

**Response to Ofcom's consultation on
*Prominence and Accessibility on Connected TV Platforms***

Prof Steven Barnett, University of Westminster

Introduction

1. I am submitting these comments as an independent academic and writer on communications policy at the University of Westminster, based on over 40 years of research and policy involvement in public service broadcasting. I have acted as specialist adviser to the House of Lords select committee on Communications and Digital on several occasions, and in 2024-5 was appointed to the DCMS panel looking at the Future of Television. This brief paper explains the arguments behind my responses to the individual consultation questions, and should be read in conjunction with that accompanying formal submission.

Rationale for responses

2. When Parliament passed the Media Act in 2024, it determined – after considerable debate – that “Designated Internet Programme Services” (essentially, the online apps offered by Public Service Broadcasters) should be given “appropriate prominence”.¹
3. This policy intervention was in recognition of the vital contribution that the PSBs make to the UK’s creative and democratic welfare, and the importance of ensuring that content made by the PSBs was easily discoverable across all devices and platforms.
4. Ofcom has supported this principle in this consultation, in its own review of Public Service Media, and its annual report on the BBC. Its opening paragraph provides the rationale for intervention: “As the shift away from linear television continues and viewing preferences evolve, it is important that viewers can continue to find and discover public service content easily, so the benefits of public service media are not lost.”²
5. In its review of PSM published last year, *Transmission Critical*, Ofcom acknowledged the vital importance of PSM content for the UK’s cultural and democratic health, and the role that online platforms were now playing in determining how audiences engage with content. It stated its expectation that the Media Act would have “tangible benefits for the discoverability of PSB content”.³
6. Similarly in its 2025 annual report on the BBC, it identified how BBC viewing of “at risk”

¹ Media Act 2024, s28.

² Ofcom consultation document, p3

³ Ofcom, *Transmission Critical*, p46

programming had fallen by 12%, compared to 7% overall. It concluded that “This highlights the continuing importance of the BBC enhancing discoverability, to ensure that as audiences increasingly turn to BBC iPlayer, they can easily find this type of content”.⁴

7. It was therefore reasonable to expect that Ofcom would seek to implement the requirements of the Media Act robustly to guarantee prominence for public service media providers – and in particular the BBC – in line with Parliament's intentions. These proposals in my opinion do not meet those expectations.
8. On “app menus” – which is arguably the single most important element of the new prominence regime, given the significance of landing screens on Smart TVs – Ofcom is proposing that “the designated PSB player apps should be immediately visible and appear within the first nine tiles”. Given that 6 PSB player apps have been designated, and that Ofcom is not mandating the order of tiles, this means that the BBC is only guaranteed fourth slot at best – and platforms would be entitled to relegate them to ninth place if it was commercially attractive to do so.
9. This proposed approach compares unfavourably with the current regime, where the PSBs are guaranteed top slots on broadcast EPGs and viewers expect to find the BBC in the top slot. Given that the BBC is publicly funded and is vital to the PSB ecology, that is surely a reasonable expectation. It is not clear why Ofcom have allowed platforms a degree of latitude that is inconsistent with the current regime, and in my view does not correspond with the wishes of Parliament.
10. On “primary content areas”, the Media Act is clear that PSB services should be given “appropriate prominence”. Although discretion is left to Ofcom to interpret the precise parameters of a prominence regime, it has chosen to interpret this as “no less than the degree of prominence given to other [i.e. non-PSB] content”. This is frankly bizarre. It may conform with the letter of the Media Act, but it does not align with the spirit of legislation (or its accompanying parliamentary debate) which is clearly designed to prioritise the PSBs.
11. On “search”, Ofcom has chosen to follow the same irrational approach. It proposes that public service content should only be prioritised when it is the most relevant response, but that “Where both public service content and non-public service content are similarly relevant to a user search, they should be given similar prominence” in search results”. As before, this is not consistent with the spirit of legislation specifically designed to privilege the PSBs.
12. On “attribution”, once again Ofcom have failed to acknowledge the Media Act’s intention to place greater obligations on platforms for public service content. In stating that “Public service content should be... attributed at least as clearly as non-public service content, it again places PSB content on the same level as its non public service equivalent.
13. Finally, this whole process is taking an inordinate amount of time. By the end of this consultation it will be 22 months since the Media Act received Royal Assent. Ofcom has said that it will issue final guidance later this year, followed by a further 12 months of implementation. It could be 2028 before the effects of the Media Act come to fruition, while consumer behaviour is already changing rapidly. Given that platforms are well aware of the

⁴ Ofcom, Annual Report on the BBC 2024-2025, p30

legislation, it is not clear why relatively simple changes would require 12 months.

14. In summary, there is a clear discrepancy between Ofcom's public statements on the vital importance of discoverability to allow consumers easy access to PSB content in the online world, and its approach to implementation of the Media Act in this consultation. In my view, its proposals do not follow the manifest wishes of Parliament and actually risk undermining the sustainability of public service media.

Prof Steven Barnett, 22 March 2026