



Directors UK response to the consultation on Ofcom's proposed Annual Plan 2020/21

Directors UK welcomes the opportunity to comment on Ofcom's proposed Annual plan for 2020/21.

Our comments are focused on the key issues in the proposed plan that affect our membership who are working TV and film directors:

- Supporting UK Broadcasting - including Public Service Broadcasting and UK production and creative talent in the changing PSB/SVOD landscape.
- BBC Monitoring.
- Increasing diversity and inclusion, in particular the monitoring and reporting of diversity and equality of opportunities for freelancers in the UK TV industry.
- Strengthening production in the Nations and regions.

1. Supporting UK Broadcasting

1.1. **Considering the future of the PSB system**¹ Directors UK welcomes Ofcom's review of the UK broadcasting landscape through its *Small Screen, Big Debate* consultation and is keen to ensure screen directors are represented in this work. The UK broadcasting sector is a UK success story, but the rapid growth of the international SVOD/VODs has changed the marketplace immeasurably bringing both opportunity and challenges for audiences and programme makers. With broadcast content still making up 69% of daily viewing it is important to continue to support the production and accessibility of UK originated content that audiences enjoy watching, and ensure that it is accessible to as wide an audience as possible given changing viewing habits.

1.2. As the sector goes through this period of change, the issues that are of greatest concern to Directors UK and our members are:

- Preserving a place for Public Service Broadcasting and making it relevant in the digital age so that it maintains its viability in a markedly different marketplace.
- The promotion and protection of distinctive UK originated content for UK audiences.
- Protection of copyright in the digital age.
- Fair remuneration for creative rightsholders on all platforms.
- Industry investment in skills training and career development.
- Equal access to employment opportunities for all.
- Protection, monitoring and training for the freelance workforce.

¹ <https://www.ofcom.org.uk/consultations-and-statements/category-2/plan-of-work-2020-21>, 3.13, p9

2. BBC Monitoring

2.1. There have been considerable changes and proposed changes to the BBC's activities and operations in the last 12 months: the implementation of changes to the BBC iPlayer allowing programmes to be available for 12 months (5 years for children's content); the introduction of BritBox; the introduction of BBC Scotland; and the proposed changes to the BBC Children's operating licence for first run originations². All of these changes are likely to have an impact on the production/broadcast sector and Directors UK has expressed concerns about the potential impacts of these changes on secondary markets and production processes and financing. As outlined in our responses, Ofcom needs to carefully monitor the impact of these changes to assess whether there have been any adverse impacts on the production sector and market and take remedial steps if any are found.

3. Challenging the broadcast industry to improve on diversity

3.1. With reference to Ofcom's work to challenge the broadcast industry to improve on diversity³, we welcome that Ofcom last year produced the first freelancers' workforce report, *Diversity in UK Television: Freelancers*⁴. As noted by Ofcom, this report is based on the data reported voluntarily by broadcasters: *"As part of Ofcom's monitoring programme, we collect information from these broadcasters on the diversity of their freelancers on a voluntary basis"* (p3). However, the proportion of data being provided about freelancers is still too low to truly reflect the actual numbers of freelancers in the industry. Ofcom itself acknowledged the shortcomings: *"Data gaps remain a significant barrier to promoting diversity - Freelancers make up a significant part of the television industry, and yet monitoring of this workforce is inadequate...This incomplete picture limits the industry's ability to identify continuing areas of under-representation and to fully understand where meaningful steps can be taken to address them....Without complete and accurate data, it is difficult to hold broadcasters to account for the diversity of their freelance workforce. In turn, ongoing concerns around representation are hard to evidence. We urge broadcasters to recognise the importance of gathering data on freelancers to identify gaps and put measures in place to address those shortcomings."* (p31)

3.2. We strongly urge that Ofcom should be given more scope to require mandatory annual monitoring and reporting from broadcasters and production companies of their freelance production teams, as well as permanent staff, in order to fully understand the diversity of the production workforce. We also would like to see the obligatory publication of diversity and equality data on individual senior production roles. This transparency will prevent the lack of diversity and equality within specific roles being hidden in overall monitoring statistics.

3.3. Ofcom having greater powers to require mandatory freelance monitoring would create an enforceable reporting environment that we believe would evidence the under-representation of various groups in programme-making. If broadcasters genuinely believe in representing and reflecting the audiences they serve, that it is fundamental to their operating values and day to day operations, then making them accountable for the diversity of their freelance production teams would help to underpin this work and would require them to be

² <https://www.ofcom.org.uk/consultations-and-statements/category-3/bbc-childrens-change-operating-licence?showall=1>

³ <https://www.ofcom.org.uk/consultations-and-statements/category-2/plan-of-work-2020-21>, 3.13, p9

⁴ https://www.ofcom.org.uk/__data/assets/pdf_file/0025/166804/diversity-in-tv-2019-freelancers.pdf

specific with production companies about the diversity they require for their investment and their licence obligations.

- 3.4. Without these improvements the industry will never be in a position to reflect society on and off screen. Directors UK has proved with our own reports that it is possible to produce high quality data about the composition and employment levels of a freelance workforce. Guilds, unions and Collective Management Organisations can and should play a part in helping Ofcom with this work.

4. Media Nations

- 4.1. **Nations and regions** – As highlighted in the work undertaken by Ofcom last year⁵, ensuring there is Nations and regions representation both in front and behind camera is also vitally important. In its Media Nation report it is important that Ofcom continues to monitor and report on Nations and regions content production, to ensure there is strong production sector outside of London, hiring local production talent. We continue to believe that there should be a requirement for there to be more comprehensive monitoring and reporting of the specific roles being counted within the 50% quota for regional productions in order to ensure there is real support for talent development and production sustainability in the Nations and regions.

About us:

Directors UK is the professional association of UK screen directors. It is a membership organisation representing the creative, economic and contractual interests of over 7,000 members — the majority of working TV and film directors in the UK.

Directors UK collects and distributes royalty payments and provides a range of services to members including campaigning, commercial negotiations, legal advice, events, training and career development. Directors UK works closely with fellow organisations around the world to represent directors' rights and concerns, promotes excellence in the craft of direction and champions change to the current landscape to create an equal opportunity industry for all.

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directors.uk.com

⁵ <https://www.ofcom.org.uk/consultations-and-statements/category-1/review-regional-tv-production-programming-guidance>