

# Consultation response form

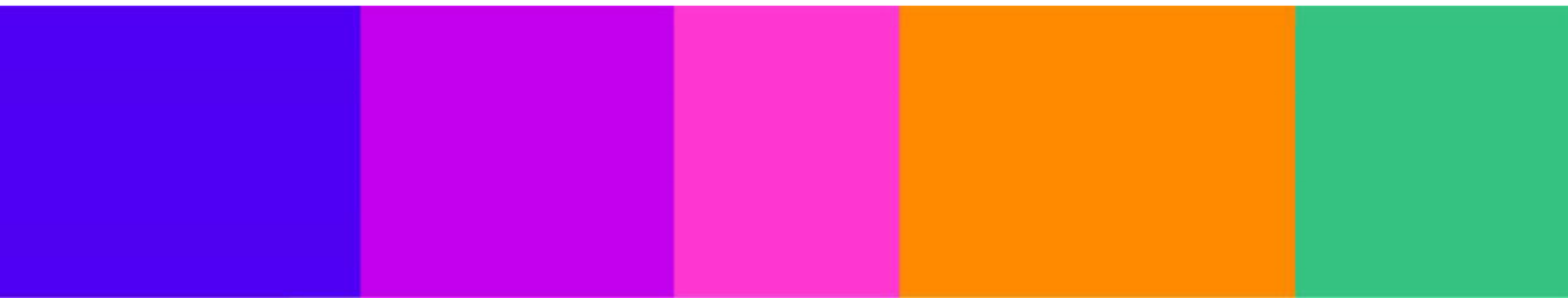
Please complete this form in full and return to [mediaact.part2@ofcom.org.uk](mailto:mediaact.part2@ofcom.org.uk).

<b>Consultation title</b>	Consultation on our draft Code of Practice and draft Guidance on the Agreement Objectives
<b>Full name</b>	[REDACTED]
<b>Contact phone number</b>	[REDACTED]
<b>Representing (delete as appropriate)</b>	Organisation
<b>Organisation name</b>	British Broadcasting Challenge
<b>Email address</b>	[REDACTED]

## Confidentiality

We ask for your contact details along with your response so that we can engage with you on this consultation. For further information about how Ofcom handles your personal information and your corresponding rights, see [Ofcom's General Privacy Statement](#).

<b>Your details: We will keep your contact number and email address confidential. Is there anything else you want to keep confidential? Delete as appropriate.</b>	Nothing
<b>Your response: Please indicate how much of your response you want to keep confidential. Delete as appropriate.</b>	None
<b>For confidential responses, can Ofcom publish a reference to the contents of your response?</b>	Yes



## Your response

Question	Your response
<p><b>Question 1:</b> Do you agree with our approach to considering appropriate prominence and our analytical framework? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>We agree with the three-part structure of the Agreement Objectives and support the principle that algorithmic curation does not exempt platforms from prominence obligations. However, the analytical framework consistently adopts formulations that achieve parity rather than advantage: “no less than” in primary content areas, “similar” in search, “at least as clearly” in attribution. There is a discrepancy between Ofcom’s public statements on the urgency of PSB discoverability and the strength of what it proposes here. In its 2025 BBC annual report, Ofcom identified a 12% decline in viewing of “at risk” programming and stressed the importance of enhancing discoverability. These proposals do not match that analysis.</p> <p>“Appropriate prominence” should mean that public service content is at least as visible as the most promoted commercial content on a platform, and in the most important areas, visibly prioritised. We urge Ofcom to revisit this interpretive baseline. We would also encourage Ofcom to state that the framework is designed to be extensible to other digital environments as the regulatory scope develops.</p>
<p><b>Question 2:</b> Do you agree with our proposals on <b>app menus</b>, and our assessment of their associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? –N</p> <p>We support the principle that PSB apps should be immediately visible. But the “within the first nine tiles” formulation, without a requirement for contiguous placement, is too weak. Six PSB apps have been designated. A compliant platform could place three commercial services before BBC iPlayer, relegating it to fourth position or lower. Under the existing EPG regime, the BBC is guaranteed the first slot, and audiences expect to find it there. It is not clear why the connected TV regime should offer less protection than the regime it is intended to complement and eventually replace.</p> <p>We argue for a tighter formulation. At minimum, BBC iPlayer should be guaranteed first or second position in every app menu. Ideally, PSB apps should occupy the first six contiguous positions, in the order specified. This</p>

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	<p>would be a straightforward transposition of the EPG principle to connected TV. We support the regionalised provisions for Wales and Scotland and agree that user choice should not be overridden.</p> <p>We also draw Ofcom’s attention to the BBC’s proposal, in its Charter Review submission, to open iPlayer to content from other PSBs. We strongly support this, as set out in our Paper 4 (Technology), where we advocate for a Public Service Network. A single, comprehensive PSB destination would be simpler for device manufacturers to make prominent, would give smaller PSBs access to a platform with the scale their own apps struggle to achieve, and could be built to provide the metadata and attribution the Code requires while respecting digital sovereignty. Ofcom should consider how the prominence framework would operate if a shared PSB platform exists alongside, or instead of, individual apps.</p>
<p><b>Question 3:</b> Do you agree with our proposals on <b>primary content areas</b>, and our assessment of their associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>Primary content areas are where the real battle for audience attention takes place, and prominence requirements here are essential. The multi-factor assessment provides useful analytical tools. But the standard is too weak. The formulation that PSB content should receive “no less” prominence than non-PSB content achieves parity, not prominence. A platform giving precisely equal treatment to PSB and non-PSB content would be fully compliant, yet would have done nothing beyond what a commercially rational platform might do anyway. This does not correspond with the purpose of the legislation.</p> <p>Public service content should be guaranteed a greater degree of prominence than non-PSB content in primary content areas, and should be at least as visible as any content for which the platform has received payment to promote. We also note that the Code permits different degrees of prominence for different DIPS. Ofcom should monitor whether smaller PSBs, particularly Channel 5 and S4C, are systematically underserved as a result.</p>
<p><b>Question 4:</b> Do you agree with our proposals on <b>search</b>, and our assessment of their associated</p>	<p>Confidential? – N</p> <p>The proposal that PSB content should be most prominent when most relevant is sound. But where PSB</p>

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<p>impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>and non-PSB results are “similarly relevant”, the Code proposes only “similar prominence”. Again, this achieves parity rather than the advantage Parliament intended. Where relevance is equal, PSB content should receive the more prominent position. PSB content should also be at least as visible as any commercially promoted content in search results: a platform should not be able to place a paid promotion above a relevant PSB result.</p> <p>This question highlights the limitations of the current scope. Audiences search on Google, YouTube, social media, and voice assistants, not only on their television. Ofcom’s Transmission Critical report called for PSB prominence on YouTube, with legislation as a backstop. We strongly endorse that recommendation.</p> <p>The BBC has recently concluded a deal with YouTube to distribute content. We welcome PSBs engaging with platforms where audiences, particularly younger audiences, now are. But the terms should not depend on bilateral negotiations between individual broadcasters and global technology companies. The power asymmetry is too great and the public interest stakes too high. The carriage and prominence of PSB content should be a condition of operating a very large online platform in the UK, applying the same “must offer / must include” logic as the Media Act applies to connected TVs. Critically, this must be open to all PSBs, not only those with the BBC’s negotiating leverage. A regulatory framework would ensure a level playing field for Channel 4, Channel 5, S4C and STV.</p>
<p><b>Question 5:</b> Do you agree with our proposals on <b>listed channels</b>, and our assessment of their associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>Yes. The proposals are consistent with the existing EPG Code. The standard order in the first seven positions maintains continuity with the linear experience. It is notable that the listed channels provisions are stronger than the app menu proposals: they guarantee specific positions for specific channels, rather than allowing platforms latitude within a band of nine. The app menu provisions should be brought into line with this approach. The regionalised modifications for Wales and Scotland are appropriate.</p>

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<p><b>Question 6:</b> Do you agree with our proposals on <b>attribution</b>, and our assessment of their associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>Clear attribution is essential, but the formulation that PSB content should be attributed “at least as clearly” as non-PSB content again settles for parity. If the purpose of prominence is to help audiences find and recognise PSB content, attribution should be visibly stronger, not merely equivalent. We would argue for a standardised PSB badge or label, visually distinct and consistently applied across platforms. This would help audiences identify content made to public service editorial standards of accuracy and impartiality, which has value well beyond commercial branding. On social video platforms, where PSB content is often consumed without any indication of its provenance, distinctive attribution would be particularly important.</p>
<p><b>Question 7:</b> Do you agree with our proposal on <b>alternatives to visual information</b>, and our assessment of its associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>Yes. Voice guidance or equivalent non-visual formats for navigation are essential for blind and partially sighted users. While the Code frames these as recommended actions, Ofcom should signal that failure to provide basic accessibility features would be very difficult to justify as consistent with the statutory duty.</p>
<p><b>Question 8:</b> Do you agree with our proposal on <b>text and image enlargement</b>, and our assessment of its associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – Y / N</p> <p>Yes. Magnification and zoom functions are well-established accessibility features and their inclusion is overdue.</p>
<p><b>Question 9:</b> Do you agree with our proposal on <b>distinguishable text and images</b>, and our assessment of its associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>Yes. The W3C WCAG enhanced contrast standard (7:1 ratio) is the right benchmark.</p>
<p><b>Question 10:</b> Do you agree with our proposal on <b>information on accessibility features</b>, and our assessment of its associated impacts?</p>	<p>Confidential? – N</p> <p>Yes. Making this information easily discoverable is a sensible minimum requirement.</p>

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Please provide your reasoning, and if possible, any supporting evidence.	
<b>Question 11:</b> Do you agree with our proposal on <b>labelling of accessible content</b> , and our assessment of its associated impacts? Please provide your reasoning, and if possible, any supporting evidence.	<p>Confidential? – N</p> <p>Yes. Pre-access labelling of accessibility features enables informed viewing choices. The requirement that audio description availability should itself be accessible in a non-visual format is a thoughtful detail.</p>
<b>Question 12:</b> Do you agree with our proposal on <b>enabling use of the available accessibility features</b> , and our assessment of its associated impacts? Please provide your reasoning, and if possible, any supporting evidence.	<p>Confidential? – N</p> <p>Yes. Platforms must take reasonable steps to enable use of subtitles, audio description and BSL, not merely make them theoretically available.</p>
<b>Question 13:</b> Do you have any views or evidence on the effectiveness or impact of any other actions in relation to making use of the RTSS and finding/making use of accessible programming? Please provide your reasoning, and if possible, any supporting evidence.	<p>Confidential? – N</p> <p>Where platforms use algorithms to recommend content, those systems should recognise users’ accessibility preferences. If a user consistently enables audio description, the recommendation engine should surface content that offers it. This would be a meaningful improvement beyond navigation and labelling.</p>
<b>Question 14:</b> Do you agree with our proposed draft <b>Guidance</b> , and our assessment of its associated impacts? Please provide your reasoning and, where relevant, any supporting evidence.	<p>Confidential? – N</p> <p>Yes. The general principle that no payments should be required for “core terms” is correct and prevents platforms from using carriage fees to undermine the regime.</p> <p>The distinction between core and additional terms is well drawn. We agree that the provision of metadata necessary for prominence compliance must be a core term; treating it as a bargaining chip would hollow out the Code. However, we note that the scope of what counts as a core term depends on the definition of appropriate prominence in the Code. If, as we argue throughout this response, appropriate prominence requires PSBs to be visibly prioritised rather than merely given equal treatment, the range of terms that are</p>

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	<p>'reasonably necessary' to deliver that prominence widens accordingly. The Guidance should be revised to reflect any strengthening of the Code's prominence provisions. The cost recovery provisions are pragmatic</p> <p>The treatment of the BBC is appropriate. The current Charter Review provides an opportunity to align the BBC's distribution obligations fully with the Media Act regime. We propose that the new Operating Agreement should specify the BBC's obligations in relation to distribution, including the development of shared digital infrastructure for the wider PSB ecosystem.</p>
<p><b>Question 15:</b> Do you agree with the assessment of the <b>combined impact of our proposals</b> when considered as a package? Please provide any relevant evidence that supports your position.</p>	<p>Confidential? – N</p> <p>The package addresses the right areas but falls short of what Parliament intended. The consistent pattern of settling for parity rather than advantage undermines the regime's purpose. We urge Ofcom to strengthen the key provisions as set out in our responses to Questions 1 through 6.</p> <p>Beyond the strength of the current proposals, four gaps need to be addressed.</p> <p><b>Mobile and tablet devices.</b> Younger audiences discover and consume content on smartphones and tablets as much as on television sets. The prominence principles in this Code should be extended to mobile platforms, and Ofcom should signal its intention to explore this.</p> <p><b>Social video platforms.</b> YouTube, TikTok and Instagram Reels account for a large and growing share of consumption, particularly among younger demographics. PSB content on these platforms is subject to algorithmic curation over which PSBs have no control. Ofcom's Transmission Critical report called for prominence on YouTube, with legislation as a backstop. We agree, but the carriage and prominence of PSB content on platforms of this scale should be a regulatory requirement, not a bilateral negotiation. It must be open to all PSBs on fair terms, not only those with the leverage to strike their own deals.</p> <p><b>Algorithmic prominence beyond video.</b> Social media platforms play a significant role in how citizens access news. During election periods, emergencies, and moments of national significance, the ability of</p>

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	<p>audiences to find accurate reporting from PSB providers (BBC, ITN and others) is a matter of democratic importance. Very large social media platforms should be required to include and give prominence to PSB news content in these circumstances. The BBC's role in emergency broadcasting has been recognised for decades; that role should extend to the platforms where citizens now receive information.</p> <p><b>Algorithmic transparency.</b> There is no mechanism for Ofcom to verify how algorithms treat PSB content in practice. As algorithmic recommendation becomes the primary discovery mechanism, transparency and audit provisions will be needed. The Online Safety Act provides some precedent.</p> <p>We set out these arguments in more detail in our Five Proposals for the BBC's New Charter.</p>
<p><b>Question 16:</b> Do you agree that 12 months is a reasonable period for all providers to bring themselves into compliance? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Confidential? – N</p> <p>No. By the time this consultation closes, it will be 22 months since the Media Act received Royal Assent. Ofcom will issue final guidance later this year. A further 12-month implementation period could mean the regime does not take practical effect until 2028, nearly four years after Parliament legislated.</p> <p>This matters because the regime addresses a technology that has been in most UK households for over a decade. Connected TV platforms are not new. Nor are the challenges they create for PSB discoverability: Ofcom and the wider sector have been discussing this since at least 2018. This Code is catching up with a problem that has been well understood for years. Meanwhile, audience behaviour has already moved further on, towards social video platforms and algorithmic discovery that this regime does not address at all. The longer implementation takes, the wider the gap grows between what the regulation covers and where audiences actually are.</p> <p>Platforms have been aware of the legislation since 2024. App menu ordering and listed channel positioning are configuration changes, not fundamental re-engineering. We argue for six months for mechanical requirements (app menus, channel ordering, attribution), and nine</p>

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	<p>months maximum for complex provisions (primary content areas, search). Platforms with genuine technical constraints should apply to Ofcom for a time-limited extension. The default should be speed, not delay. Ofcom should simultaneously accelerate its work on prominence in algorithmic environments and on social video platforms, where the need is now more urgent than it is on connected TV home screens.</p>

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