

**Response to the Ofcom review of the Broadcasting Code
from THE CHANNEL 4 BRITDOC FOUNDATION (www.britdoc.org)**

Executive Summary

The Channel 4 BRITDOC Foundation is a non-profit organisation dedicated to finding new ways to create and distribution public service documentaries. We have unparalleled experience in engaging the third sector to partner on ambitious documentary projects.

The Foundation welcomes the review of this important area of programme funding and believes it is essential that NGOs and other non-profit organisations should be able to fund public information programming, whether in part or in full.

We agree with the need for clear guidelines that protect good journalism, fairness, transparency and restrict the editorial input of third sector partners.

However we believe strongly that the current restriction of subjects of controversy or attempts to influence policy will, if taken at its wording, rule out the best and most impactful collaborations between the third sector and filmmakers.

THE FOUNDATION'S ROLE IN THIS AREA

Five years old, the Channel 4 BRITDOC Foundation has developed a singular expertise in the UK in bringing together documentary filmmakers and third sector organisations in the creation and promotion of a number of high profile films and other activities.

The Channel 4 BRITDOC Foundation is an independent non-profit organisation. Founded by an ex-Channel 4 commissioning editor, Channel 4 are the Foundation's title sponsor, with 2 Channel 4 non-executive directors (Kevin Lygo and Nick Toon) sitting on the board. Channel 4 supports the Foundation's overheads and has the option of licensing our films once completed. Channel 4 BRITDOC Foundation films shown on Channel 4 include *Afghan Star*, *Chosen*, *We Are Together* and *Here's Johnny*. *The End of the Line*, currently on UK cinema release, will be shown later in the year.

Our grant-giving remit is to enable public service documentaries that would otherwise slip through the TV system to be made and seen by audiences on many different platforms, including television. As a not-for-profit foundation, our grants are considerably smaller than the amount of money a TV commission usually brings. However, our films are commonly co-financed by international broadcasters, foundations, NGOs, private individuals and brands.

In addition to co-funding 'public information' films in this way, we have also developed a best-practice model for working collaboratively with NGO partners around all aspects of documentary production, distribution and marketing. This model is exemplified in key projects that we undertake outside of our core film funding activity:

- the Good Pitch: a live pitching event where NGOs gather to hear new social-issue documentary projects pitched
- our newly-launched GoodFilm website where NGOs (and brands) register to be notified about new documentary projects which intersect with their issue areas
- Films for Good workshops where filmmakers learn and debate how to work effectively with the Third Sector (charities, campaigners, foundations and government agencies) for mutual benefit.

REACTION TO THE PROPOSED CHANGE IN OFCOM RULES

The Foundation largely welcomes the proposed changes.

Responses to Stakeholder questions:

12.b.ii. *What impact (e.g. social, economic, equality) do you think the potential rules would have on viewers, the television industry and any other parties?*

It is our fundamental conviction that the future of public service content production and distribution must and will evolve to include a wide variety of non-traditional players. It is an active part of our mission to involve companies, third sector organisations and individual philanthropists and donors in the funding of new documentary work in response to the systemic changes to the media industry, which currently threaten their future.

We believe that the involvement of the third sector in the funding and use of public service content offers an opportunity not simply to fill a funding gap but to work with media in wholly new and progressive ways.

Showing a film once on television is a rather ineffective, and twentieth century way to educate and inform audiences and create lasting impact. Third sector partners bring not just expertise and access to stories, but also access new, often large constituencies to promote and make the film available to. With the right approach, the involvement of a third sector partner can both significantly extend the life the project well beyond a television broadcast.

12.b.iv. *Do you consider that additional or alternative safeguards to those included in the draft potential rules are necessary? If so, please provide details.*

From our experience, collaborations (whether funded or in-kind) with Third Sector partners are not without their challenges. We believe that, in addition to strong Ofcom guidelines, education and best-practice resources are essential to give filmmakers a strong understanding of the NGO agenda, viewpoint and needs so that they can work effectively together, whilst maintaining the editorial independence of the filmmaking at all times. The opposite is also true. Successful collaborations stem from strong understanding a well-planned strategy at all stages of the filmmaking process.

12.b.iii. *Do you consider that the potential rules would maintain the editorial independence of the broadcaster and provide adequate consumer protection? If not, please explain why.*

We wholeheartedly agree that editorial control must be retained by the filmmaker if being made independently, or by the broadcaster if the film is a commission. And that the relationship between funder and filmmaker must be transparent.

However your suggested guidelines go further:

9.29 Public Information Programming must not cover matters relating to political, industrial or public controversy. Similarly, Public Information Programming must not seek to influence the policies or decisions of local, regional or national governments, whether in the UK or elsewhere.

Our concern is that most issues of importance can be considered as a matter of 'political, industrial or public controversy'. How will this be defined? There will always be a group of voices on the other side of any subject, issue or opinion.

Traditionally filmmakers do bring their own viewpoint to a subject, showing what they think needs addressing and often suggesting how it should be addressed. As long as they abide by the Ofcom regulations and the rules of good journalism, this is how fine and important films have been and continue to be made. If the guidelines give the filmmaker editorial independence, then they should also be free to make a film that has something to say.

Furthermore the restriction over an attempt *"to influence the policies or decisions of local, regional or national governments, whether in the UK or elsewhere"* would seriously diminish the scope of the programming and would make this a far less attractive opportunity for NGOs.

By their nature, third sector organisations wish to get involved in film to highlight a problem in the status quo, or to tell stories which inspire people to make changes in their lives either for their own benefit or the benefit of others.

There is a very strong tradition in documentary towards this kind of social-justice filmmaking and many of the films that we have awarded grants to fall into this area.

We offer two examples of successful films recently funded by the foundation, of evident public service value, which we believe would fall outside the current phrasing of the guidelines:

- **CHOSEN** (Dir: Brian Woods): *Chosen* told the story, straight to camera, of three men all abused at the same prep school over a number of years. The film was an insight into how abusers groom their victims and why children never tell. Universally commended for their bravery in the huge amount of press interest garnered by the film, the subjects of the film also won the praise of minister Ed Balls and went on to win both a BAFTA and RTS award after its More4 and Channel 4 broadcasts. The Lucy Faithful Foundation worked with the filmmakers to produce a post card campaign, which advised parents of the questions they should ask of any school to establish if safeguarding policies were adequate. This seems like just the sort of film the new rules are designed to enable the non-profit sector to get involved in. However the film was highly critical of the private school system, pointing out the conflict of interest between maintaining the brand image of a private school and the need to prosecute abusive teachers. Many public school associations were critical of the film and claimed the film's characterisation of child safeguarding in their sector was inaccurate and outdated. This could make *Chosen's* subject a matter of industrial controversy which the proposed guidelines prohibit. Furthermore the subjects of the film were campaigning for a change in the law, to make it compulsory for private schools to report alleged abuse to the police, in line with state schools. Ed Balls at the DCSF called the film "*a remarkable documentary, presenting difficult and complex issues in a sensitive and constructive manner*" and a parliamentary review was called shortly after the film was shown on More4. As the film explicitly sought a change in the current policy status quo, it would again have been prohibited from being funded by the third sector under the current wording.
- **THE END OF THE LINE** (Dir: Rupert Murray) is a feature-length documentary about the global impact of overfishing, which was backed by a coalition that included World Wildlife Fund and Oak Foundation who contributed to the budget of the film and Greenpeace, Google and Waitrose who contributed to the marketing. The film has been released at the cinema and will be shown on More 4 later in the year. It calls for change *at every level*; in policy, corporate behaviour *and* consumer choice. The film was mentioned in the introduction of the Marine bill to Parliament five times by members of all parties. Many companies have announced a change to sustainable fish sourcing as a result of the film including Marks and Spencer and Pret a Manger. It puts the film outside the proposed guidelines despite the fact that the

film is based on journalist Charles Clover's work, was made with editorial independence from its partners and complies with Ofcom's broadcast guidelines.

We believe that films such as these are vitally important in educating and informing audience, but also in calling for a change in the status quo (whether political, corporate or at consumer level). For this reason, we would welcome a broader discussion about the desirability and ability of public service broadcasters to be involved in social change movements such as these. If television is to remain an important and influential medium in the twenty-first century, it must reflect the changing nature of content and community. Whilst good balanced journalism, which respects other viewpoints and is fair to contributors, must remain the cornerstone of all public service content, there is an evident demand for public information content tied to public purposes, which actively seeks to change and improve society and invites audiences to be part of that change.

The danger of the guidelines as they are currently drawn up is that the only films which will pass all the tests will be public information films in the worst sense – formulaic to make and banal to watch. Films which only inform the public about how to tell if they have swine flu or how to use the NHS better. Such films will be of very limited appeal to filmmakers and audiences.

IN CONCLUSION

- * The Channel 4 BRITDOC Foundation enthusiastically welcomes the review of this important area of programme funding.
- * We think it is essential that NGOs and other non-profit organisations should be able to fund public information programming, whether in part or in full.
- * Ofcom's guidelines are generally clear and sensible; however the clause that restricts subjects of controversy or attempts to influence policy is too restrictive and requires substantial clarification.
- * We welcome clarity on the issue of the role of a public service broadcaster in enabling films which seek to engage audiences in public purposes.
- * Successful collaborations between filmmakers, NGOs and broadcasters will involve a steep learning curve as there is currently insufficient mutual understanding.