



## Directors UK's response to Ofcom's proposed Plan of Work 2024-25

### About us

1. Directors UK is the professional association of UK screen directors. It is a membership organisation representing the creative, economic, and contractual interests of over 8,000 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.
2. Directors UK welcomes the opportunity to comment on Ofcom's proposed Plan of Work 2024/25. Our comments are focused on issues that affect our membership relating to the priority outcome "Media we trust and value".
3. Directors UK holds the view that a key objective of the Ofcom Plan of Work 2024/25 is to ensure the vitality and long-term sustainability of the UK Public Service Broadcasting (PSB) ecosystem. However, we are concerned that its sustainability will be undermined if due consideration is not given to the freelancer workforce. The Covid shutdown, cost of living crisis and the downturn in scripted and unscripted commissioning across the board, has placed the UK's creative freelancer community, including directors, under considerable strain. In a Directors UK snap members' poll in September 2023, we found that 62% of our members were not working and 58% reported that they were facing financial precariousness. A BECTU survey last year found that 50% of its members were unemployed, and the recent Film & TV Charity *Money Matters* report found that 71% of industry workers expect to not have enough work over the next 6 months, with 45% finding it difficult to manage financially.<sup>1</sup> Considering the scale of the crisis facing the UK's creative freelancers, it is important that implications for the workforce are factored into Ofcom's Plan of Work.

### Supporting Public Service Broadcasting (PSB) and the Media Bill reforms.

4. Directors UK notes that there will be considerable regulatory work required to implement the proposed reforms in the Media Bill. Areas we would like to draw Ofcom's attention to as this work is undertaken include the potential impact of some of the proposed changes to the PSBs' remit. In relation to the removal of specific genre obligations we are concerned that some of the more niche, often undervalued content (e.g. specialist factual, arts, children's, religious programming etc), may be at risk of becoming underserved in favour of more popular programming, negatively impacting the range of content available. Ofcom must be clear about how it will measure and monitor the impact of this change and be prepared to intervene if necessary. In addition, the Bill will also allow the PSBs to meet their public service obligations

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<sup>1</sup> <https://filmtvcharity.org.uk/leading-change/money-matters-report/>

through the distribution of content on their on-demand platforms and digital channels, with no obligation for this to be broadcast on their main linear channels. This risks some content, and particularly the more uncommercial genres, only being made available on digital services which some viewers may not be able to access. Ofcom must monitor this impact and be prepared to intervene accordingly.

5. In terms of the workforce, the move by PSBs to digital first distribution has potential impacts on employment and income for freelancers. As the PSBs seek to focus on higher value content that performs well on-demand it reduces the volume of work that PSBs can afford to make, driving down the number of programme hours and budget levels at the lower budget end, as is being evidenced in the Channel 4 licence review. This in turn impacts freelancer employment opportunities. In addition, the move to digital on-demand distribution has implications for freelance rightsholders who rely on the residual fees they earn from repeats of their programmes as a means of sustaining their income during gaps in employment. For many freelance directors the ability to stay in the industry often rests with these repeat fees that we distribute on their behalf. The UK cannot risk losing talent from the screen sector workforce simply because they can no longer afford to sustain a career, and this must be a consideration as Ofcom undertakes its plan of work.

### **Relicensing of the Commercial PSBs**

6. Directors UK notes Ofcom's programme for relicensing the commercial PSBs, including the current Channel 4 Licence Review consultation. Directors UK intends to submit a fuller response to the proposals contained in the Channel 4 consultation but hopes that Ofcom will factor into its final decision the likely impact of some of the proposals on the PSB freelancer workforce. We are concerned that the reductions in Channel 4's daytime original and current affairs programming will most directly affect unscripted programming, which are likely to impact Nations and Regions' creative clusters which rely on factual programming to sustain their production sectors and freelancer workforces. Daytime programmes are also an essential and long-established training ground for the UK's screen directors, and we are concerned that the scale of these cuts - 11% (original) and 14% (current affairs) - will considerably reduce these training opportunities across the UK but in particular, beyond the M25. Furthermore, the proposed increase in acquisitions to fill gaps in the daytime schedule will impact both employment opportunities and residual income for directors.
7. In order to monitor the situation, Directors UK would urge Ofcom to undertake a review of the implications of its relicensing of the commercial PSBs on the television industry's freelancer workforce. We suggest that this could be done under your power which is stated in paragraph 1.19 to review the impact of decisions through "ex-post evaluations".

### **Diversity**

8. Directors UK welcomes Ofcom's Diversity plans under paragraph 2.19 which states that:  
*'Following the launch of our EDI strategy and data toolkit, we will build on the data we collect to report on EDI trends within broadcasters' workforces in our annual publication. We will continue to facilitate conversations across the UK's broadcasting industry, fostering collaboration to improve and promote equity, diversity and inclusion.'*

9. Directors UK supports these goals and welcomes the inclusion of questions that explore the broadcasters' approach to commissioning and to freelancers. Given that freelancers make up approximately 50% of the television and film production workforce<sup>2</sup>, it is essential that they are included in any data gathering or research relating to EDI in the workforce.
10. However, considering the lack of progress in industry diversity that has been highlighted by reports from both Ofcom<sup>3</sup> and CDN's Project Diamond<sup>4</sup> over the last few years, we urge Ofcom to set out how it will use these findings to hold the broadcasters to account and move well-meaning intentions of fostering diversity and inclusion into meaningful objectives and successful actions.
11. In 2023, the Creative Diversity Network (CDN's) report *Diamond – The 6<sup>th</sup> Cut*<sup>5</sup> highlighted that there was still significant underrepresentation in senior editorial and creative roles. CDN's more detailed report into writers and directors, published in November 2023<sup>6</sup> further explored underrepresentation among directors and writers since 2016. It found that the number of women directors was in decline, while directors of colour and those with disability were showing small increases in number. However, that did not translate into the amount of work they were contributing to. Being able to dig deeper into this data provides greater insight and ability to track these trends and identify where adjustments need to be made. Directors UK urges Ofcom to request that broadcasters individually submit statistics to Ofcom on the diversity of senior editorial and creative roles in their commissioned productions. These roles include Executive Producer, Series Producer, Producer/Director, Producer, Commissioning Editor, Director, Writer and Head of Production. Understanding this information is important because these are the roles that make vital content decisions about what we see on screen and hire key members of the production team. This additional diversity data could then be included in Ofcom's annual *Diversity in Broadcasting* report and so prevent the lack of diversity in specific roles from being hidden in the overall monitoring statistics. It should be noted that such data is already provided by the broadcasters to the Creative Diversity Network for their project Diamond reports, so this new reporting obligation should not be onerous. We believe this data transparency is key to improving diversity and representation in these roles, and ultimately on screen.
12. If Ofcom is to ensure that "*Audiences can watch and listen to public service content which is produced across the UK and reflects its diversity*" then it needs a diverse workforce to be able to make it. Evidence suggests that the loss of talent from the sector predominantly affects the under-represented groups in society. For example, 50% of female freelancers left the creative sector following Covid as compared to 5% of male freelancers. With its diversity powers, Ofcom is uniquely placed to factor such considerations and concerns into its media market analysis and consequently its decision-making processes.

## Partnerships

13. With reference to your domestic partnerships section, Directors UK notes that none of Ofcom's intended domestic partners represent the PSB workforce (freelancers and staff) or are organisations that work in the screen sector's diversity and inclusion space.

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<sup>2</sup> [TV & Film Employment - The Creative Industries](#)

<sup>3</sup> [Report: Equity, Diversity and Inclusion in TV and radio - Ofcom](#)

<sup>4</sup> [Diamond Reports – Creative Diversity Network](#)

<sup>5</sup> [Diamond – The 6th Cut Report – Creative Diversity Network](#)

<sup>6</sup> [Writers, Directors and Producer Directors: A six-year overview of Diamond data 2016/17 to 2021/22 – Creative Diversity Network](#)

14. We appreciate that Ofcom must confine itself to its statutory obligations and focus on audiences, but it is becoming increasingly clear that the PSBs are failing in their responsibility to look after their freelancer workforce. This failure to protect and nurture the UK's production talent, such as directors, could have systemic implications for Ofcom in the next few years. Directors UK believes that Ofcom must regard that the workforce are as much stakeholders in the functioning of the UK's PSB ecosystem as businesses and the viewers.
15. In paragraph A3.1, Ofcom recognises that its decisions can "*impose significant costs on our stakeholders*" and acknowledges its responsibility to its stakeholders by requiring Ofcom to consider, in the consultation process, whether its decisions have been '*proportionate and appropriate*'. Directors UK holds the view that Ofcom must also consider whether the impact of any of its proposals on the UK-wide freelancer workforce is proportionate and appropriate.
16. Directors UK encourages Ofcom to engage with organisations that can convey freelance workforce concerns, especially in relation to the Nations and regions and those working in the diversity and inclusion space, about the current state and future development of the UK's production and PSB ecosystem. These organisations can provide expert advice on how the industry can achieve Ofcom's diversity goals for both content and workforce development. Directors UK would welcome the opportunity to foster a closer working relationship with Ofcom to assist in this work.
17. As stated at the outset, Directors UK holds the view that a key objective of the Ofcom Plan of Work 2024/25 is to ensure the vitality and long-term sustainability of the UK PSB ecosystem. However, that will only be possible if the freelancer workforce, on whom the UK PSB ecosystem relies, is proportionately and appropriately factored into all of Ofcom's media market analysis and decision-making processes.

**Directors UK**  
**February 2024**