

Consultation response form

Broadcasting, Entertainment, Communications and Theatre Union (Bectu) Response

Question	Your response
<p>Question 1: 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>No, we profoundly disagree with the approach Ofcom have proposed, as the approach set out would severely weaken the idea of prominence and seek to move towards equivalence.</p> <p>We believe this is contrary to the intent of the Media Act and the will of Parliament, which set out to strengthen and modernise the principle of prominence.</p> <p>The Media Act sets a clear expectation that Designated Internet Programme Services should receive appropriate prominence. Yet we believe that Ofcom’s interpretation of ‘appropriate’ prominence represents a shift toward equivalence rather than meaningful priority. This is directly at odds with the statements Ofcom itself has made elsewhere about the need for tangible, improved discoverability of public service broadcasting (PSB) content, and it sits uneasily alongside the strong obligations it continues to place on the BBC regarding discoverability within its own services.</p> <p>There are also structural imbalances that Ofcom’s proposals fail to address. International streaming services negotiate multi-territory partnerships with device manufacturers, enabling them to secure premium positions across global interfaces, an advantage UK PSBs cannot match. These global providers have no obligations to the UK creative economy, no public service remit, and no requirement to sustain domestic production ecosystems. PSBs, by contrast, operate under significant regulatory obligations, ranging from regional production to genre requirements, and the balance of the compact has always depended on the guarantee of visibility. If promi-</p>

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	<p>nence is weakened, the compact becomes fundamentally unsustainable. Commercial PSBs could ultimately decide that public service obligations are no longer economically viable.</p> <p>Not only can UK PSB providers not compete economically, but they also carry additional obligations which do not apply to other platforms. The balance of the compact is guaranteed prominence. We believe Ofcom's proposals would upset the balance of that compact and harm UK PSB. Whilst the BBC is governed by charter, other PSB's may, in time, decide that the compact has become so unbalanced as to not be worthwhile and gradually withdraw from PSB provision.</p> <p>There is also the very real threat that reduced prominence leads to commercial PSBs becoming less attractive in the already fiercely competitive ad market, further squeezing revenue, content and jobs.</p>
<p>Question 2: Do you agree with our proposals on app menus, and our assessment of their associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>No – for the reasons set out above. It would replace prominence with equivalence and damage PSB provision.</p> <p>Public Service Content should be allocated the first 5 tiles. if app menus are reduced or removed, PSBs must receive increased prominence elsewhere in the user interface to maintain overall visibility. Ofcom's proposals do not put sufficient safeguards in place to ensure this.</p> <p>The approach proposed fails to recognise that app menus are a critical mechanism through which audiences navigate television selection services, and their removal or downgrading would materially harm the visibility of public service broadcasters.</p> <p>We also disagree with Ofcom's assessment of the associated impacts, which significantly underestimates the risks. The current proposals lack strong requirements on platforms to provide data demonstrating where and how PSB apps are surfaced, making it impossible for regulators or PSBs to verify compliance.</p>

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<p>Question 3: Do you agree with our proposals on primary content areas, and our assessment of their associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>No – for the reasons set out above. It would replace prominence with equivalence and damage PSB provision.</p> <p>Primary content areas are a central part of how audiences encounter and navigate PSB services; if PSB content is not given clear priority within these areas, the prominence regime cannot achieve what Parliament intended. Ofcom’s proposals do not sufficiently distinguish PSB content from commercially driven content that benefits from global scale, aggressive platform-level deals, or algorithmic boosting. As reflected in our earlier concerns, simply treating PSB and non-PSB content as interchangeable within core content zones undermines the statutory aim of strengthening discoverability of UK public service material.</p> <p>We also disagree with Ofcom’s assessment of the associated impacts. Without explicit minimum guarantees, platforms could meet the letter of the framework while continuing to deprioritise PSBs in favour of higher-yield commercial genres or internationally negotiated catalogue placements. This is particularly concerning given the structural disadvantages PSBs already face: global streamers can broker multi-territory UI prominence deals, while PSBs shoulder significant public service and regional production obligations. If PSB content is not given priority prominence in primary content areas, the imbalance deepens. This would further limit reach, weaken the effectiveness of the Media Act’s reforms, and risk accelerating the decline in revenues that PSBs need to sustain UK-originated content, jobs, and regional production ecosystems.</p> <p>Public service content should be given priority prominence over non-public service content</p>
<p>Question 4: Do you agree with our proposals on search, and our assessment of their associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>No, we believe that where both public service content and non-public service content are similarly relevant to a user search, public service content should be given priority prominence.</p> <p>Search is one of the most powerful discovery mechanisms on connected TV platforms, and without clear rules prioritising public service content, PSB material will inevitably be pushed down by commercial and algorithmic incentives and therefore would dilute the discoverability of PSBs.</p>

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	<p>Global platforms already benefit from sophisticated, hyper-personalised recommendation systems and commercial agreements that advantage their own or partner content. Without clear, enforceable rules requiring PSB prioritisation in search results, these dynamics will overshadow UK public service material, particularly in genres such as news, children’s content, arts and regional programming, areas where market provision is weakest.</p> <p>Ofcom’s proposals also lack sufficient data-sharing obligations, meaning PSBs would have no reliable way of verifying how often, and in what ranking positions, their content appears in search. This undermines the ability to monitor compliance and weakens the intent of the Media Act to ensure strengthened digital prominence for PSB services.</p>
<p>Question 5: Do you agree with our proposals on listed channels, and our assessment of their associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Yes.</p>
<p>Question 6: Do you agree with our proposals on attribution, and our assessment of their associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Yes.</p>
<p>Question 7: Do you agree with our proposal on alternatives to visual information, and our assessment of its associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	<p>Yes</p>
<p>Question 8: Do you agree with our proposal on text and image enlargement, and our assessment of its associated impacts? Please provide your</p>	<p>Yes</p>

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reasoning, and if possible, any supporting evidence.	
<p>Question 9: Do you agree with our proposal on distinguishable text and images, and our assessment of its associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	Yes
<p>Question 10: Do you agree with our proposal on information on accessibility features, and our assessment of its associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	Yes
<p>Question 11: Do you agree with our proposal on labelling of accessible content, and our assessment of its associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	Yes
<p>Question 12: Do you agree with our proposal on enabling use of the available accessibility features, and our assessment of its associated impacts? Please provide your reasoning, and if possible, any supporting evidence.</p>	Yes
<p>Question 13: 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>	No

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<p>Question 14: Do you agree with our proposed draft Guidance, and our assessment of its associated impacts? Please provide your reasoning and, where relevant, any supporting evidence.</p>	<p>No</p> <p>While we broadly support the direction of the draft guidance but believe it does not yet go far enough to address several of the risks we set out earlier in this response, particularly around enforceability, platform power imbalances, and the need for transparent, verifiable outcomes.</p>
<p>Question 15: Do you agree with the assessment of the combined impact of our proposals when considered as a package? Please provide any relevant evidence that supports your position.</p>	<p>No</p> <p>While we agree with aspects of Ofcom’s combined impact assessment, we believe it significantly underestimates several systemic risks that we raised earlier in our response, particularly around enforceability, the cumulative effects of platform discretion, and the absence of transparency mechanisms to ensure that the proposals work as intended over time.</p> <p>We believe that the proposals rely too heavily on voluntary cooperation, and post-hoc dispute resolution. Strengthening enforceability measures and transparency mechanisms would better reflect the concerns we have raised throughout this response.</p>
<p>Question 16: 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>While we agree that providers will require a defined implementation window, we would like to see Ofcom address the risk that PSB, and audiences, could experience prolonged periods of reduced prominence while platforms adapt at varying speeds.</p> <p>Moreover, the Media Act was passed 18 months ago, and while there is a wait for guidance with a further 12 month implementation period to follow, it could be 2028 before we see the effect of the changes Parliament passed in 2024. We believe there must be a more graduated, transparent, and enforceable implementation structure.</p>