requirement to provide guidance about how DIPS and RTSS providers may act consistently with the Agreement Objectives;[808] and
b) support the aims of the new regime of ensuring that DIPS are included and given appropriate prominence in RTSS. The Guidance is not intended to regulate the conduct of RTSS providers more generally.

11.194 In addition, in developing the Guidance, we have:

a) had regard to our general duties under the Act to further the interests of citizens in relation to communications matters, and consumers in relevant markets, where appropriate by promoting competition;[809] and
b) considered potential competition impacts as explained in Chapter 12.

11.195 For these reasons, we do not consider it necessary or appropriate to incorporate FRND principles in the Guidance.

Everyone TV

11.196 In response to stakeholders' comments about DIPS providers using Everyone TV to negotiate agreements on their behalf, we are aware that some PSBs may have negotiated the inclusion of their IPS in some TSS via Everyone TV (for example, where a device enables access to the Freely RTSS operated by Everyone TV, as well as another TSS). We also note that the Act does not expressly rule out the use of an intermediary to satisfy the MOMI duties. However, in circumstances where providers do use an intermediary as part of their agreements, those providers must still ensure that they comply with their statutory duties and ultimately remain liable in respect of any failure to do so. For these reasons, we do not consider that it is necessary or appropriate to make any changes to the Guidance to address this issue.

The BBC

11.197 In response to Google's request, we note that the BBC has a different position from other DIPS providers in that it has existing distribution duties in the BBC Charter and Agreement. Accordingly, it is not subject to the must offer duty, nor to the duty to act consistently with the Agreement Objectives. However, the Guidance does apply to the BBC when carrying

[807] LG response, p.17.
[808] Section 362AL of the Act.
[809] Section 3(1) of the Act.

out any duty it has under the BBC Charter and Agreement that is comparable to the duty of other DIPS providers to act consistently with the Agreement Objectives.[810]

11.198 Our dispute resolution powers under the Act include the power to resolve disputes in respect of any BBC duties under the BBC Charter and Agreement that are comparable to other DIPS providers' MOMI duties and the duty to act consistently with the Agreement Objectives.[811] We will have regard to the Guidance when exercising or deciding whether to exercise our powers to resolve any such dispute.[812]

11.199 The BBC's position is summarised in more detail in paragraphs 1.15 – 1.19 of the Guidance. We have also made some changes to paragraph 1.15 of the Guidance to clarify how the Guidance applies to the BBC.

Dispute resolution

11.200 With regard to comments about our dispute resolution powers and the MOMI duties, we note that DIPS and RTSS providers will be subject to the MOMI duties at all times, including during commercial negotiations.

11.201 If a DIPS and an RTSS provider are unable to reach agreement on arrangements for the inclusion of the DIPS and/or to give appropriate prominence to that DIPS, or if there is a dispute as to the operation of those arrangements, either provider may raise a dispute where there is no realistic prospect of resolving the dispute without referring it to Ofcom.[813] We would then determine whether or not it is appropriate for us to handle the dispute.[814] We must handle a dispute where it is highly likely that the DIPS will not be included in the RTSS, or will not be given the appropriate degree of prominence within it, and where there are not alternative means for resolving the dispute.[815] If we decided to handle the dispute, our dispute resolution powers under the Act include the power to make interim directions which could, where appropriate, be used to require inclusion of a DIPS on an RTSS until the relevant dispute is resolved.[816]

11.202 Ofcom has separate powers to enforce against DIPS and RTSS providers that we consider are not complying with their statutory duties under the regime, including the MOMI duties.[817]

11.203 We will be consulting on updates to our dispute resolution guidelines and enforcement guidelines which will include more detail on the process that will apply to any disputes or enforcement action in relation to the new regime.

TSS designation

11.204 In response to the BBC's and LG's comments about TSS designation, we note that the consultation on our draft report to the Secretary of State on the designation of RTSS closed in July 2025. We considered stakeholders' comments on our draft report, including comments from the BBC and other stakeholders about older TSS, versions and devices,

[810] Section 362AL(2) of the Act.
[811] Section 362AT(2)(a)(ii) of the Act.
[812] Section 362AL(5) of the Act.
[813] Section 362AT of the Act.
[814] In accordance with section 362AU of the Act.
[815] Sections 362AU(3) and (4) of the Act.
[816] Section 362AV of the Act.
[817] The enforcement process is set out in sections 362AZ – 362AZ4 of the Act.

before publishing our final report in December 2025. In that report, we concluded that the designations we had recommended would remain appropriate for a reasonable period of time. We also stated that we would monitor the market including in relation to legacy versions of RTSS and consider whether any versions or services should be removed from designation when preparing future reports.[818]

11.205 In our draft report, we set out our view that Freely met the definition of a TSS,[819] but at that stage we did not think that it had a significant number of users. However, before publishing our final report, we reviewed more recent data which showed that it had reached our recommended threshold for a significant number of users and considered that it met the other criteria in our report.[820] Therefore, we included Freely in our final TSS recommended for designation, following which the Secretary of State designated 15 TSS, including Freely.[821] When preparing our report to the Secretary of State, we also considered the potential impacts on competition and innovation of different threshold levels for designation.[822]

11.206 We note that RTSS designation took place after we published our draft Code and Guidance in January 2026. However, as stated above,[823] when developing the draft Code and Guidance and assessing the likely impacts of our proposals, we assumed that the RTSS would be those that we had recommended for designation in our December report, which included Freely. We therefore do not consider that the designation of Freely undermines the Consultation's evidence base.

IPS designation

11.207 In response to LG's comment about IPS designation, there is no limit under the Act on the number of IPS for which an IPS provider may seek designation and no limit on the number of IPS that may be designated, provided that each IPS meets the necessary criteria for designation.[824] This is explained in more detail in our Statement of Methods for IPS designation and in the application form for IPS designation.

Other changes to the Guidance

11.208 In addition to the changes to the Guidance discussed above, we have also made some other changes to the Guidance following the Consultation for accuracy and clarity. For example, we have:

a) updated paragraph 1.6 of the Guidance to reflect that that the Secretary of State designated 15 TSS following receipt of our final report in December 2025;

[818] Ofcom, December 2025, Designation of Television Selection Services: Final report to the Secretary of State, paragraphs 3.71 and 3.73.
[819] Draft report, paragraph 2.14.
[820] Final report, paragraphs 3.44 and 3.100.
[821] The Television Selection Services (Designation) Regulations 2026 came into force on 1 July 2026.
[822] Draft report, paragraph 3.35.
[823] In paragraph 11.14 and in paragraph 3.24 of the Consultation.
[824] Section 362AA(7)(b)(i) of the Act envisages that an IPS provider may seek designation of a second or further IPS aimed at meeting the needs and interests of a specific audience and section 362AA(2) includes the criteria for designation.

b) updated paragraph 1.13 and footnote 37 of the Guidance to reflect that we intend to revise both our existing enforcement guidelines[825] and dispute resolution guidelines;[826]
c) added the word 'could' to paragraph 2.12(b) of the Guidance to clarify that the relevant factors to identify 'reasonably necessary' terms set out in paragraph 2.12(b)(i) – (iv) are non-exhaustive;
d) added a new paragraph 2.16 to make clear that the examples of core and additional terms set out in the Guidance are non-exhaustive; and
e) added new mirror paragraphs 2.20 and 2.30 in the 'Steps to enable and maintain inclusion of DIPS' and 'Prominence' sections of the Guidance respectively to explain that the examples of core and additional terms in those sections could also be reasonably necessary for inclusion of DIPS in RTSS and/or to give appropriate prominence to DIPS.

Conclusion

11.209 We consider that the final Guidance provides a proportionate and effective framework to assist providers in acting consistently with the Agreement Objectives when entering into agreements to include, and give appropriate prominence to, DIPS in RTSS. It provides clarity on key commercial terms relating to payments, inclusion and prominence, while remaining sufficiently flexible to accommodate different circumstances both now and as agreements and technology evolve over time.

11.210 In addition, we consider that the impacts of the Guidance are proportionate, both in isolation and when considered alongside the Code. Our assessment of these impacts is set out in more detail in our combined impact assessment in Chapter 12.

11.211 As explained in this chapter, this is guidance rather than binding rules. There is no requirement for providers to make substantial changes to their existing commercial agreements or to conduct complex (and potentially costly) renegotiations of those agreements, provided that their statutory duties – including the duty to act consistently with the Agreement Objectives – are being met.

11.212 If providers are unable to agree terms, they may refer a dispute to Ofcom, in which case we will have regard to the Guidance and must resolve disputes in a way that we consider to be the most appropriate to meet the Agreement Objectives.[827] However, providers should first explore all other routes to resolving an issue, since disputes may only be referred to Ofcom where there is no realistic prospect of resolving it by other means.[828]

In summary, the final Guidance sets out that:

- In general, it would be inconsistent with the Agreement Objectives for DIPS or RTSS providers to require payments for terms that are reasonably necessary:
  - for the inclusion of the DIPS; or
  - to give appropriate prominence to the DIPS.
- Cost recovery may be appropriate in some circumstances in respect of both inclusion and appropriate prominence of the DIPS.

[825] Ofcom's Regulatory Enforcement Guidelines for investigations, January 2025.
[826] Ofcom's Dispute Resolution Guidelines, June 2011.
[827] Sections 362AL(5) and 362AX(3) of the Act.
[828] Section 362AT(3) of the Act.

- Additional terms must still be consistent with the Agreement Objectives and with the overarching aim of the new regime.
- We would generally expect providers to bear their own costs for enabling and maintaining the inclusion of DIPS in RTSS and providing appropriate technical support and testing.
- It may be consistent with the Agreement Objectives for providers to make payments if they wish DIPS to be delivered using a technology or combination of technologies other than an app.
- In general, we would expect:
  > RTSS providers to bear the costs of following the recommended actions in the Code; and
  > DIPS providers to bear the costs of supplying the necessary inputs (such as metadata) to enable RTSS providers to follow those recommended actions, but not the use of those inputs for any other purpose.
- To act consistently with the Agreement Objectives, RTSS providers should:
  > explain the specific measures that they will take to follow the recommended actions in the Code and include these measures in their agreements; and
  > supply sufficient information to DIPS providers to enable them to verify that the measures are being applied in practice.

12. Combined impact assessment

Introduction

12.1 Section 7 of the Act requires us to carry out and publish an assessment of the likely impact of our proposals, where these are likely to have a significant impact on businesses or the general public, or when there is a major change in Ofcom's activities. Impact assessments help us to understand the effects of policy decisions we are proposing to take and to consider whether those decisions would best fulfil our applicable duties and objectives in the least intrusive way. Our impact assessment guidance sets out our general approach to these assessments.[829]

12.2 In Chapters 5 to 10, we assess the likely impacts of our decisions for each individual area of the Code. In Chapter 11 we assess the likely impacts of our Guidance. In doing so, we build on the impact assessment conducted at consultation stage, taking into account stakeholder responses and any changes made in reaching our final decisions.

12.3 As we explain in those chapters, some degree of impact is inherent to the new duties on RTSS and DIPS providers introduced by the Media Act. We conclude in those chapters that our decisions in each area are effective and proportionate when assessed individually.

12.4 However, it is important to consider the package of recommendations as a whole, to ensure that each element delivers significant incremental benefits and is distinct from, or complementary to, the rest of the package. For example, if several recommended actions in the Code addressed similar issues, their impacts may overlap. At the same time, a broader assessment can identify complementarities, where one element enhances the effectiveness of other elements of the overall package.

12.5 In this chapter, we consider the combined impact of our decisions overall, by assessing:

a) **Whether each area addressed by our decisions has distinct benefits**, contributing to the effectiveness of our overall package in achieving the regime's objectives.
b) **Whether the overall impacts on providers are proportionate**, considering the likely resource costs and value transfers associated with our decisions in the round, recognising that total impacts could be large even if individual impacts are smaller.

12.6 Where consultation responses commented on our combined impact assessment, we address these comments in each relevant section below. However, where responses discuss individual aspects or impacts of our proposals, these are addressed in the relevant Codes and Guidance chapters and are not repeated here. Similarly, where responses raise cross-cutting issues about the application of the Code that are not specifically related to this combined impact assessment, they are addressed in Chapters 3 and 4 and not repeated here.

[829] Ofcom, 2023. Impact Assessment Guidance.

Our package of measures is effective in delivering benefits and achieving the objectives of the regime

Our position at consultation

12.7 At a high level, we expected our prominence and accessibility proposals to deliver distinct benefits effectively by targeting separate objectives.

12.8 We considered that our prominence proposals overall would benefit audiences by making a diverse range of high-quality public service programmes easy to discover and view. This content represents the lives and communities of people in the United Kingdom and brings audiences together. Our accessibility proposals would ensure that disabled people can use RTSS for the same purposes as non-disabled people, helping to secure broad benefits from innovative connected TV platforms and their services.

12.9 We identified complementarities between accessibility and prominence. Accessibility measures help ensure that all users, including those who are disabled, can use RTSS effectively and therefore benefit from public service programmes being appropriately prominent on those platforms.

12.10 We considered that our approach to the Guidance would support distinct benefits which complement our approach to the Code. We expected our Guidance proposals to enhance clarity about payments and other important terms, while retaining reasonable flexibility for providers in the specific context of their services and commercial arrangements. This complements the Code, making clearer how providers can agree terms that give effect to appropriate prominence in practice.

12.11 With regard to our proposed recommended actions for prominence, we expected each area of the Code to deliver distinct benefits without any duplication. We said that the overall effectiveness of the package may be significantly reduced if any single element were removed. This was because:

a) Our proposals targeted different areas of the UI, securing appropriate prominence across the RTSS as a whole. Our research shows that RTSS UIs differ and users interact with the UIs in various ways. Individual user journeys to discover and access content vary depending on the occasion and their preferences and needs. Our view was therefore that, to secure appropriate prominence, the recommendations need to cover all these UI features. If the Code focused on a narrower range of UI features, there would be a risk that users of other features do not benefit, and that RTSS providers steer users towards features that are not in scope.
b) Some aspects of our proposed approach were complementary, meaning that their combined benefit would be higher than when considering them individually. For example, the benefit of clear attribution is greater if the content itself is presented prominently.

12.12 Similarly, with regard to accessibility, we said that each part of the proposed Code would deliver distinct benefits without any duplication, and effectiveness may be significantly reduced if any single element were removed. This was because:

a) Our proposals addressed different barriers faced by disabled users – from relatively general ones, such as navigating and interpreting the RTSS, to more specific ones, such as identifying content that has relevant accessibility features.

b) We included different recommended actions to address different types of disabilities, including hearing loss and sight loss.
c) Some aspects of our approach are complementary. For example, addressing more general navigational barriers helps ensure that benefits of more specific measures, such as labelling, are realised in practice.

12.13 We considered our proposals necessary and proportionate to achieve the intended outcomes, supporting important benefits while limiting any risk of unintended effects. We said that our proposals avoided disproportionate adverse effects, such as making it difficult for audiences to find popular non-public service programmes, while our accessibility proposals would benefit disabled users without materially affecting other users.

Summary of responses

12.14 YouView and the University of Sheffield agreed that each element of the proposals had distinct benefits.[830] BT Group said that taken together the proposals form a coherent regime.[831] Other responses did not comment specifically on this aspect of our combined impact assessment.

Our final position

12.15 We remain of the view that each part of our decision delivers distinct and important benefits. There are some complementarities between specific proposals and there is no duplication between specific proposals. We therefore expect the Code and Guidance overall to be effective in achieving the intended benefits.

Overall impacts on providers are proportionate

12.16 Below we consider the overall potential impact on providers, including RTSS providers, DIPS providers and other IPS providers. We separately assess resource costs (e.g. staff and non-staff costs to implement technical changes) and value transfers or other indirect impacts (e.g. impacts on the ability to promote other services).

Resource costs are proportionate overall

12.17 Below we set out our assessment of resource costs resulting from the Code and Guidance for RTSS and DIPS providers. We expect these to primarily fall on RTSS providers. We do not anticipate other (non-designated) IPS or TSS providers incurring resource costs, since they are not directly impacted by our decisions.

Our position at consultation

12.18 We considered that the largest resource costs were likely to be incurred where implementing the recommended actions in the Code involves substantially amending existing features of the RTSS or introducing new capabilities.

12.19 We noted that our recommended actions for prominence would involve RTSS providers amending existing features where necessary, rather than developing new features from

[830] University of Sheffield response, p.5; YouView response, p.8.
[831] BT Group response, p.11.

scratch. We considered that such costs are generally likely to be small in proportion to the total cost incurred to design and operate those features. Minor changes, such as changing the position of an app, may entail small resource costs. Where several more substantive changes are needed – such as changes to complex algorithms – the one-off costs could reach the order of hundreds of thousands of pounds, with smaller ongoing annual costs.

12.20 We noted that regionalisation could entail costs in the hundreds of thousands of pounds though RTSS providers could choose to implement our proposals without regionalising their service. We considered that RTSS providers may therefore choose to implement regionalisation only if the benefits offset the costs.

12.21 With respect to our recommended actions for accessibility, for some proposed actions we understood that a majority of RTSS already have relevant or similar features in place. In such cases, we considered the costs likely to be small, relating to targeted adjustments rather than fundamental redesigns or new features. We understood that labelling is less widespread currently and the one-off costs of implementing this could be in the high hundreds of thousands of pounds, indicatively, with smaller ongoing annual costs.[832]

12.22 We considered the total one-off resource costs of implementing our proposals for prominence and accessibility could plausibly be in the order of one million pounds for a single RTSS, with ongoing costs likely to be a fraction of this annually. We said this is likely to vary significantly by RTSS and a portion of costs could overlap with costs incurred to comply with the European Accessibility Act.

12.23 Overall, we provisionally considered the resource costs for RTSS providers to be proportionate, given the important benefits enabled by our proposals. While we recognised that the financial and technical resources available to providers will vary, we expected that they would be sufficient to manage these costs.[833] We considered that our proposed recommended actions would allow appropriate flexibility for providers to implement them in ways that best fit their RTSS.

12.24 We recognised that DIPS providers may also incur implementation costs, for example in relation to providing metadata, though we expected necessary metadata feeds to mostly be in place. We considered that the proposals would allow reasonable flexibility in the ways that appropriate prominence could be achieved, with scope for providers to agree cost-effective ways of supplying the necessary inputs.

12.25 We recognised that both DIPS and RTSS providers may incur resource costs to negotiate and agree commercial arrangements. Such costs would generally be incurred anyway on a recurring basis. Our assessment was that the proposals would not entail significantly higher costs in these areas. We considered that where new or substantively amended arrangements may be agreed (for instance, where certain DIPS would be included on certain RTSS for the first time), this would largely be due to the duties in the Act, rather than our proposals specifically.[834] While recognising possible additional costs in some

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[832] See Chapter 10 for more detail on our assessment of costs and evidence that informs this.

[833] In reaching this view, we assumed that, as per our recommendations to the Secretary of State, the providers in scope would have at least 700,000 users in the UK. This has since been confirmed.

[834] Where costs reflect the MOMI duties in the Act itself, these are already taken into account in our separate impact assessment related to TSS designation. As set out in paragraph 3.24 of our December 2025 statement, based on evidence from a range of TSS providers, we estimated that the costs of adding a DIPS to a TSS could

cases, for example to change certain terms to align with our proposals, we also took into account that the Guidance would enhance clarity about how providers can comply with Agreement Objectives as part of their arrangements, which may assist them in agreeing these arrangements.

Summary of responses

12.26 The CTVMA agreed with our assessment but noted that the cumulative compliance burden could increase if every provider implemented bespoke reporting.[835]

12.27 TechUK disagreed with the combined impact assessment and mentioned "increased implementation complexity and compliance costs, particularly for smaller manufacturers".[836] It considered that costs amounting to "millions of pounds" to implement the proposed measures (which it considered possibly understated) appeared disproportionate. YouView noted that the cumulative impact of the proposals and monitoring expectations could require substantial redesign of RTSS interfaces and recommendation systems. It asked Ofcom to continue assessing proportionality at a package level, especially for smaller platforms.[837]

12.28 Channel 4 said the framework should take greater account of the "inherent difference in scale" between PSBs and global TV manufacturers and tech companies, suggesting this is a "crucial factor" in assessing what level of impact on RTSS providers is proportionate.[838]

12.29 Some stakeholders pointed to costs or challenges involved in making changes to RTSS on devices which are already in use, as set out previously in Chapter 3.

12.30 Other responses did not comment on our assessment of combined resource costs.

Our final position

12.31 We recognise that RTSS providers are likely to incur some monitoring and compliance costs arising from the package of measures. Our revised Guidance includes a transparency section that sets an expectation that RTSS providers give DIPS providers sufficient information to understand and verify the measures taken to secure appropriate prominence. As explained at paragraphs 11.180 to 11.181, we consider that the additional costs of providing this information are likely to be modest and proportionate to the resulting benefits. The Guidance does not prescribe a bespoke reporting format, allowing providers flexibility to use a cost-effective approach.

12.32 In relation to concerns raised by techUK and YouView about the implementation complexity and cost, particularly for smaller providers, we consider our designation approach sufficiently addresses them. All RTSS meet the statutory designation criteria, including a user threshold of 700,000. While recognising that the size of RTSS provider varies, we expect them to have sufficient resources to manage implementation. The Code and Guidance allow appropriate flexibility over how outcomes are achieved, enabling

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be between £50k and £200k for a TSS provider, with ongoing costs from £10k to £50k a year. The DIPS provider could also incur costs to ensure technical compatibility. See Ofcom's Final Report to the Secretary of State on the Designation of Television Selection Services December 2025.

[835] CTVMA response, p.6.

[836] techUK response, p.13.

[837] YouView response, pp.8-9.

[838] Channel 4 response, p.8.

providers to adopt approaches that reflect their service and circumstances. Regarding YouView's comments about recommendation systems, resource costs related to recommendation systems are discussed separately in Chapter 6.

12.33 In response to Channel 4's comment, we recognise that there are a wide range of DIPS and RTSS providers. Our Code and Guidance secure consistent outcomes across RTSS while allowing flexibility in the way that this is achieved. As explained in this chapter and elsewhere, we consider that the costs of our package of measures are proportionate in relation to the likely benefits.

12.34 We recognise that the steps required to implement changes to follow the recommended Code actions may vary for RTSS running on new devices versus RTSS running on devices already in users' homes. We expect that following the Code for RTSS on devices in homes will typically be feasible and have clarified in Chapter 3 that any potential compliance issues occur in relation to factors beyond the provider's direct control, we would consider the particular facts and circumstances of each case. We recognise that the complexity and costs associated with updating RTSS on devices in homes may be higher. However, it is established industry practice to periodically update RTSS on devices in homes through remote software updates. We consider that the costs of updating RTSS on devices already in homes are proportionate to the benefits, particularly as otherwise a large proportion of RTSS users would not benefit from the new regime, potentially for a long time (until they get a new device).

12.35 We consider there may be scope for RTSS providers to manage these costs by integrating the changes into regular software update cycles. There may be an opportunity cost, to the extent that following the Code requires other development work to be deprioritised. This effect will be larger where an RTSS needs to make substantial changes across several areas to follow the Code; the benefits in such cases, in terms of improved prominence and accessibility, will also typically be larger. We discuss in Chapter 13 the potential timeframes involved for implementation.

12.36 Overall, we remain of the view that the total one-off resource costs of implementation could plausibly be in the order of one million pounds for a single RTSS, with ongoing costs likely to be a fraction of this annually. We recognise that costs will vary and may be materially higher for some RTSS providers, particularly where an RTSS's current operation is less aligned with the recommended actions. However, we believe this is justified because in those cases the resulting benefits are also larger. Taking into account expected benefits, we remain satisfied that resource costs are proportionate.

Opportunity costs for RTSS providers are proportionate

Our position at consultation

12.37 We noted that our prominence proposals in particular may have some adverse impact on RTSS provider revenues, as we proposed in our Guidance that appropriate prominence for DIPS is provided without requiring payment in exchange. We recognised this may create an opportunity cost for RTSS providers, reducing their ability to monetise prominent placements. We considered the scale of such impacts likely to vary considerably by RTSS, depending on how prominent placements are currently allocated.

12.38 The DCMS impact assessment indicated that current payments for prominence could amount to tens of millions of pounds a year for some firms.[839] Our review of information gathered from providers using our statutory powers indicated that annual UK revenues from sale of prominence may reach this scale,[840] though we also observed some RTSS with smaller[841] or zero direct revenues related to prominence.[842] In the latter cases, we noted that RTSS providers may still agree prominence terms as part of wider commercial negotiations and may be compensated for this indirectly through other terms.

12.39 Given the variation between RTSS providers, our assessment was that any revenue impact would be small or moderate in many cases. We recognised that a subset of RTSS providers who currently generate the largest revenues from prominence could see larger reductions, potentially amounting to several millions of pounds annually.

12.40 We considered such impacts would be proportionate. We considered that the proposed recommended actions would not go further than necessary to secure appropriate prominence and would still allow substantial scope for RTSS providers to monetise placements if they choose to do so.

Summary of responses

12.41 Channel 4 agreed that the impacts on RTSS providers were proportionate.[843]

12.42 Several RTSS providers reiterated concerns about the impacts on advertising revenues and Sky raised concerns about the impact on its subscription TV business model. We address these responses separately in Chapter 6.

12.43 Some providers highlighted potential secondary effects of revenue reductions. Samsung considered that lower revenues could result in reduced investment and innovation or higher consumer prices.[844] [✂].[845]

12.44 Sky described the impact assessment as "flawed and unreliable" because it was built on incorrect assumptions. In particular, it considered that we assumed all RTSS providers monetise their primary content areas, but this was not relevant for Sky's business model.[846] It considered the transfer of value from RTSS providers to DIPS providers was understated.

Our final position

12.45 We have considered stakeholder responses in the context of the new regime, the purpose of which is to secure appropriate prominence for DIPS. Where space on a UI is afforded to DIPS, it cannot be used for other purposes. Therefore, some degree of opportunity cost for RTSS providers is inherent to the new duties, and is necessary to achieve the regime's aim of benefitting audiences by making DIPS appropriately prominent.

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[839] See DCMS impact assessment for 'A principles-based framework for a new prominence regime for PSB online services', paragraph 141.
[840] [✂].
[841] [✂].
[842] [✂].
[843] Channel 4 response, p.29.
[844] Samsung response, p.20.
[845] [✂].
[846] Sky response, pp.22-23.

12.46 The recommended actions are expected to result in some value transfer from RTSS providers to DIPS providers. Overall, our view remains that the impacts on RTSS providers may be small or moderate in many cases, noting that RTSS already give some degree of prominence to DIPS, particularly larger PSBs. The impact is likely to be larger for RTSS that currently provide a relatively low degree of prominence to DIPS, potentially amounting to several million pounds annually, but the corresponding benefits will also be greater.

12.47 With respect to Sky's comments, we acknowledge that RTSS providers may derive value from prominence in different ways, such as selling prominent slots to third parties, or using them to promote proprietary services or content. Where prominence is provided to public service programmes and services, this may therefore lead to lower revenues from monetising prominence for other content and services, or it may affect subscription revenues or other sources of value. We have addressed Sky's comments about the estimated financial impacts on it, and explained why we consider that such impacts have been overstated, in Chapter 6.

12.48 We have considered the potential consequential effects identified by Samsung and [✂], including lower advertising revenues leading to reduced investment, changes to development priorities and higher consumer prices. While these impacts are uncertain, we accept that they are plausible where a provider's revenue is reduced. However, the resulting value transfer may enable DIPS providers to improve their services, benefiting consumers. Moreover, we have taken steps to ensure our approach is targeted, including by clarifying that our recommendations concern the prominence of public service programmes relative to other programmes and do not affect advertising for goods and services. In Chapter 6, we have addressed related issues in more detail, explaining how the Code still allows substantial scope and flexibility for RTSS providers to generate revenue.

12.49 Overall, we remain satisfied that the opportunity costs are proportionate, having regard to the potential scale of impacts on RTSS providers relative to their size, and considering the benefits that the new regime is expected to secure.

Impacts on DIPS and other IPS providers are proportionate

Our position at consultation

12.50 We considered that our proposals, taken together, would generally result in DIPS, their public service programmes and their listed channels being at least as easy to discover and access as they are currently. Some DIPS providers would likely benefit from increased prominence on some RTSS, potentially leading to higher user awareness and viewing, though specific impacts may vary by DIPS, RTSS and UI feature.

12.51 We noted that other IPS may consequently see lower prominence on these RTSS, with potential reductions in awareness and viewing. However, we considered these impacts necessary to achieve the intended outcomes and noted the proposals would still allow users to find and access a range of other IPS and their content.

12.52 We considered our proposals in the Guidance would establish an expectation that the MOMI and prominence duties are fulfilled without requiring payment. Based on our review of current arrangements, in most cases we expected that our proposals would have only small or moderate impacts (if any) on current payments between DIPS providers and RTSS providers in the near term.

12.53 In the longer term, we expected our proposals to protect both DIPS and RTSS providers against hypothetical future charges being imposed as a condition for inclusion or for the provision of appropriate prominence. While it is uncertain how commercial terms would evolve absent intervention, we noted that a hypothetical 30% advertising revenue share imposed by RTSS providers could cost DIPS providers more than £100m a year in aggregate, for example.

12.54 We anticipated that our proposals would not have significant effects on how DIPS and RTSS providers agree "additional terms", which are not necessary to fulfil the inclusion and prominence duties. We noted the proposed Guidance made clear that additional terms must still be consistent with the Agreement Objectives and with the overarching aim of the new regime.

Summary of responses

12.55 Channel 4 was concerned that we had mainly considered the impact on PSBs overall with insufficient consideration given to the impact on individual PSBs' ongoing ability to fulfil their remits.[847] It was particularly concerned that the proposals for the primary content areas could allow the majority of prominence to go to the BBC and ITV, at the expense of the smaller PSBs.

12.56 BBC considered that the impact assessment was incomplete as it did not recognise the potential for a DIPS to be "relegated" due to our proposals.[848]

12.57 Samsung commented that the proposals may distort competition and unintentionally damage smaller streaming providers that rely on "fair access".[849] LG similarly argued that aspects of our draft Guidance and draft Code would "unnecessarily distort competition within the RTSS ecosystem" (see Chapter 11).

12.58 EMP was concerned that we had underestimated the impacts related to advertising market dynamics. It was concerned that, without adequate safeguards, audience reach and advertising revenues may become disproportionately concentrated between a few providers, which could have direct implications for investment in UK-originated content and the long-term sustainability of the production sector.[850]

12.59 Other responses did not comment on our combined assessment of impacts on DIPS and other IPS providers.

Our final position

12.60 We have addressed Channel 4's concerns in relation to the proposals for the primary content areas in paragraphs 6.113 to 6.122. In particular, we have amended the Code to make clear that RTSS providers should ensure that the primary content areas frequently present public service programmes from each DIPS, which ensures that every DIPS will benefit. Moreover, we expect the smaller PSBs may benefit from our decisions on app menu prominence as their apps should be included and immediately visible on prominent app menus (in some cases subject to any regionalisation, as set out in Chapter 5 on our app menu recommendations), whereas currently some of them may not be included or visible. We expect the regime to contribute positively to DIPS providers' ability to fulfil their

[847] Channel 4 response, pp.29-30
[848] BBC response, p.2.
[849] Samsung response, p.21.
[850] EMP response, pp.7-9.

remits, noting it is ultimately the responsibility of each PSB to demonstrate accordance with its remit.

12.61 We have considered the BBC's concern about our assessment being "incomplete" due to the potential for a DIPS to be "relegated". We consider that our decisions benefit all DIPS providers by securing appropriate prominence across all RTSS, without requiring payment, rather than leaving future prominence to commercial negotiations. Even where a lower DIPS app position is theoretically possible, the Code limits the extent of any impact, by recommending that DIPS apps remain immediately visible and above a minimum position threshold. At the same time, appropriate prominence would remain secured across other areas of the UI for the DIPS, including its public service programmes and listed channels. Further, it remains open to DIPS providers to negotiate prominence beyond what is recommended in the Code.

12.62 In relation to Samsung's and LG's concerns that the regime could distort competition and adversely affect smaller IPS providers, and EMP's concerns about the effects on advertising markets, competition, innovation and the UK production market, we note that the statutory framework necessarily gives DIPS and public service programmes a degree of protection that is not extended to other IPS. Appropriate prominence may increase audience reach—and potentially advertising revenues—for some DIPS providers, while reducing the relative prominence and associated revenues of some other IPS providers:

a) As explained in Chapter 6, our recommendations to give public service programmes similar prominence to other programmes strike an appropriate balance between enabling easy discovery of DIPS and maintaining choice of a wide range of content from both DIPS and IPS.
b) Similarly, our app menu recommendation secures appropriate prominence but does not reserve all of the most prominent positions for DIPS. Other IPS apps may therefore also be prominently presented. We have also amended the recommended action to focus only on the main app menu (and the most prominent app menu on any separate dedicated app page), allowing for smaller IPS to feature in secondary app menus.

12.63 We therefore consider that our approach ensures that any impact on other IPS is a proportionate consequence of achieving the statutory objectives and does not go further than necessary.

12.64 We do not consider that our decisions would concentrate TV advertising revenues among a small number of providers to an extent that would materially weaken competition, or negatively impact the UK content production sector. DIPS providers continue to compete for audiences and advertising with a wide range of other IPS providers and forms of media, including some very large global companies.

12.65 The DCMS impact statement anticipated there would be minimal impacts on non-PSB TV providers and there was unlikely to be any significant impact on their investment in TV production spend in the UK. It considered that extending the benefits of prominence for PSBs could likely have a positive impact on PSB's investment in the UK including TV production spend.[851]

[851] DCMS, November 2023. A principles-based framework for a new prominence regime for PSB online services, paragraph 206.

12.66 Taking these considerations together with the wider benefits of supporting public service broadcasting, we remain satisfied that the impacts on DIPS and other IPS providers are proportionate.

Our proposals retain scope for innovation and growth

Our position at consultation

12.67 We expected our proposals to contribute positively to the ability of PSBs to fulfil their remit, which includes investing in UK production and services in a way that can benefit the economy, as well as the broader social benefits from public service broadcasting.

12.68 We considered that the proposed approach would achieve the aims of the regime for prominence and accessibility while also avoiding any disproportionate impacts on firms that provide valuable services to UK consumers. We considered that substantial flexibility in RTSS design, features and technology would be retained, avoiding any unnecessary homogenisation of services. We considered this would allow significant scope for continued innovation and competition over RTSS design and features.

Summary of responses

12.69 Some RTSS providers referred briefly to potential adverse impacts on innovation, investment and growth.

12.70 As noted previously, Samsung and [✂] commented that the proposals could reduce advertising revenues which could in turn reduce investment in RTSS development.[852] TechUK similarly considered the proposals risked reducing innovation and UI design/device development.[853] It considered that a more robust assessment was needed in line with the Government's wider focus on promoting economic growth.

Our final position

12.71 We have discussed the concerns raised by Samsung, [✂] and techUK that reduced advertising revenues could affect investment in RTSS development and innovation above.

12.72 In relation to techUK's comments on growth and investment, we have considered the potential costs of the package alongside its wider benefits. These include supporting access to public service programmes, contributing to PSBs' ability to invest in UK content and services, and improving accessibility for disabled users. We recognise that implementation costs may be significant for some providers, but the Code and Guidance allow appropriate flexibility over how the required outcomes are achieved, enabling providers to adopt cost-effective approaches. Taking account of that flexibility, the expected scale of the costs and the benefits of the regime, we remain satisfied that our decisions are proportionate and consistent with our duties relating to growth and investment.

12.73 As discussed above, the recommended actions are expected to result in some value transfer from RTSS providers to DIPS providers. This will support the ability of PSBs to invest, innovate and contribute to the growth of the UK economy regionally and nationally.

[852] Samsung response, p.20; [✂].
[853] techUK response, p.13.

Our conclusion

12.74 Our assessment shows that each part of our recommendations has distinct benefits. We consider that our decisions do not go any further than is necessary for providers to comply with their prominence and accessibility duties, and leave substantial scope for providers to choose how they comply in practice. The overall costs could be significant for some providers, though a portion of these costs arise from the need to meet the statutory duties rather than from our decisions about how providers may meet those duties in practice. We consider the likely costs are proportionate and justified taking into account the likely benefits, the flexibility afforded to providers to seek cost-effective ways to comply, and the resources available to providers.

12.75 We are satisfied that our decisions on our final Code and Guidance are consistent with our relevant statutory duties. In particular, our Code and Guidance further the interests of citizens by ensuring they can benefit from public service broadcasting on RTSS. They further the interests of consumers by giving RTSS providers appropriate flexibility to invest in and innovate their services, supporting competition and better user outcomes, including choice between different RTSS and IPS.[854] For these reasons, we also consider our decisions to be consistent with our duty related to economic growth.[855]

12.76 We have had regard to the principles under which our regulatory activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed. We have explained in this combined impact assessment and in the chapters on our prominence and accessibility recommendations, and our Guidance, why we have made the decisions we have, why the likely impacts are proportionate, and why our decisions do not go further than necessary to ensure providers can comply with their relevant duties.[856]

12.77 We consider our Code and Guidance will help to promote the fulfilment of the public service remit for television in the United Kingdom, by ensuring that DIPS, public service programmes and listed channels are made available and appropriately prominent on RTSS. As noted above, we consider our Code and Guidance support investment, innovation and competition in both the RTSS and IPS markets. We also consider that they take into account the different interests of persons in different parts of the United Kingdom, for example through recommending specific actions for regionalised RTSS but ensuring that the interests of users across the United Kingdom are met on non-regionalised RTSS as well. Our approach to accessibility in particular should promote and facilitate the development and use of effective forms of self-regulation, as we intend to facilitate industry-led initiatives and cooperation through our Accessibility Forum.[857]

12.78 We are satisfied that the Code is consistent with the Agreement Objectives. We have explained in the chapters on our Code recommendations how they secure appropriate prominence (where relevant) while avoiding adverse effects on the ability of PSBs to fulfil

[854] Section 3(1) of the Act.
[855] Section 108 of the Deregulation Act 2015.
[856] Section 3(3) of the Act.
[857] Section 3(4) of the Act.

their public service remit and disproportionate impacts on how RTSS providers may innovate the way users select and access IPS and programmes on their service.[858]

12.79 We explain in Annex 5 why we consider our final decisions to be consistent with our duties in relation to equality and the Welsh language.

12.80 We recognise that the RTSS market is fast-moving and developing quickly. We have explained in each relevant chapter why we consider our Code recommendations and Guidance to be necessary for RTSS providers to comply with their new duties, which will necessarily mean the imposition of some new burdens. However, we will keep the Code and Guidance under review and will consider revising them where we consider any burden they impose may have become unnecessary.[859]

[858] Section 362AP(5) of the Act.
[859] Section 6(1) of the Act.

13. Implementation and regulatory approach

In our Consultation, we recognised that once our Code and Guidance are finalised, providers would need a period of time to take any necessary steps to comply with their new duties. We acknowledged that the scale and complexity of the steps that RTSS and DIPS providers may need to take to comply with their new duties would vary between providers. We encouraged providers to deliver improvements as soon as they can.

Having considered consultation responses and the work needed to implement our final Code and Guidance, we consider that an implementation period of between 12 and 18 months is likely to be reasonable. Less than 12 months would not allow sufficient time for all providers to comply. All providers are likely to be able to comply with the relevant duties by 18 months, and may be able to do so sooner. Government will decide when the relevant duties come into force.

13.1 In this section, we:

- summarise the views received from stakeholders on implementation;
- set out Ofcom's assessment of those responses and the implications for how long providers may need to bring themselves into compliance with their new duties;
- explain Ofcom's approach once the regime is in force, including its compliance monitoring, dispute resolution and enforcement functions; and
- outline the next steps in relation to the commencement of the regime.

What we said about implementation in our consultation

13.2 In Chapter 7 of our Consultation, we explained that providers would need time to prepare for the new regime, while recognising the importance of delivering its benefits to audiences without unnecessary delay. We sought views on how long providers thought they would need to complete the steps necessary to comply with their new duties. We made clear that Government ultimately decides when the regime commences: the duties will apply from the date on which the Secretary of State brings the relevant statutory provisions into force.

13.3 Based on our assessment of the impacts of our consultation proposals, we considered that a period of time would be needed during which:

a) RTSS providers and DIPS providers can take any necessary steps to bring themselves into compliance with their respective MOMI duties, and
b) RTSS providers can take any necessary steps to bring themselves into compliance with their prominence and accessibility duties.

13.4 We identified a range of technical and operational activities that providers might need to undertake, acknowledging that these would vary depending on individual circumstances. DIPS providers might need to make their designated services available on RTSS where they were not already carried, while RTSS providers might need to undertake development work to enable inclusion, ensure technical compatibility and complete testing and quality

assurance. RTSS providers might also need to change UI features or the systems and processes used to identify, select and display public service programmes in order to meet the prominence duties, and design, develop, test and integrate new accessibility features.

13.5 We also recognised that DIPS and RTSS providers might need to create or enhance metadata feeds so that public service programmes could be appropriately identified and promoted, supporting compliance with the agreement objectives. Although we did not consider that compliance would necessarily require substantial changes to existing commercial arrangements, we recognised that providers might need time to agree new contractual terms where agreements that satisfy the statutory duties are not already in place.

13.6 We said that we considered that 12 months would be a reasonable period for providers to bring themselves into compliance. This would allow time for the technical, operational and commercial steps outlined above, while enabling audiences to benefit from the regime without unnecessary delay. We recognised that the scale and complexity of the work would vary depending on providers' existing services, capabilities and commercial arrangements, and invited views on whether 12 months was reasonable.

Stakeholder feedback and our assessment

13.7 For the purpose of this assessment, we have assumed that all six PSB IPS are designated and therefore fall in scope of the prominence regime. We note that, with the exception of BBC iPlayer, designation is not automatic and requires an application to be made. Our analysis is therefore based on the assumption that applications are made for the remaining five IPS to be designated, and that they are designated.

13.8 We received a range of views on whether 12 months would be a reasonable period for providers to achieve compliance, with some, including a number of PSBs, favouring a shorter period, and others, including a number of RTSS providers, calling for a longer period, particularly to address some of the proposed requirements. Other respondents considered 12 months broadly reasonable. There were also calls for a phased approach to implementation, with different aspects of the regime delivered at different times.

13.9 We consider these views, the implementation challenges identified and their implications for our regulatory approach in more detail in the sections below.

13.10 Respondents also raised questions about how compliance would be demonstrated and overseen, including reporting, data sharing and Ofcom's approach to monitoring and enforcement. These are addressed below from paragraph 13.36.

Stakeholder feedback

13.11 A range of respondents considered 12 months broadly reasonable, although some qualified their support. For example, some RTSS providers felt that they could come into compliance within 12 months in most cases, but sought more flexibility in specific circumstances where they considered there may be implementation challenges.

13.12 Those supporting 12 months in principle included BT group, Google, VMO2 and YouView. Of these, some called for additional flexibility in managing the transition, highlighting circumstances that could affect delivery within 12 months. These included additional data provision and reporting arrangements; confirmation of the final provisions of Code and

Guidance; and securing the timely provision of DIPS apps, metadata, assets and other integrations. Several respondents also called for flexibility where implementation challenges arise. For example, Google noted that timelines for changes to RTSS carried on devices already in users' homes would likely be longer than for new or nearly new devices, and YouView called for flexibility where delivery depends on factors outside RTSS providers' direct control.[860]

13.13 Some respondents advocated phased delivery to reflect the varying complexity of the changes required. For example, both the British Broadcasting Challenge and the CTVMA proposed simpler changes should be delivered first, with more complex integration and reporting following within 12 months. Similarly, Bectu supported a "graduated, transparent and enforceable implementation structure", while BT Group favoured flexibility in managing the transition, including scope for phasing where needed.[861]

13.14 Another group of stakeholders, including several PSBs and other respondents, argued that a period of 12 months would be too long. They emphasised the importance of delivering the benefits of the regime without further delay. They highlighted both the time already elapsed since the Media Act was passed in summer 2024 and expressed concern that the regime might not take practical effect until late 2027 or 2028.[862] Others argued that providers should already be preparing for implementation and called for a six-month implementation period following publication of the final Code and Guidance.[863]

13.15 The respondents making the case for a shorter implementation period cited both the impact of delay on PSBs and audiences and what they considered to be the relatively limited scale of the changes required. ITV and Bectu expressed concern that prolonged implementation would continue to reduce the value and prominence of PSB services, [864] while S4C and the British Broadcasting Challenge argued that further delay would leave the regime increasingly out of step with audience behaviour and reinforce existing platform dynamics.[865] An individual respondent considered many of the necessary adjustments to be relatively straightforward, with the British Broadcasting Challenge also describing them as "configuration changes, not fundamental re-engineering".[866] ITV, STV and the BBC argued that implementation could be achieved more quickly, citing providers' ability to deliver paid-for prominence changes rapidly and that many of the proposed measures already reflect existing practice. ITV proposed updating agreements within six months and addressing any "genuine technical impediments" by exception within the first year.[867]

13.16 Conversely, several RTSS providers considered that longer than 12 months would be needed to implement some or all of the proposed measures in the draft Code. They highlighted development and testing requirements, commercial negotiations, budgeting

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[860] Google response, p.15; YouView response, p.10.
[861] British Broadcasting Challenge response, p.8-9; CTVMA response, p.6; Bectu response, p.6; BT Group response, p.11.
[862] Bectu response, p.7; Professor Steven Barnett response, p.6; BBC response, p.14, British Broadcasting Challenge response, p.8; S4C response, p.10; STV response, p.18.
[863] TAC response, p.7; Directors UK response, p.3.
[864] ITV response, p.27; Bectu response, p.7.
[865] S4C response, p.10; British Broadcasting Challenge response, p.8.
[866] Professor Steven Barnett response, p.6; British Broadcasting Challenge response, p.8.
[867] ITV response, p.27; STV response, p.18; BBC response, p.14.

and product-development cycles, and dependencies on third parties. Some identified particular challenges in updating RTSS carried on devices already in users' homes.

13.17 Some respondents argued that implementation should take account of existing contractual, development and budgeting cycles. Sky considered 12 months unlikely to be sufficient for all measures given the "significant operational and technical planning, resource and funding" requirements involved, and sought either a longer period to come into compliance with the duties or greater flexibility, with further consultation on the implementation period once our Code and Guidance were finalised.[868] LG referred to its two-year contract cycle with content partners and cautioned that rapid implementation could lead to contract renegotiations or terminations.[869] YouView similarly suggested flexibility of up to 18 months to align implementation with providers' normal development and budgeting cycles.[870]

13.18 Several respondents argued that 12 months was insufficient to accommodate the development, testing and deployment of changes across platforms and devices. LG cited potential issues in relation to contract cycles with content partners, as well as the importance of implementation aligning with its product-development cycles. [871] Samsung also highlighted potential challenges with product development cycles, suggesting a distinction be made between the time needed for lower-effort adjustments and more complex system changes .[872] Roku similarly highlighted the need to design, test, certify and deploy changes across device generations and manufacturer integrations through phased software releases. It warned that a compressed timeline could increase the risk of technical failures and proposed a period of at least 18-24 months for the full prominence and accessibility package.[873]

13.19 Additionally, some respondents pointed to dependencies on third parties, including hardware manufacturers' firmware and deployment schedules and the technical complexity of changes cascading through specifications, data pipelines and third-party integration.[874] They said that these challenges could be considered particularly acute for RTSS carried on devices already in users' homes, with several respondents distinguishing between implementation on these devices compared to new devices. LG and Google argued that applying changes to RTSS carried on devices already in homes would require significant engineering resources and other dependencies, such that they could not complete such updates within 12 months. Samsung similarly stated that, while RTSS on new devices could be made compliant, it was "technically impossible" to force modifications or updates to the RTSS on TVs already in users' homes without their consent.[875]

[868] Sky response, p.75
[869] LG response, p.7
[870] YouView response, p.9
[871] LG response, p.8;
[872] Samsung response, p.22.
[873] Roku response, p.10
[874] Google response, p.15-16; YouView response, p.9; techUK response, p.12
[875] Google response, p.15; LG response, p.7; Samsung response, p.2-3

Accessibility-specific considerations

13.20 The final broad theme raised by respondents concerned accessibility implementation, with several arguing that additional time may be needed to deliver more complex accessibility features effectively, while ensuring meaningful improvements for users.[876]

13.21 Sky said that extending existing EPG text-to-speech functionality to the rest of the Sky Q UI would require significant re-engineering and migration to a new platform. It distinguished this from extending magnification,[877] which it considered less significant and anticipated delivering through its 2027 engineering roadmap.[878] One RTSS provider argued that at least 18 months would be needed after requirements were finalised for products supporting the labelling of accessible content to reach the market.[879] YouView similarly suggested that the accessibility proposals could involve significant development work and sought flexibility of up to 18 months.[880]

13.22 Another RTSS provider raised concerns about resource constraints [✂], which would affect delivery timescales. It cautioned that shortening research and validation could compromise the quality of the features and considered 24 months a more realistic timeframe for achieving full compliance. Alternatively, it suggested a 'reasonable endeavours' approach supported by explanations of outstanding work and evidence of progress. [881]

13.23 Finally, RNIB placed particular emphasis on users during implementation, including the importance of providers keeping them informed and enabling them to identify accessibility issues that still needed to be addressed. It considered that 12 months could be achievable but called for measurable milestones and early publication of plans to demonstrate progress. RNIB proposed prioritising information, feedback mechanisms and improvements to key parts of the interface, with more complex accessibility enhancements delivered over the longer term.[882]

Our assessment

13.24 As set out above, respondents expressed differing views on whether 12 months would provide sufficient time for RTSS and DIPS providers to undertake the work needed to comply, including, in some cases, qualifications concerning confirmation of the final provisions of the Code and Guidance, the devices on which an RTSS is carried, and dependencies on other parties. We have considered the substance of these comments in assessing whether 12 months provides a reasonable period for compliance, taking account of the practical challenges providers may face alongside the importance of securing the benefits of the new regime without unnecessary delay.

13.25 We acknowledge that providers will need to allocate resources, secure funding and, in some cases, negotiate or amend agreements to implement the new duties. We have taken account of respondents' comments that these factors could mean that they may require more than 12 months to implement the Code and Guidance. However, the length of a

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[876] BT Group response, p.11; Channel 4 response, p.30; [✂]; Google response, p.14; [✂]; Sky response, p.52; VMO2 response, p.9; YouView response, p.9.
[877] Sky's Screen Magnifier feature allows users to enlarge elements of the UI
[878] Sky response, p.53-54.
[879] [✂].
[880] YouView response, p.7, 9.
[881] [✂].
[882] RNIB response, pp.8-9.

provider's normal budgeting, development or contractual cycle does not, by itself, establish what is a reasonable period for compliance. Some changes may not require contractual amendments, while others may progress alongside negotiations. As noted in chapter 11, providers are not required, provided they meet their statutory duties, to make substantial changes to or conduct complex and potentially costly renegotiations of existing commercial agreements.

13.26 We have considered responses about the technical and development work required to come into compliance with the new duties. We note stakeholder comments that updating RTSS carried on devices already in use may be more difficult than introducing changes to RTSS carried on new devices, and therefore implementation within 12 months in these cases could be more challenging due to the additional work required.

13.27 Some respondents identified dependencies on DIPS and metadata providers, and hardware and software partners as factors in how quickly compliance could be achieved. These may affect the availability of apps, metadata, assets, integrations and software components, as well as the deployment of updates across RTSS on different devices. We recognise that RTSS providers cannot necessarily complete all implementation work independently and that inputs from other parties must arrive early enough to allow integration, testing and resolution of issues. We do not consider that such dependencies generally prevent compliance within 12 months, provided the necessary inputs are received without unreasonable delay. However, we recognise that the impact of these dependencies may vary between providers.

13.28 In the Consultation we highlighted it is important that the new regime is implemented as quickly as possible to start delivering its aims of ensuring that audiences are able to easily discover and find public service programmes across all the main connected TV platforms and that disabled users can navigate TV platforms to find and view programmes. We recognise stakeholders' comments that effective implementation needs to factor in sufficient time for appropriate testing. We agree it is important to allow adequate time for testing in order to ensure any changes to RTSS provide a good experience for audiences.

13.29 We consider that this is likely to be particularly important for accessibility features where there may be multiple routes to compliance, and some may provide a better experience for disabled users but require more time to implement than others. Providers also have different starting points, and we recognise that research with disabled users, careful design and testing may be needed to ensure that changes work effectively, both technically and in meeting the needs of disabled users.

13.30 We have also considered whether the changes made in finalising the Code and Guidance materially increase the time needed for implementation or alter the basis on which some respondents considered 12 months broadly reasonable. Overall, we do not consider that the final Code and Guidance would require significant additional implementation work, compared to the draft versions on which we consulted.

13.31 The work required for implementation will vary significantly between providers. Some changes may involve updates to existing services and systems, while others may require more substantial development, integration and testing, particularly for accessibility features or for RTSS carried on some devices already in use. Achieving compliance with MOMI and prominence duties will also depend on constructive cooperation between RTSS providers and IPS providers (once designated), including the timely provision of necessary apps, metadata, assets and other inputs.

13.32 Having considered the consultation responses, our final Code and Guidance, and the range of steps that RTSS and DIPS providers may need to take to comply with their new duties, we consider that a period of less than 12 months would not be reasonable as it would not allow sufficient time for all providers to bring themselves into compliance.

13.33 We consider that all providers are likely to be able to bring themselves into compliance with all the relevant duties by 18 months, and that they may be able to bring themselves into compliance sooner. Accordingly, we consider that a period of between 12 to 18 months is likely to be a reasonable implementation period. We also consider that there are a range of factors relevant to deciding the precise implementation period, including the benefits of earlier implementation for audiences, the scale and technical complexity of the work, reliance on inputs between parties, the time needed for development and user testing to ensure a good experience for audiences and the costs and resource implications of the implementation timeline.

13.34 We have set out in Chapter 12 our assessment of the likely impacts of our final Code and Guidance, including on RTSS providers. The length of the implementation period may also have impacts on RTSS providers. A shorter implementation period may deliver benefits to audiences and DIPS providers sooner, but may require providers to accelerate development, testing or deployment to deliver multiple changes in parallel, potentially increasing labour and development costs. Alternatively, providers may deprioritise other planned development work, creating an opportunity cost through deferred service improvements or innovations elsewhere.

13.35 In this chapter we have set out our assessment of the responses we have received. However, it is important to be clear that Government will decide on the length of the implementation period and will set the date on which the relevant duties come into force by making secondary legislation. Whatever deadline is set by Government, we will expect providers to come into compliance by that point.

Our regulatory approach

13.36 In the Consultation, we explained what our regulatory approach would be when the regime comes into force. Although we did not specifically seek views, we received comments relevant to it in consultation responses, including on compliance and monitoring. We summarise these comments and set out our response below before explaining in more detail how we will monitor compliance and exercise our regulatory functions once the regime is in force.

Summary of responses

13.37 Stakeholders expressed a range of views on how Ofcom should oversee compliance with the new regime. Several respondents, including STV, S4C, Bectu, Channel 4, the BBC and ITV, emphasised the importance of transparency and reporting, particularly given the flexibility available to RTSS providers in how they meet their duties. They argued that DIPS providers should have sufficient information to understand how prominence is being delivered and, in some cases, called for stronger reporting to DIPS providers and Ofcom and for RTSS providers to be able to demonstrate compliance with their obligations.[883]

[883] S4C response, p.4; STV response, p.17; BBC response, p.11, 14; Channel 4 response, p.2, 3, 12; ITV response, p.14.

13.38 Other respondents supported a proportionate and adaptable approach to oversight. BT Group called for flexibility in enforcement and regular review as the market evolves, while the CTVMA proposed a more standardised approach to transparency and reporting to support monitoring, reduce disputes and improve consistency across different RTSS interfaces.[884]

13.39 Conversely, some RTSS providers cautioned against overly extensive monitoring and reporting requirements. Amazon and Roku favoured greater reliance on commercial arrangements between providers, with regulatory intervention focused on circumstances where concerns or disputes arise, while LG questioned the need for extensive monitoring and record-keeping and highlighted the potential costs involved.[885]

Our response

13.40 We note stakeholders' emphasis on effective oversight and on access to information to understand whether appropriate prominence is being delivered. RTSS providers are responsible for meeting their statutory duties, whether they follow the Code's recommended actions or take alternative actions. Our approach will combine engagement with providers, information gathering using our statutory powers and monitoring of market and audience developments, enabling us to identify potential compliance issues and intervene in a timely and proportionate manner.

13.41 We address information sharing and reporting between RTSS and DIPS providers in the Chapter 11 (paragraphs 11.172-11.177), including our decision to add a new 'Transparency' section to the Guidance at paragraph 2.34.

13.42 Commercial agreements are an important means through which providers establish arrangements that meet their duties. However, as outlined in paragraph 11.27, providers must comply with their statutory duties, and Ofcom must exercise its statutory functions, irrespective of whether or not providers consider their agreements to be consistent with their statutory duties. Where potential compliance concerns arise, we will assess the relevant facts and evidence, obtaining further information where necessary.

Monitoring and evaluation

13.43 The regime gives us a monitoring role, which includes obtaining, compiling and keeping under review information that may be relevant to deciding whether to take enforcement action.[886] Once the regime is in force, we plan to continue periodic engagement with DIPS and RTSS providers to understand how their arrangements operate and develop over time, including any potential compliance issues.

13.44 We expect to use our information gathering powers where appropriate to obtain relevant information from regulated providers. This may include information that RTSS providers supply to DIPS providers in line with transparency terms in their agreements (as described in paragraphs 11.176-11.177).

13.45 Our monitoring will not rely solely on information from regulated providers. If there are concerns about compliance, we will also want to hear from other market participants and directly from consumers, particularly in relation to accessibility measures.

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[884] BT Group response, p.4.; CTVMA response, p.2.
[885] Amazon response, p.4; Roku response, p.2; LG response, p.16.
[886] Section 362AZ9 of the Act.

13.46 In addition, we will draw on market and industry intelligence, consumer research and horizon scanning to monitor developments in the market, technology and audience behaviour. This will help us understand their implications for the operation of the regime over time. We will also seek to understand audience outcomes more broadly, including how audiences discover and access public service programmes on RTSS and how these experiences evolve over time.

Enforcement

13.47 Where we identify potential non-compliance, we will act in line with our published enforcement principles.[887] These state that we will always seek to resolve issues in a way that is proportionate and effective, using the least intrusive regulatory tools necessary to achieve compliance, while intervening firmly where required, particularly in cases of serious or repeated breaches of requirements. Our enforcement powers include the ability to require information, open investigations, and impose financial penalties. Before the new regime comes into force, we will consult on proposed changes to our Enforcement Guidelines to take account of the new duties in the Act.

Dispute resolution

13.48 We encourage DIPS and RTSS providers to resolve issues through constructive engagement wherever possible. Alongside our enforcement role, we will have powers to resolve disputes between providers where the statutory conditions are met. These disputes may relate to the MOMI duties, the duty to act consistently with the Agreement Objectives and the prominence duty.[888]

13.49 Ofcom must have regard to our published Guidance when exercising or deciding whether to exercise these powers.[889] Parties may refer disputes to us only if there is no realistic prospect of resolving the dispute without referring it.[890] We will set requirements about the form and manner in which references must be made to us.[891] When a dispute is referred to us, we must decide whether or not it is appropriate for us to handle it.[892] We must handle disputes where it is highly likely that (unless the dispute is resolved) the DIPS will not be included in the RTSS or will not be given the appropriate degree of prominence within it, and where there are no alternative means for resolving the dispute.[893]

13.50 Unless there are exceptional circumstances, Ofcom must resolve disputes within four months.[894] Remedies can include issuing a direction to one or both of the parties fixing the terms and conditions of the transaction and requiring the payment of sums from one party

[887] Ofcom, 2025. Regulatory Enforcement Guidelines for Investigations, p.4.
[888] Section 362AT and 362AY of the Act. Section 362AT(2) of the Act makes provision for disputes relating to any duties of the BBC under the BBC Charter and Agreement that are comparable to the duties of other DIPS providers under section 362AJ (broadly, the Must Offer duty and the duty to act consistently with the agreement objectives).
[889] Section 362AL(5) of the Act.
[890] Section 362AT(3) of the Act.
[891] Section 362AT(5) and (6) of the Act.
[892] Section 362AU(2) of the Act.
[893] Section 362AU(3) and (4) of the Act.
[894] Section 362AW(5) of the Act.

to the other.[895] We also have power to take interim measures pending resolution of a dispute.[896]

13.51 Ofcom has existing published guidelines about the handling of regulatory disputes. Before the new regime comes into force, we will consult on and finalise updates to these guidelines to cover our new dispute resolution function.

Fees

13.52 Ofcom will be able to charge fees to RTSS and DIPS providers to cover the costs of regulation under the new regime.[897] We plan to consult on our approach to fees in the coming months and will begin charging fees to relevant stakeholders once the new regime fully commences.

[895] Section 362AX(2) of the Act.
[896] Section 362AV(2) of the Act.
[897] Section 362AZ6 of the Act.

A1.Legal framework

Legal framework

A1.1 This Annex sets out the statutory framework regarding the availability, prominence and accessibility duties placed on the providers of regulated television selection services (RTSS). These duties ensure that designated internet programme services (DIPS), and their public service content, are available and appropriately prominent on RTSS. They also require RTSS providers to make their services accessible to disabled users. The framework is set out in Part 3A of the Communications Act 2003 (the Act), which was inserted by Part 2 of the Media Act 2024. This Annex is only a summary of the relevant provisions; it is not a substitute for reference to the statute.

A1.2 Also relevant are Ofcom's general duties when carrying out our functions to further the interests of citizens in relation to communication matters, and consumers in relevant markets, where appropriate by promoting competition.[898] Ofcom is required to secure the availability in the UK of a wide range of television services that are both of high quality and calculated to appeal to a variety of tastes and interests, and the maintenance a sufficient plurality of providers of different television services.[899]

A1.3 In performing our general duties, Ofcom must have regard to a number of matters including the desirability of promoting the fulfilment of the public service remit for television in the UK, the desirability of promoting competition in relevant markets, the desirability of encouraging investment and innovation in relevant markets, the opinions of consumers and of members of the public generally, the needs of persons with disabilities, and the different interests of persons in the different parts of the UK.[900]

A1.4 We must also have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed, and any other principles appearing to Ofcom to represent the best regulatory practice.[901]

A1.5 As explained further below, RTSS providers are required to comply with various duties relating to the availability and prominence of DIPS provided by the UK public service broadcasters (PSBs) (including BBC iPlayer). Providers of both RTSS and DIPS are also subject to requirements relating to their conduct in reaching agreements on inclusion.

A1.6 Under the Act, Ofcom is required to produce:

a) A Code setting out recommended actions RTSS providers should take to comply with their statutory duties to make DIPS appropriately prominent on their RTSS, and to make their RTSS accessible; and

b) Guidance which explains how RTSS and DIPS providers can reach agreements which are consistent with the Agreement Objectives set out in the Act.

[898] Section 3(1) of the Act.
[899] Section 3(2)(c) and (d) of the Act.
[900] Section 3(4)(a), (b), (d), (k), (i) and (l) of the Act.
[901] Section 3(3) of the Act.

c) The Act gives Ofcom a dispute resolution function[902] and enforcement powers.[903]

Designated internet programme services (DIPS)

A1.7 The Act defines an internet programme service (IPS) as a service which is either (a) entirely an on-demand programme service or (b) an on-demand programme service together with one or more other services (e.g. live-streamed television programme services).[904]

A1.8 The Act defines a DIPS as an IPS:

- provided by the BBC;
- provided by a licensed PSB or S4C and designated by Ofcom; or
- provided by a person associated with a PSB and designated by Ofcom.[905]

A1.9 Ofcom has published a Statement of Methods setting out how we will assess PSB IPS against the statutory conditions, including whether they make (or could make) a significant contribution to the PSB's remit and whether the public service remit content[906] included in the IPS is readily discoverable and promoted.[907]

Regulated television selection services (RTSS)

A1.10 The connected TV platforms that may fall in scope of the regime are referred to in the Act as 'television selection services' (TSS).

A1.11 The Act defines a TSS as "a service or dissociable section of a service, provided by means of the internet and in connection with Internet Television Equipment (ITE), which consists of:

a) The presentation of the IPS included in the service or the dissociable section of the service; and

b) A facility that enables the user: (i) to make a selection between those IPS or programmes provided by those IPS or both; and (ii) to access the IPS or programme selected or both."[908]

A1.12 As set out in Regulation 2 of the Internet Television Equipment Regulations 2024, ITE means smart TVs, set top boxes and streaming devices.[909]

A1.13 The Secretary of State is responsible for designating TSS but must first receive a report from Ofcom setting out our recommendations. Once designated, these services are referred to as 'regulated television selection services' (RTSS).

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[902] Sections 362AT to 362AY of the Act.
[903] Sections 362AZ to 362Z5 of the Act.
[904] Section 362AA(10) and (11) of the Act.
[905] Section 362AA(1) of the Act. Any BBC IPS is automatically designated by the Act.
[906] Section 362AA(12) defines public service remit content as material included in an IPS provided by a PSB other than the BBC, or a person associated with such a PSB, that contributes to the fulfilment of the public service remit for the licensed public service channel in question, or S4C's public service remit (as the case may be).
[907] Designation of Public Service Broadcaster Internet Programme Services, July 2025.
[908] Section 362AE(1) of the Act. The Secretary of State may lay regulations to amend the definition of 'television selection service' or 'internet television equipment' (section 362AE(7)).
[909] The Internet Television Equipment Regulations 2024 (2024/1056).

A1.14 On 16 December 2025, we issued our report confirming our recommendation to the Secretary of State on which TSS should be designated.[910]

A1.15 Following the publication of our report, the Secretary of State made the Television Selection Services (Designation) Regulation 2026 (S.I. 2006/531), which came into force on 1 July 2026 and designated a number of TSS as RTSS.[911]

Effect of designation

Must Offer / Must Include (MOMI) and Agreement Objectives

A1.16 Once designated, DIPS and RTSS providers are subject to the following duties.

A1.17 DIPS providers will be subject to a 'must-offer' duty, and RTSS providers will be subject to a 'must-include' duty.

A1.18 The 'must-offer' duty means that a DIPS provider must offer its DIPS to every RTSS provider.[912] The DIPS provider must do its best to secure that, in relation to every RTSS, agreements are entered into and kept in force that ensure the service is included in the RTSS.[913] This duty does not apply to the BBC.[914]

A1.19 The 'must-include' duty means that an RTSS provider must, in respect of each DIPS, enter into arrangements with the DIPS provider for the RTSS to include that DIPS and keep such arrangements in force.[915]

A1.20 When entering into arrangements pursuant to their must offer/must include (**MOMI**) duties, and while those arrangements are in force, DIPS and RTSS providers must act consistently with the Agreement Objectives.[916]

A1.21 The three Agreement Objectives are that:

a) a DIPS, as well as public service remit content and any listed channels[917] included in that DIPS, is given an appropriate degree of prominence within an RTSS;[918]

b) the arrangements made between an RTSS provider and a DIPS provider do not adversely affect the ability of the latter to fulfil its public service remit (or promote its public purposes, in the case of the BBC);[919] and

c) those arrangements do not disproportionately restrict how the RTSS provider may make innovations in the ways that users may select and access IPS or programmes on the RTSS.[920]

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[910] Final report to the Secretary of State on the designation of television selection services, December 2025.
[911] List of regulated television selection services (RTSS).
[912] Section 362AJ(1) of the Act.
[913] Section 362AJ(2) of the Act. There is a separate obligation for any IPS provided by the BBC.
[914] Section 362AJ(4). The BBC Charter and Agreement include requirements for the distribution of the BBC's UK Public Services.
[915] Section 362AK(1) of the Act.
[916] Section 362AJ(3) and 362AK(2) of the Act.
[917] As defined in section 362AM(3) of the Act. See footnote 286.
[918] Section 362AM(1)(a) of the Act.
[919] Section 362AM(1)(b) of the Act.
[920] Section 362AM(1)(c) of the Act.

Appropriate Prominence and Accessibility

A1.22 RTSS providers must also give an appropriate degree of prominence to the DIPS included in their service.[921] This includes giving an appropriate degree of prominence to:

a) public service remit content, or material that contributes to the promotion of one of more of the BBC's public purposes, which is included in the DIPS;[922] and

b) any listed channel included in the DIPS.[923]

A1.23 This duty does not require that a DIPS be given prominence, or the same degree of prominence, in relation to every area of the UK.[924]

A1.24 RTSS providers must also include features that make the service accessible to users with disabilities, especially those affecting sight or hearing. This means ensuring that disabled people can, as far as possible, use the service for the same purposes as those without disabilities; and that they are informed about, and are able to make use of, whatever assistance for disabled people is provided in relation to the IPS included in the service.[925]

Code of practice

A1.25 Ofcom must issue a Code recommending actions that RTSS providers may follow to comply with their duties to give DIPS appropriate prominence, and to make their services accessible for disabled people.[926] We must secure that the actions recommended in the Code are consistent with the Agreement Objectives.[927] The Code may include actions relating to particular descriptions of RTSS, and particular descriptions of IPS.[928]

A1.26 The Act sets out that RTSS providers that take the actions recommended in the Code will be treated as complying with the relevant duty or duties to which those actions relate.[929]

A1.27 If an RTSS provider does not follow the Code, this does not, of itself, make the provider liable to legal action in a court or tribunal.[930]

A1.28 Before issuing a Code, Ofcom must publish a draft Code and consult the Secretary of State, PSBs, representatives of RTSS providers, and any other persons Ofcom considers appropriate.[931]

A1.29 Ofcom may make such amendments to the draft Code as we consider appropriate following the consultation.[932] We must publish the Code and keep it under review.[933]

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[921] Section 362AO(1) and (3) of the Act.
[922] So far as the prominence of that material or channel is affected by the operation of the RTSS.
[923] Section 362AO(3) of the Act. The listed channels are (a) any service of television programmes provided by the BBC so as to be available for use by members of the public; (b) any Channel 3 service; (c) Channel 4; (d) Channel 5; and (e) S4C Digital.
[924] Section 362AO(2) of the Act.
[925] Section 362AO(4) of the Act.
[926] Section 362AP(1) of the Act.
[927] Section 362AP(5) of the Act.
[928] Section 362AP(6) of the Act.
[929] Section 362AQ(1) of the Act.
[930] Section 362AQ(2) of the Act.
[931] Section 362AR(1)(a) and (b) of the Act.
[932] Section 362AR(1)(c) of the Act.
[933] Section 362AP(3) of the Act.

Guidance on the Agreement Objectives

A1.30 Ofcom must issue Guidance about how DIPS and RTSS providers may act consistently with the Agreement Objectives when entering into arrangements pursuant to their MOMI duties and while they are in force.[934]

A1.31 As regards the BBC, the reference to acting consistently with the Agreement Objectives is to be treated as a reference to carrying out any comparable duty of the BBC under the BBC Charter and Agreement.[935]

A1.32 Before preparing Guidance, Ofcom must consult the Secretary of State, and other persons we consider appropriate.[936]

A1.33 Ofcom may revise and replace any Guidance published in relation to the Agreement Objectives.[937]

A1.34 Ofcom must have regard to the Guidance when exercising or deciding whether to exercise our dispute resolution powers[938] in respect of the MOMI duties, the duty to act consistently with the Agreement Objectives and, for RTSS providers, the duty to give appropriate prominence.[939] Ofcom must resolve disputes in a way that we consider to be the most appropriate to meet the Agreement Objectives.[940]

Economic growth duty

A1.35 Section 108 of the Deregulation Act 2015 sets out Ofcom's duty to have regard to the desirability of promoting economic growth when exercising our regulatory functions. In order to consider the promotion of economic growth, we will exercise our regulatory functions in a way that ensures that:

a) regulatory action is taken only when it is needed; and

b) any action taken is proportionate.[941]

A1.36 The government's statutory guidance on this duty recognises drivers of economic growth to include innovation and competition.

Public sector equality duty

A1.37 Section 149 of the Equality Act 2010 (the 2010 Act) imposes a duty on Ofcom, when carrying out our functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The 2010 Act

[934] Section 362AL(1) of the Act.
[935] Section 362AL(2) of the Act.
[936] Section 362AL(4) of the Act.
[937] Section 362AL(3) of the Act.
[938] Section 362AL(5) of the Act. Ofcom's relevant dispute resolution powers are set out in sections 362AU to 362AX.
[939] Section 362AT(1) of the Act sets out the scope of Ofcom's dispute resolution powers.
[940] Section 362AX(3) of the Act.
[941] Section 108(2)(b) of the Deregulation Act 2015.

also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.

A1.38 Section 75 of the Northern Ireland Act 1998 (the 1998 Act) also imposes a duty on Ofcom, when carrying out our functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations across a range of categories outlined in the 1998 Act. Ofcom's Revised Northern Ireland Equality Scheme explains how we comply with our statutory duties under the 1998 Act.

Welsh language duty

A1.39 The Welsh Language (Wales) Measure 2011 established a legal framework to impose duties on certain organisations to comply with standards in relation to the Welsh language. The standards issued to Ofcom are listed in Ofcom's compliance notice effective from 25 January 2017.

A1.40 The Welsh Language Policy Making Standards require Ofcom to assess (a) opportunities for persons to use the Welsh language, and (b) treating the Welsh language no less favourably than the English language, when formulating a new policy or reviewing or revising an existing policy.

A2. Final Code of Practice

A2.1 The final code of practice publication can be found under *Main documents*, please visit ofcom.org.uk.

A3. Final Guidance on Agreement Objectives

A3.1 The final Guidance on Agreement Objectives can be found under *Main documents*, please visit ofcom.org.uk.

A4.Evidence and methodology

A4.1 This Annex outlines our approach to gathering and analysing the evidence we have used to inform our approach to the Code of Practice and Guidance.

A4.2 Below we set out our approach to gathering and analysing the following sources of evidence:

a) Contracts between RTSS providers and PSBs, relating to the inclusion of PSB IPS.[942]
b) Further information provided by RTSS providers and PSBs.[943]
c) Our internal review of different RTSS and their UIs.
d) Research about user journeys commissioned from 2CV; this included a sample of disabled participants, in addition to exploring their user journeys it looked at how they navigated the RTSS and what accessibility features they used.
e) Data from Looper regarding the prominence of PSB programmes in RTSS UIs.

A4.3 In addition to these sources of evidence, we also met with a range of stakeholders to develop our understanding of issues regarding IPS inclusion and prominence on RTSS, and we explored the use of accessibility features, including a focus group supported by the RNIB with participants who are blind or have severe sight loss.

A4.4 RTSS have been designated by the Secretary of State but currently no IPS have been designated. Our analysis has assumed that the DIPS will be the six IPS currently offered by the PSBs. In certain cases, the sources of evidence available to us did not cover all of these. We explain below, where relevant, how our approach takes this into account. Overall, we consider our approach to gathering and analysing evidence is appropriate to support the decisions set out in this Statement.

Commercial contracts

Data providers and methodology

A4.5 The contracts that we have reviewed were provided to us by the six RTSS providers with the largest user bases: Amazon, Google, LG, Sky, Samsung and Virgin Media O2.[944]

A4.6 These contracts cover the commercial arrangements related to the inclusion and prominence of various PSB services. In total, we received 30 contracts that were in effect in 2024.

How we have used this evidence

A4.7 We reviewed these contracts to develop our understanding of the current state of the market regarding the inclusion and prominence of PSB apps and their content on RTSS.

[942] These contracts were provided to us in response to requests we made using our information gathering powers in section 362AS of the Act.
[943] This information was provided to us in response to requests we made using our information gathering powers in section 362AS of the Act.
[944] This was based on share of devices in active use in 2024, accounting for the fact that some providers operate multiple TSS. See Figure 4 of Ofcom, December 2024, The connected TV platform market.

This included understanding the key technical aspects of the arrangements, and any payments made for carriage and/or prominence.

A4.8 We have taken into account evidence from these contracts, along with the further information from stakeholders referred to below, when developing our approach to the Code and Guidance and assessing the likely impacts, as discussed further in paragraph A4.17.

A4.9 We recognise that the contracts provided are those between the PSBs and the largest RTSS providers and may not have been representative of the arrangements between PSBs and smaller RTSS providers. We are also aware that the contracts may not detail the full scope of arrangements and that some terms may be agreed in good faith or otherwise less formally recorded. However, when taken together with the further information described in this Annex, we consider that this provides a reliable evidence base about current arrangements for the purpose of informing the decisions set out in this Statement.

Further information provided by RTSS providers and PSBs

Data providers

A4.10 We issued statutory information requests in July and September 2025 to the following 10 RTSS providers: Amazon, Apple, Google, LG, Roku, Samsung, Sky, VIDAA, Virgin Media O2, and YouView. This sample covered the providers of all the TSS we proposed to recommend for designation in our consultation of 22 July 2025[945] (and which have subsequently been designated as such) namely, Amazon Fire TV OS, Apple TV OS, Android TV, Google TV, LG WebOS, Samsung Smart Hub (Tizen), Sky Q, Sky Entertainment OS, YouView on Sony ITE, VIDAA OS, Roku OS, Virgin Media Horizon, Virgin Media TiVo on V6 ITE, and YouView on EETV (Sagemcom ITE). We did not issue a statutory information request to the provider of Freely, as we did not propose to recommend Freely for designation in our consultation of 22 July 2025. In our final report to the Secretary of State we recommended Freely for designation, and we have taken account of relevant publicly available information relating to Freely in our analysis.

A4.11 We also issued information requests to the six PSBs: BBC, ITV, Channel 4, 5, STV, and S4C.

A4.12 Subsequent to our January 2026 consultation, in July 2026 we issued further statutory information requests to the providers of all RTSS, with additional questions relating to regionalisation.

Methodology

A4.13 In our 2025 information requests we requested that each RTSS provider provide information on issues including: how they determine what content is shown, prominent, and visible on their service; how the RTSS measures prominence (if at all); revenues earned and rates charged for prominence; user engagement with popular UI features; costs of software changes and to introduce new features; fees; data sharing between RTSS

[945] Designation of Television Selection Services: Consultation on our draft report to the Secretary of State. We have since published our final report to the Secretary of State recommending TSS for designation, which includes an additional TSS (Freely).

providers and PSBs; currently offered accessibility features; and cost information in relation to certain features or activities.

A4.14 We asked each PSB to provide information on issues including: costs to make its IPS compatible with different RTSS; how prominence on an RTSS affects end-user engagement; payments to RTSS providers; and data sharing arrangements with TSS providers.

A4.15 Our additional information requests in 2026 requested further information about regionalisation. We asked all providers about location data collection and use. Providers that have implemented some form of regionalisation of their RTSS UI were asked about their approach and the costs incurred. Providers that have not regionalised their RTSS UIs were asked about their reasons for not doing so, the potential costs that would be involved in doing so, and whether location data is used to enable any form of personalised user experience.

A4.16 We have considered the information provided in response to these requests alongside our review of the contracts, in order to build an overall picture of how prominence and accessibility is provided on RTSS, as well as the terms covered in existing commercial agreements.

How we have used this evidence

A4.17 We have used this evidence to understand how different areas of the UI are used by audiences, the different forms of prominence on an RTSS, the value placed on different forms of prominence, the prevalence of accessibility features, costs that PSBs and RTSS incur to implement new features or make changes (including regionalisation), wider commercial terms that support the inclusion of PSB content on RTSS, and the extent of payments between parties. These factors informed our analysis of the likely effectiveness of recommending actions for specific UI features and of the likely financial impacts of the Code and Guidance.

A4.18 We discuss our analysis in more detail below.

Audience engagement data

A4.19 We requested that RTSS providers provide audience engagement data for their five most popular features for the most recent 12-month period available. This could include specific metrics such as the number of clicks, impressions, or the click-through rate, which most RTSS providers provided at least one of. Not all RTSS providers were able to provide comparable data due to differences in UI features, data collection practices and in the types of metrics used.

A4.20 We have used this data to develop our understanding of how users engage with different features, focusing primarily on clicks as a direct measure of actual user engagement.

A4.21 We have also used the data provided to estimate the average clicks per month on app menus and content areas (combining promotional areas and disaggregated content areas) for 12 RTSS.[946] This estimate represents the total number of clicks a feature receives each month across the RTSS.

[946] Two of the 14 RTSS were excluded as developing comparable metrics was not practical due to data limitations and differences in UI layout.

A4.22 To estimate this, we first estimated the average clicks per month per device based on data provided by RTSS providers in response to our information request. To do this, we divided the volume of clicks on each feature by the number of active devices per RTSS.[947] Using this data, we then estimated the total number of clicks per month across all RTSS. As we were not provided with comparable data for all RTSS, we assumed that the average clicks per month per device calculated for RTSS in respect of which we have data were representative of average clicks per month per device for RTSS in respect of which we do not have data.

A4.23 For app menus, we received data related to seven RTSS that was comparable and suitable for this analysis. This covered 67% of the estimated number of devices carrying an RTSS. We have estimated data for an additional five RTSS.

A4.24 For disaggregated content areas, we received data related to eight RTSS, that was comparable and suitable for this analysis. This covered 71% of the estimated number of devices carrying an RTSS. We have estimated data for an additional four RTSS.

A4.25 These insights, together with other evidence sources (such as the research we commissioned from 2CV, discussed below), informed our understanding of TSS UI design and usage. This in turn informed our approach to the Code by enabling us to focus on the most frequently used and valued features.

A4.26 Where we have estimated volumes of clicks for RTSS that did not provide comparable data, we have not accounted for potential differences, such as user behaviour and demographics. Nevertheless, the subset of RTSS in respect of which we have data is sufficiently large that we consider it likely to be broadly representative of RTSS overall and sufficiently robust to support our understanding of current RTSS usage.

App visibility analysis

A4.27 We received data from an RTSS provider which shows monthly user clicks data over a nine-month period for three apps (‘app 1’, ‘app 2’ and ‘app 3’), separately for two devices (an older ‘device A’ and a newer ‘device B’) which carry the same TSS.[948] The three apps differed in whether they were immediately visible without scrolling across the two devices: app 1 and app 2 were immediately visible on both devices (with some small changes in specific position); app 3 was immediately visible on device B but not device A.

A4.28 We have compared the device A and device B data to examine whether visibility of an app is associated with higher clicks. To do this, we have taken the percentage difference in volume of clicks between device A and device B for apps 1 and 2 (which were visible on both devices) as a benchmark. Against this, we have compared the equivalent percentage difference for app 3 (which differs in that it was only visible on device B).

A4.29 As set out in chapter 3 (‘App menus’ subsection), from this analysis we found that, for app 3, being immediately visible appeared to be associated with higher clicks. We recognise that the analysis does not control for all other factors (e.g. device user demographics) which could have influenced user engagement on each device and is not necessarily generalisable to all other contexts.

[947] Defined as the number of devices that accessed the TSS at least once during 2024 and provided in response to our information requests issued for our designation consultation.
[948] [redacted]

Information about costs and payments between PSBs and TSS providers

A4.30 We requested that RTSS providers and PSBs explain the fees exchanged under their existing arrangements, both regarding prominence and other commercial terms. Alongside the information set out in the contracts we reviewed, this has given us an understanding of the general trends and insights regarding payments between RTSS providers and PSBs.

A4.31 With respect to payments in the most recent financial year, we looked at areas including the following:

a) The overall sums being exchanged between PSBs and RTSS providers.
b) Any payments by PSBs to RTSS providers in relation to prominence.
c) The total revenues, if any, received by RTSS providers in relation to prominence (including any payments from PSBs and from providers of non-PSB IPS).
d) Any payments being made between RTSS and PSBs in relation to inclusion of the PSB IPS.

A4.32 This information has provided evidence that payments for prominence vary by feature, by PSBs and by RTSS provider. We have taken that information into account when assessing the likely financial impacts of the Guidance and Code.

A4.33 We received estimates of the costs incurred by RTSS providers to implement certain features, including a hero banner, a 'continue watching' row, and regionalisation of the UI. While these vary, most changes were generally reported to cost in the low hundreds of thousands of pounds.[949]

A4.34 We asked RTSS providers about any technical or financial barriers associated with implementing regionalisation. This included asking providers about the costs of regionalising, based either on actual costs incurred by providers that have done so, or expected costs by those that have not. We have considered this information in reaching our decisions related to regionalisation.

A4.35 RTSS providers also provided information about the accessibility features that their services currently support and the costs that they have incurred in the past to introduce such features. Typically, these features have cost amounts in the low hundreds of thousands of pounds to develop and implement. For more complex features, such as labelling, this may reach the high hundreds of thousands. This has informed our impact assessment for the recommended actions on accessibility, especially in relation to RTSS that do not already offer those features.

A4.36 Some information about payments, costs or other terms was unclear, or potentially inconsistent when considering evidence submitted separately by PSBs and RTSS providers, for example concerning specific payment amounts or the nature of certain terms or services. We were unable to clarify all these inconsistencies, but do not consider them to have a material impact on our ability to robustly assess likely impacts of our Code and Guidance.

[949] See Chapters 3 and 4 for specific examples in our analysis of impacts on providers.

RTSS review

Methodology

A4.37 Between April 2025 and November 2025, we carried out a review of 12 TSS (as they were at the time) on devices available in our Tech Lab in the Ofcom offices to understand how current arrangements operate in practice. These services include most RTSS.[950]

A4.38 The services reviewed were: Amazon Fire TV OS 7 and 8; Apple TV OS 18 and 26; Google TV 12 and 14; LG WebOS 22 and 23; Roku OS 14.5; Samsung Smart Hub (Tizen) 5; Sky Entertainment OS; Sky Q; VIDAA OS U8; Virgin Media Horizon; YouView on EE TV (Sagemcom ITE) and YouView on Sony ITE.

A4.39 We factory reset each device, so it had clean accounts. We observed:

a) The general layout of the UI, including where app menus, promotional areas, disaggregated content areas, search and live TV areas were found (as applicable);
b) The content displayed in these areas, including a high-level and qualitative assessment of the volume of public service and non-public service content present in promotional areas, disaggregated content areas and search results (text and voice);
c) The number of immediately visible app tiles on app menus and content tiles in disaggregated content areas;
d) The default position of PSB apps in app menus and PSB listed channels in live TV areas; and
e) The accessibility features available to users.

A4.40 We performed regionalised testing where possible by entering postcodes from the different regions served by the PSBs, namely in the STV regions and Wales, to document any UI changes between them.

How we have used this evidence

A4.41 We have used the review of the default position of PSB apps in app menus to calculate the median average position for each app across the RTSS that we reviewed. To do this, we have:

a) Assigned a number to each app tile to reflect its position in the app menu – typically this involved numbering from left to right (for horizontal app row formats) or from top left to bottom right (for grid-based formats);
b) Recorded the default position of each PSB app in the app menu based on the numbering described above, for each RTSS; and
c) Calculated the median average of the numbered positions for each PSB app across all RTSS that we reviewed.

A4.42 We have used our review of RTSS UIs to develop our understanding of current UI designs and features, and of how content and the listed channels currently appear on RTSS . We have also referred to our findings to assess how our recommended actions for securing appropriate prominence may affect providers of RTSS, DIPS and other IPS relative to the status quo. For example, the analysis of app positions described above has informed our

[950] Our review did not include two RTSS: Android TV (which we did not include due to practicality as the UI can appear differently on each of the many devices that use Android TV); and Virgin Media TiVo on V6 ITE (which we were unable to review as we did not have a device available).

assessment of how our recommended actions for app menus may affect the position of DIPS apps relative to their current positions. Similarly, our understanding of how public service content and listed channels currently appear on RTSS has helped to inform our assessment of the likely impacts of our recommended actions for those areas.

A4.43 We have also used our observations on accessibility features on different RTSS to confirm our understanding of the relevant accessibility features reported by providers in response to our information requests.

A4.44 The results of this exercise are not a reflection of the constant state of an RTSS UI but rather a snapshot of an RTSS feature at a single point in time during the period between April 2025 and November 2025. We recognise that multiple areas of an RTSS UI, specifically promotional areas and disaggregated content rows, are dynamic with the content shown changing over time. Our analysis is therefore not necessarily representative of all other time periods, but it is representative of a range of RTSS at a point in time.

Exploring audience journeys on connected TV devices- research by 2CV

Methodology

A4.45 We commissioned qualitative research[951] to explore how audiences discover and access TV content across different TSS and UIs, and what factors influence their content discovery and engagement, including the experiences of disabled users.

A4.46 A sample of 89 participants, including 39 disabled people, took part in the research between February and April 2025. To ensure a diverse range of viewing behaviours and access needs were represented, this sample was spread across a range of household types, TSS devices, disabled and non-disabled users, and all four nations of the UK.[952]

A4.47 Participants were first asked to complete a five-day digital diary to understand how people interact with their connected TV devices and how they navigate to content. This enabled us to identify patterns, challenges and areas to explore further ahead of the interviews.

A4.48 The main phase of the research methodology involved ethnographic interviews using guides tailored for the general audience and those with accessibility needs. These interviews were designed to understand how participants interact with their primary device, the accessibility and prominence features they use, and the effects these have on their viewing habits and decision-making processes.

A4.49 Twenty-one of the ethnographic interviews involved participants using eye-tracking technology in an unprompted content journey, providing insight into where they focus their attention, how long they maintain that focus, and what they notice during their navigation.

[951] 2CV, 2026. Research - Exploring audience journeys on connected TV devices.

[952] Across the sample, 42 used smart TVs, 22 used streaming, and 25 used set-top boxes. For the disabled participants, there were a mix of participants with hearing and sight loss, covering a range of severity in their conditions. Participants for both audiences were drawn from across England, Wales, Scotland, Northern Ireland, with household types including solo living, house shares, couples without children, families with children at home, and couples whose children have left home.

How we have used this evidence

A4.50 We have used this qualitative research to explore how people use RTSS and highlight features to look into in more depth. We have interpreted these findings as insights into content discovery and engagement, rather than firm conclusions.

A4.51 This has helped us to understand the features that people use to discover content and why they use them, which complements the data we received from RTSS providers by offering more context and explanation to the metrics they provided. For example, the research supported our finding, based on the data we received, that the app row was the primary route to content, and further described the individual types of journeys that involved the app row. Some participants viewed content only in their favourite app, while others browsed preferred apps and opened new ones until they found something they wanted to watch. We used this information to give us a better view of how different features contribute to user discovery and access to public service content.

A4.52 This research has also provided us with an in-depth view of which accessibility features disabled people use, why they use them and whether there are barriers or frictions to their accessing content on RTSS. The qualitative interviews provided additional information about which features people found most helpful and why, including how this varies by disability or disability severity. This has informed our understanding of which features are more effective to enable disabled people to discover and view content in the same way as non-disabled people.

Looper Insights

Data provider

A4.53 Looper Insights provide data analytics on the placement of TV apps and programmes on connected TV UIs. It tracks the location, frequency, and type of placements on TSS, and uses this information to assess how content is presented and promoted to users. To our knowledge, this provides a relatively comprehensive cross-RTSS dataset available from an independent provider covering programme prominence on UK television UIs.

Methodology

A4.54 Looper collects data through regular scans of the main TSS used in the UK (and other territories), capturing default homepage layouts, promotional placements, app and content rows, and the specific screen coordinates of visible items. TSS are scanned using ‘cold start’ ITE devices, i.e. devices that have not been personalised with a login or any browsing/viewing history. Looper processes the data it collects by applying consistent categorisation for standardised scoring of the relative prominence of apps and programmes.

A4.55 This results in a dataset that contains the instances, positions and providers of each piece of content detected in the scans conducted over the relevant time period.

A4.56 Relative prominence is scored based on Looper’s Media Placement Value (MPV) metric. This is a position-based scoring system that reflects the likelihood that a user will see or select the content based on where it is placed on the screen. Higher scores are assigned to positions at the top-left of the interface, and the score decreases as content appears

further down the page or towards the right. MPV serves as a baseline measure of visual prominence and does not rely on any user-specific behaviour or personalisation data.

A4.57 Individual programmes are assigned an MPV score based on how they appear on each TSS. These values are then aggregated to give the total MPV available on a TSS, enabling estimates of the share of total MPV that is attributable to a particular IPS on that TSS.

How we have used this data

A4.58 We have undertaken analysis of Looper data across 12 RTSS, focusing on the prominence of programmes in TSS UIs, and excluding cases where the material presented is not relevant to the recommended actions for primary content areas (for example, where apps or video games are presented). We have estimated the share of identifiable public service programmes within the first ten rows and columns containing programmes,[953] both on an unweighted basis and using weighting based on MPV.

A4.59 The data we have analysed covers the 12 months to and including September 2026.[954] We have conducted analysis over this 12 month period and also separately over the last three months of this data, covering July to September 2026 inclusive.

A4.60 We use this data to provide an indicative quantitative measure of current practice across the market, illustrating the variation of the prominence given to public service programmes across RTSS as set out in Chapter 6 (paragraph 6.191). However, we do not consider Looper data to provide a definitive measure of prominence in the sense of the recommended actions for primary content areas, as it does not account for all quantitative and qualitative factors relevant to the recommended actions for primary content areas (for example, the time of day when programmes are presented), nor for any personalisation of these areas based on past user behaviour.

[953] We use this as a proxy for primary content areas, recognising that the scope of PCAs in practice may vary by RTSS. We have conducted sensitivity analysis by varying the number of rows or columns examined in our analysis and obtained similar results.

[954] The preliminary dataset covers Amazon Fire TV OS, Android TV, Apple TV OS, Google TV, LG WebOS, Roku OS, Samsung Smart Hub (Tizen), Sky Entertainment OS, Sky Q, TiVo OS, VIDAA OS, Virgin Media Horizon. It covers BBC, ITV, Channel 4 and Channel 5 content. It does not capture STV and S4C.

A5.Equality impact assessment and Welsh impact assessment

Equality impact assessment

A5.1 Section 149 of the Equality Act 2010 (the 2010 Act) imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.

A5.2 Ofcom has separate but complementary duties under Northern Ireland's equality legislation.[955] This requires Ofcom to screen policies for their impact on equality of opportunity and/or good relations in each of the nine equality categories identified for Northern Ireland.

A5.3 We have given careful consideration to whether the recommended actions in the Code and the Guidance will have a particular impact on persons sharing protected characteristics (including race, age, disability, sex, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership and religion or belief in the UK and also dependents and political opinion in Northern Ireland), and in particular whether they may discriminate against such persons or impact on equality of opportunity or good relations. This assessment helps us comply with our duties under the 2010 Act and the Northern Ireland Act 1998.

A5.4 When thinking about equality we think more broadly than persons that share protected characteristics identified in equalities legislation and think about potential impacts on various groups of persons (see paragraph 4.7 of our impact assessment guidance).

A5.5 In particular, section 3(4) of the Act also requires us to have regard to the needs and interests of specific groups of persons when performing our duties, as appear to us to be relevant in the circumstances. These include:

a) the vulnerability of children and of others whose circumstances appear to us to put them in need of special protection;

b) the needs of persons with disabilities, older persons and persons on low incomes; and

c) the different interests of persons in the different parts of the UK, of the different ethnic communities within the UK and of persons living in rural and in urban areas.

A5.6 We examine the potential impact our policy is likely to have on people, depending on their personal circumstances. This also assists us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers, regardless of their background and identity.

[955] Section 75 of the Northern Ireland Act 1998 (the 1998 Act).

Our position at consultation

A5.7 In our Consultation, our provisional assessment was that our proposals would have a positive impact on all audiences who use connected TV platforms, including audiences who share protected characteristics. We considered that the proposals would not have a detrimental impact on any defined equality group.

Summary of stakeholder responses

A5.8 We did not receive any responses specifically on our provisional assessment, but a number of stakeholders raised concerns that we consider are relevant to our equality impact assessment.

A5.9 In its response to our app menus proposals, ITV commented on our assessment that the proposed app menu recommendations could mean that younger audiences, who may be more likely to consume content from non-PSB players, may experience short-term disruption to their user journeys as a result of the new regime, to the extent that our recommendations could move the other IPS they use or make them less visible.[956] ITV said that Parliament intends PSB to be prominent to all users, including younger audiences, and ensuring that these audiences are prominently served the DIPS and the programmes included within them should be a regulatory priority.[957]

A5.10 TAC also commented on our assessment of users being able to reorder apps and said that this could undermine the regime as users will be able to easily "demote" the PSB apps, which it argued is particularly counterproductive as gaining and keeping younger audiences is a challenge for PSBs. It argued that allowing users to move apps increases the chances of younger audiences moving away from the PSBs.[958]

A5.11 Google suggested that the proposed recommendation for all DIPS apps to be immediately visible without scrolling should be removed, arguing that it could reduce the ability for accessible interfaces by making the UIs busier.[959] As discussed in Chapter 5, Sky said that removing auto-sort functionality could particularly disadvantage users with accessibility needs, as personalised app ordering may help users access frequently used services more efficiently.[960]

A5.12 An individual respondent referred to research referenced in our Consultation which found that many people struggle to use smart TVs and connected devices and noted that the variety in UIs can make smart TVs harder to use than TVs with traditional EPGs with familiar channel numbers.[961] The individual said there is therefore a "strong argument" for the Code to introduce some consistency in UI design, such as on the homepage.[962] STV also referred to this research with regard to our attribution recommendations, noting that some audiences, particularly older viewers, can find TSS UIs complex, and that clear attribution can help these audiences locate public service programmes more easily.[963]

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[956] Paragraphs 3.80 and A5.6 of our Consultation.
[957] ITV response, pp.3-4.
[958] TAC response, pp.3-4.
[959] Google response, p.3.
[960] Sky response, p.39.
[961] DTG, 2025. Usability project: Identifying challenges and solutions for improving inclusivity and usability in the consumption of internet-delivered television.
[962] Professor Catherine Johnson response, pp.7-8.
[963] STV response, p.14.

A5.13 As discussed in Chapter 4, STV said that users who are older, disabled and/or with lower digital literacy would benefit from our Code recommending regionalisation, while the Scottish Government raised concerns that audiences in STV licence areas could be disadvantaged if regionalisation is left to RTSS providers.[964]

A5.14 With regard to the Guidance, Sky argued that unless we state that native delivery of DIPS, including listed channels included in DIPS, is "within the scope of the MOMI regime", there is a risk that PSBs may withdraw their native content from its RTSS. Sky expressed concern that older and more vulnerable audiences could be particularly affected by such a withdrawal and highlighted a risk of those audiences "being left behind as a transition to IPTV distribution of TV takes place".[965]

Our equality impact assessment

A5.15 While we have decided to broadly confirm our proposals, we have made some amendments to the Code and to the Guidance since our Consultation. These amendments were made in view of further evidence and feedback from stakeholders, as well as our own internal analysis. We continue to consider that the impacts we identified in our assessment of our consultation proposals remain relevant and, for the reasons set out below, we consider that the amendments we have made are likely to strengthen those positive impacts.

A5.16 Overall, we consider our final Code and Guidance will have a positive impact on all audiences who use connected TV platforms, including audiences who share protected characteristics, and will not have a detrimental impact on any defined equality group.

A5.17 We consider that our final recommendations on prominence will further the aim of advancing equality of opportunity between different groups in society by securing appropriate prominence for PSBs and their programmes on RTSS. This includes content which is of particular relevance to people in different parts of the UK, and content in recognised regional or minority languages. The diverse range of high-quality programmes provided by PSBs benefits all consumers and citizens. We also note that PSB programming is required to reflect the diversity of the UK, which may promote a greater sense of inclusion and belonging among different groups in society.

A5.18 Regarding ITV and TAC's comments, we consider that our recommendations will be effective in securing appropriate prominence for all audiences, including younger viewers, as they will apply to all RTSS. For example, RTSS providers will need to ensure that the recommended app menu order is followed for all users of the RTSS on new devices and those already in use. We remain of the view however that some audiences, most notably younger audiences who may be more likely to consume content from non-PSB streaming players, may experience short-term disruption to their user journeys as a result of the new regime, to the extent that our proposals could make non-PSB streaming players less visible. However, as discussed in paragraphs 5.98 to 5.99, users can choose to reorder their apps on the UI based on their preferences where RTSS providers offer this functionality, thereby mitigating this impact.

[964] STV response, p.16; Scottish Government response, pp.1-3.
[965] Sky response, pp.43, 46-48.

A5.19 We noted in paragraph 3.231 of the Consultation that some audiences, particularly older viewers, can find TSS UIs complex.[966] We consider that the final prominence recommendations would make programmes provided by PSBs easier to find for all audiences, helping older viewers access this content more easily. For example, we recommend that public service programmes should be clearly attributed to the relevant DIPS, DIPS provider or channel.

A5.20 In addition, while we do not recommend that there should be consistency in UI design (such as on the homepage as suggested by an individual respondent), we have made some changes to ensure that the DIPS apps and public service programmes are easy to find and access where users expect to see them. For example, we have amended the app menu recommendations so that the DIPS apps should be included in the most prominent app menu and any dedicated app page, and have also amended the recommendation for the primary content areas so that public service programmes should be included in the most prominent disaggregated content areas (as well as the primary promotional area).

A5.21 In respect of Sky's comment on auto-sort functionality, as discussed in paragraph 5.104, we do not agree with Sky's assessment of the impact of our proposals on disabled people. While customisation can support accessibility where the features themselves are accessible and easy to use, users may also rely on a particular app order that is disrupted by auto-sort functionality. It is also important that disabled audiences are able to discover and access the DIPS, and the public service programmes and listed channels included in them.

A5.22 With regards to comments about regionalisation, we consider that our recommended actions overall will be effective in securing appropriate prominence for STV's DIPS, and the public service programmes and listed channels included in them, and we believe this will benefit all of STV's audiences. Chapters 5 to 9 explain how the individual recommendations secure this outcome. We also explain at paragraph 4.71 how we consider the recommended actions will still enable audiences to easily find and discover STV's services, including older or disabled users who may be more reliant on the familiarity of the EPG order.

A5.23 We agree with STV that attribution can help audiences, including older audiences, to locate public service programmes, and consider our recommended actions for attribution will support all audiences in finding public service programmes. As set out in Chapter 9, we have amended the Code to clarify that dual attribution of a programme is expected in cases where that programme is included in both ITV's and STV's DIPS, unless the RTSS provider is able to establish the relevant Channel 3 service based on that user's location, in which case attribution may be provided to that single DIPS. As a result, on a non-regionalised RTSS, our recommendations should make it clear to users if a programme is included on both ITV's and STV's DIPS, and it would give users the option to access their relevant playback route.

A5.24 We discuss in paragraphs 7.55 to 7.62 and 7.107 to 7.111 concerns raised by S4C, the ACW and TAC about the discoverability of Welsh-language content through search functionality. In response to this feedback, and having had regard to the different interests of persons in the different parts of the United Kingdom, we have decided to add a recommended action that RTSS providers should take reasonable steps to enable searches in a recognised regional or minority language to return appropriately prominent public service

[966] DTG, 2025. Usability project: Identifying challenges and solutions for improving inclusivity and usability in the consumption of internet-delivered television.

programmes in those languages. We consider this will support speakers of Welsh, the Gaelic language as spoken in Scotland, Irish, Scots, Ulster Scots or Cornish to find relevant programmes in these languages.

A5.25 In finalising our guidance on the technical delivery of DIPS, we have considered Sky's comments regarding the risk that PSBs might withdraw their native content from its RTSS and the potential impacts of that on older and vulnerable audiences in the context of the planned withdrawal of digital terrestrial television services and transition to internet-delivered TV ('IPTV').[967] However, as explained in Chapter 11, it is not the role of the Guidance to specify how providers comply with their MOMI duties and the Act does not require DIPS to be offered or included using a particular delivery technology. Therefore, the final Guidance clarifies that it is for providers to negotiate technical delivery as part of their MOMI agreements and if they cannot agree those terms, they may refer a dispute to Ofcom.

A5.26 We set out in paragraph 10.9 that RTSS rely heavily on visual cues for navigation, and therefore blind and partially sighted people often struggle to navigate them. We have therefore recommended actions that are designed to minimise these disadvantages when navigating RTSS. For example, alternatives to visual information aim to enable blind users, or those with very limited sight, to navigate the RTSS. Options to adjust distinguishability and size of elements on-screen aim to support navigation for users with a range of sight conditions. Our recommendations also ensure accessibility features, and information about them are easy to find.

A5.27 As we set out at paragraph 10.85, disabled audiences can also face challenges with finding content they can watch and enjoy, as they do not always have accurate information, or any information at all, on which programmes have access services. They also sometimes cannot benefit from these services, where access services do not play out due to technical or operation issues between the RTSS and IPS. We have recommended actions that will help users find content that is accessible to them, and ensure efforts are made by providers to make this content play out as it should. For example, labelling of programmes with assistance for disabled people will mean users can know whether a programme is accessible to them before going into an IPS or making a purchase.

A5.28 We have carefully considered all responses to our proposed accessibility recommendations, including responses about the impact of our proposals on disabled users, and have made some changes to our recommendations. These include:

a) A change to our recommended action on alternatives to visual information (discussed at paragraphs 10.13 – 10.39) to ensure that reasonable steps are taken to enable users to access text that is in a recognised regional or minority language in a non-visual format. This ensures that accessibility for disabled users who speak these languages will be improved when text-to-speech technology develops to recognise and deliver in those languages.

b) A clarification to our recommended action on text and image enlargement (discussed at paragraphs 10.40 – 10.52) to specify that users should be able to enlarge elements necessary to make use of the RTSS, including images and text “where relevant”. This

[967] The Government is currently considering the timetable and delivery of a managed transition from digital terrestrial television to internet-based services (see Department for Culture, Media & Sport, 29 July 2026. Watch this space: a new strategic direction for UK Media – green paper and public consultation).

makes clear that the action is to be applied only to images and text that are necessary to make use of the RTSS. This retains the effect of the proposed recommended action for disabled users.

c) A clarification to our recommended action on distinguishable text and images (discussed at 10.53 – 10.64) to ensure it is clear that it can be met either via the default presentation of the UI (where this meets the intended outcome of the recommended action) or by enabling users to adapt the interface. This retains the effect of the proposed recommended action for disabled users.

d) A clarification to our recommended action on information on accessibility features (discussed at 10.65 – 10.78) to make clear that this information should be easily discoverable on the RTSS for disabled users, including during set-up. This reduces risk of providers misinterpreting our recommended action (e.g. to mean it does not apply during set-up), and ensures disabled users will be able to identify and activate accessibility features when they first use the RTSS.

e) A clarification to our recommended action on labelling (discussed at 10.89 – 10.122) to make clear that labelling applies only where the RTSS presents information about a programme on a specific IPS, and not to IPS-neutral information where the programme is available on multiple IPS. This reduces the risk of users who use assistance for disabled people, who are likely to be disabled, being given inaccurate accessibility information.

A5.29 We consider that our final accessibility recommendations in the Code are likely to have a positive impact for disabled users. In particular we consider our clarification at action B1.6(b) will have an enhanced positive impact for disabled users in ensuring that information about accessibility features is available during set-up of the RTSS. Our amended recommended action B1.3(b) will ensure that over time, as the relevant technology develops, disabled users will be able to access visual text in a recognised regional or minority language in a non-visual format.

Welsh Language impact assessment

A5.30 The Welsh language has official status in Wales.[968] To give effect to this, certain public bodies, including Ofcom, are required to comply with Welsh language standards in relation to the use of Welsh, including the general principle that Welsh should not be treated less favourably than English in Wales.[969] Accordingly, we have considered the potential impact of our proposals on: (i) opportunities for persons to use the Welsh language; and (ii) treating the Welsh language no less favourably than the English language.

S4C

A5.31 With effect from 1 January 2026, S4C's public service remit is to make a broad range of high quality and diverse audiovisual content: (a) a substantial proportion of which is in Welsh; (b) which is all capable of being taken into account for the purpose of determining the extent to which the public service remit for television in the United Kingdom is fulfilled;

[968] Section 1(1), Welsh Language (Wales) Measure 2011.
[969] The Welsh language standards with which Ofcom is required to comply are available on our website.

and (c) which, considered as a whole, constitutes an adequate contribution to the fulfilment of that remit.[970]

Our position at consultation

A5.32 In our Consultation, we considered that if the IPS provided by S4C is designated, the proposed recommended actions in the Code would improve the visibility of the S4C DIPS and should also make its content more visible and discoverable, particularly for audiences in Wales.

A5.33 We also considered that the draft Guidance would help to ensure that any arrangements relating to the S4C DIPS do not adversely affect S4C's ability to fulfil its public service remit which, as noted above, includes making a broad range of high quality and diverse audiovisual content a substantial proportion of which is in Welsh.

A5.34 We provisionally concluded that our proposed recommendations would have a positive impact for Welsh language speakers and would help to improve audience opportunities to use and engage with the Welsh language.

Summary of stakeholder responses

A5.35 S4C were concerned that there was no reference to supporting Welsh-language text and voice search, which it said is increasingly central to content discovery. S4C suggested that without an explicit provision, Welsh-language content is likely to be less discoverable in key user journeys particularly as search and voice become increasingly important navigation tools. S4C considered that this issue had not been sufficiently considered by us in the Welsh Language impact assessment in our Consultation.[971]

A5.36 No other respondents commented specifically on our Welsh language impact assessment.

A5.37 The Welsh Government questioned whether the proposals were sufficiently robust to avoid the risk of Welsh content becoming "buried" within operating platforms and difficult to find. The Welsh Government expressed that without effective prominence rules, Welsh-focussed and Welsh-language services risk becoming harder to discover, reducing audience reach and undermining the public value they provide.[972]

A5.38 We also received feedback from the ACW on the importance of effective prominence rules to ensure that Welsh-focused and Welsh language services do not become harder to discover. It raised concerns that there was no requirement for regional programmes and services to be prominent in PSB apps to users in relevant areas, that our proposals for users to reorder apps could mean S4C Clic was not immediately visible, as well as general concerns that Welsh language content could be "marginalised" by algorithms or search. Additionally, the ACW said that voice recognition should be able to detect regional accents and Welsh language voice prompts.[973] TAC similarly called for stronger provisions, including explicit requirements in the Code to support Welsh language text and voice search.[974]

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[970] Section 204A(2) of the Communications Act 2003.
[971] S4C response, p.1.
[972] Welsh Government response, pp.1-2.
[973] ACW response, pp.1-2.
[974] TAC response, p.6.

Our Welsh language impact assessment

A5.39 As set out in the Statement, while we have decided to broadly confirm our proposed actions, we have made amendments in response to further feedback from stakeholders, as well as our own internal analysis. We continue to consider the impacts identified in our Consultation remain relevant and, for the reasons set out below, consider that amendments we have made are likely to strengthen those positive impacts.

A5.40 We have carefully considered and responded to stakeholder comments relating to Welsh-language issues in the relevant chapters of this Statement, including in relation to app menus (Chapter 5), primary content areas (Chapter 6), search (Chapter 7), listed channels (Chapter 8) and accessibility (Chapter 10).

A5.41 As discussed in paragraphs 7.55 to 7.62 and 7.107 to 7.111, we have considered concerns raised by S4C, the ACW and TAC about the discoverability of Welsh-language content through search functionality. In response to stakeholder feedback, we have decided to add a recommended action that RTSS providers should take reasonable steps to enable searches in a recognised regional or minority language – which includes Welsh[975] – to return appropriately prominent public service programmes in those languages.

A5.42 We set out in paragraph 7.57 that we consider that generally providers will already be able to take steps so that relevant public service programmes can be given prominence where a text search is made in Welsh (or another recognised regional or minority language). In relation to voice search in Welsh (or another recognised regional or minority language), we explain in paragraphs 7.58 to 7.61 that we consider our recommendation would allow providers flexibility where functionality cannot yet be implemented reliably, while ensuring that providers take advantage of capabilities as they develop and can be implemented proportionately. We consider that overall this recommended action is likely to help ensure that Welsh-language content is not disadvantaged compared with English-language content in relevant search journeys.

A5.43 We have also provided more clarity about the range of factors RTSS providers can take into account when determining relevance in search to include a user's location. The reasons for this amendment are set out at paragraphs 7.42 to 7.48. We consider that taking account of location may improve the prominence and discoverability of S4C content for users in Wales and increase opportunities for audiences to discover Welsh-language programming.

A5.44 As discussed in paragraphs 5.77 to 5.88, we have considered concerns raised by the Welsh Government that Welsh-language content may become less discoverable on RTSS. We consider that our recommendations relating to the order of DIPS apps on non-regionalised and regionalised RTSS, are likely to improve the visibility of the S4C DIPS, particularly for users in Wales. This is likely to increase opportunities for audiences to access Welsh-language content and engage with the Welsh language.

A5.45 We have also strengthened our recommended action relating to primary content areas by making clear that public service programmes from each DIPS should appear frequently. The reasons for strengthening this recommendation are set out at paragraphs 6.113 to 6.123. We consider this is likely to increase the visibility of S4C programming and improve opportunities for audiences, particularly those in Wales, to discover and engage with Welsh language programmes. We would note, however, in response to the ACW, that the

[975] "Recognised regional or minority language" means Welsh, the Gaelic language as spoken in Scotland, Irish, Scots, Ulster Scots or Cornish (section 264(16) Communications Act 2003).

Code sets out the steps RTSS providers can take to give appropriate prominence to the DIPS on their RTSS – it cannot set recommendations for the prominence of particular content within the DIPS apps.

A5.46 Our recommended actions relating to listed channels would secure prominent placement for S4C on both regionalised and non-regionalised RTSS. The basis for these recommendations is explained at paragraphs 8.60 to 8.69. We consider that they are likely to improve, or maintain, the visibility and discoverability of S4C and Welsh-language programming and may increase opportunities for audiences across the UK to engage with Welsh-language content.

A5.47 As discussed in paragraphs 10.31 – 10.37, the accessibility recommendations are also likely to benefit Welsh-speaking audiences. In particular, the recommendation relating to alternatives to visual information requires providers to take reasonable steps to enable users to access visual information presented in a recognised regional or minority language in a non-visual format. We consider this is likely to improve accessibility for Welsh-speaking disabled users and support more equitable access to Welsh-language content.

A5.48 Having considered consultation responses and the amendments made following the Consultation, we consider that the final Code and Guidance are likely to have positive effects, or increased positive effects, on opportunities to use the Welsh language and on ensuring that the Welsh language is treated no less favourably than English.

A5.49 In reaching our decisions, we have considered the potential impacts on Welsh-language services and content and, where appropriate, have amended our recommendations in a manner that is likely to increase positive effects, and reduce the risk of adverse effects, on the use of Welsh.

A6. Comparison of the Draft and Final Code of Practice

A6.1 A separate version of the final Code showing changes from the draft Code can be found under *Main documents*, please visit ofcom.org.uk.

A7. Comparison of the Draft and Final Guidance on Agreement Objectives

A7.1 A separate version of the final Guidance on Agreement Objectives showing changes from the draft Guidance can be found under *Main documents*, please visit ofcom.org.uk.