

"Working for quality
and diversity in
British broadcasting"
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Founded by Jocelyn Hay in 1983

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Ofcom's Draft Annual Plan 2008/9 A Response by Voice of the Listener & Viewer (VLV)

1. Voice of the Listener & Viewer (VLV) welcomes the opportunity to respond to Ofcom's consultation on the Draft Annual Plan 2008/9.
2. Voice of the Listener & Viewer (VLV) is an independent, non-profit-making association, free from political, commercial and sectarian affiliations, working for quality and diversity in British broadcasting. VLV represents the interests of listeners and viewers as citizens and consumers across the full range of broadcasting issues. VLV is concerned with the structures, regulation, funding and institutions that underpin the British broadcasting system. VLV does not handle complaints.
3. VLV concurs with Ofcom's analysis that "convergence is truly upon us" and that "the way we go about our personal lives, how we participate in society as citizens and how we act in the market place as consumers are all changing profoundly" (Ofcom Consultation Document, page 3). These are all matters of considerable importance to VLV members.
4. Our response to the consultation centres on several aspects of Ofcom's proposed work programme for 2008/9, and argues, in brief, that:
 - The citizen interest in communication matters remains ill-specified in terms of issues encompassed, criteria for evaluating delivery of objectives, and range of stakeholders consulted.
 - In a converged environment, VLV is concerned that access will become increasingly unequal rather than equalised.
 - There are considerable concerns about the future of broadcast news and the ability of terrestrial commercial channels to sustain a thriving and healthy competitor to the BBC.
 - The activities of the content board for the year ahead are not stated.
 - The priority now accorded the promotion of media literacy is welcomed, but must be accompanied by a systematic analysis of population skills and understanding to be improved, including specifying minimum acceptable levels of literacy/illiteracy.
 - The future of UK-originated children's broadcasting is a serious concern, particularly for UK-originated content, for quality and diversity of children's content, and for provision for teenagers.
 - It is not clear what Ofcom will be doing to ensure plurality in the radio market or to keep radio spectrum clear from interference.

In the following paragraphs we indicate, in more detail, on the above aspects of Ofcom's work, points where we think inadequate regard has been paid to the citizen interest and where objectives need to be clarified, benchmarks established and relevant research undertaken. We wish to make clear, at the outset, that within our limited resources we

would seek constructively to assist Ofcom in addressing those areas where we express concerns or criticisms.

The citizen interest in communication matters

5. VLV noted in its formal response to Ofcom's 2007-8 Draft Annual Plan that more attention was devoted to consumer than citizen interests. We welcome the somewhat greater clarity in distinguishing these two sets of interests now provided in the current plan. There the citizen interest is outlined in terms of the availability and use of "communication platforms for public interest objectives" and the benefits of a "better connected, more networked society", as well as the importance of minimizing digital exclusion and the issue of universal availability of services.
6. But this is only a partial specification of the citizen interest. In a year characterised by falling public trust in news, growing concern over media ownership, plurality and impartiality, the importance of media content issues to citizens remains crucial.
7. As we noted last year, and is still unfortunately the case, "What is missing is an independent analysis of the nature and importance of citizens' interests against which the proposed regulatory strategies can be evaluated." This analysis should be systematic, wide-ranging, clearly specified, and underpinned by research.
8. The citizen interest is also, we urge, not simply a matter for discussion among stakeholders in the communications sector. We are greatly concerned at the paucity of input from citizens groups, political and civic organisations and other public bodies regarding the standard and inclusiveness debate over the nature and importance of furthering the citizen interest in communication matters. On page 10 of the plan, it is stated that the citizen interest concerns "what is good for society". In what manner is this determined by Ofcom, and in consultation with whom?
9. It is perhaps a telling indicator that Ofcom's invitation to stakeholders to respond, at the very start of the draft plan, is addressed to "those representing consumers, small and large business, and government, as well as companies in the communications sector". Citizens, and those representing them or otherwise concerned with their interests, activities and participation, are a notable omission from this list.
10. A similar point applies regarding consultation with stakeholders in relation to convergence. As Chief Executive Ed Richards observed at the Convergence Think Tank seminar on 7th February, Ofcom is considering how far to encourage or slow the pace of convergence. But the only stakeholders referred to in this regard were businesses in the communications sector, along with consideration of the needs of individual consumers. But convergence affects not just individuals and business – it has significant implications for all sectors of society – education, work, welfare, communities, civic bodies, etc – the processes of consulting with these sectors is unclear.
11. As we also noted last year, a point that remains unanswered, "It is now over three years since the passing of the Communications Act, and there is still no clear statement from Ofcom regarding the nature of citizens' interests. This is an extraordinary absence, in terms of both the substantive delivery of institutional objectives and in terms of processes of institutional accountability." Last year's plan (para 4.29) promised a review of 'the key public outcomes that society will want in the future'. We are still awaiting this.

Inequality and inclusion in a converged environment

12. One of Ofcom's three high priority areas under "Delivering public interest objectives as platforms and services converge" is promoting access and inclusion. VLV has serious concerns that, in a converged environment, access will become increasingly unequal, rather than equalised.
13. Contrary to optimistic expectations that converged communication devices will enable everyone to access anything and everything in a new information democracy, there are growing signs that a differentiated market – in terms of levels of provision and pricing – and unequal infrastructure (e.g. for rural vs. urban populations) will combine to provide far greater inequalities of access and participation.
14. We foresee the digital divide thus becoming both deeper and wider, therefore, rather than closing; with consumers' differential resources exacerbating inequalities. We urge Ofcom to initiate a work stream to establish and track the state of the digital divide, examining not just who has access to what but how far this access is used to improve (or impede) access to and inclusion in society. In other words, what matters now is not whether someone has a certain piece of kit, but whether they have the necessary technical (and literacy) resources to participate fairly, and according to their needs, in relation to education, work, civic participation, and so forth.

The quality of broadcast news

15. There is growing concern about the future of broadcast news and the ability of terrestrial commercial channels to sustain a thriving and healthy competitor to the BBC. Evidence from American network television has found an inexorable shift over the last 15-20 years away from foreign and public policy issues and towards stories featuring more sensationalism, more human interest and more crime and disaster. The BBC's Director General, Mark Thompson, revealed last year that one senior American TV executive had explained to him that foreign news was complex, dispiriting, expensive, dangerous to make, and not liked by audiences. Another told him that "Soon, international reporting is going to be the wire agencies and you". Indeed the BBC's own on-air promotion already proclaims: "The BBC is the only broadcaster to have news correspondents based in..."
16. And yet research demonstrates that audiences still rely extensively on television news for their national and international news and still trust it. Historically, the UK has a proud record of sustaining high quality national and international news in peak-time across its commercial channels. We do not want to see this space evacuated by the commercial public service broadcasters and left entirely to the BBC. We are pleased with Ofcom's support for news on commercial television, but concerned over ITV's announcement about its reduction and rationalisation in regional news. We assume that ITV's plans will be rigorously interrogated and that Ofcom will take into account the high level of trust and reliance in broadcast news when it comes to rule on ITV's plans.
17. We were concerned at the poorly articulated arguments and inadequately grounded research around impartiality and trust in Ofcom's 'New News Future News' report (Chapter 5). We would like to see a more neutral and more rigorous approach to examining these profoundly important and contentious issues in future, and a more concerted effort to involve civil society groups in these debates.

Content regulation

18. As last year, VLV notes with surprise that the draft annual plan makes no mention of the Content Board. It is not possible, therefore, to discern the proposed agenda of actions for the Content Board during 2008/9.

The promotion of media literacy

19. VLV is pleased to see that promoting media literacy is now one of the highest priority areas for Ofcom in the year ahead. However, the brief space devoted to this subject in the draft plan (paras 4.49 and 4.50) provides little indication of what this will mean in practice. Nor is it clear that raising the importance of media literacy on Ofcom's agenda is associated with a commensurate increase in resources. Will more funding, and staff time, be allocated to the promotion of media literacy in the year ahead? If not, how is more effort to be devoted to this policy area?
20. Ofcom has, since acquiring the duty to promote media literacy, conducted an admirable volume of research – defining, scoping and measuring media literacy in useful ways, and developing productive links with other stakeholders committed to media literacy. We commend this work. However, four years devoted to definitions, research and ad hoc initiatives is, we suggest, insufficient for a regulator of the size and importance of Ofcom.
21. Specifically, despite raising media literacy to the status of 'top priority', the draft plan identifies no concrete plan of action regarding the promotion of media literacy in the coming year. But, with the first media literacy audit completed and the second due soon, it is timely to ask what level of media literacy Ofcom expects, hopes even, that its efforts will result in? What level would be satisfactory?
22. There are several crucial elements to this question. First, what level of media literacy would Ofcom consider as constituting satisfactory evidence that the public is, indeed, enabled to "make full use of the opportunities presented by both traditional and new communications services"?
23. Second, across what range of "skills, knowledge and understanding" is it expected that people will be so enabled? Ofcom provides examples of important dimensions of media literacy (parental ability to protect children, young people's critical understanding, older consumers ability to engage with new technologies etc) but these are a rather miscellaneous group of issues.
24. Can and should Ofcom provide a systematic account of the areas included under the umbrella of 'media literacy', can it set priorities within this, and should it not specify targets by which serious progress can be measured and goals set? Can and should Ofcom specify what an acceptable minimum level of media literacy would be, and among which population sectors. To take the examples given – how critical should young people become? How far is it acceptable for the elderly to fall behind? What about the parents who don't learn enough to protect their children adequately?
25. Third, rather like with house prices, for those who seek to develop property and for whom a rising market will always appear profitable, media literacy in the population can be expected to rise anyway in the coming years. This can be usefully tracked by Ofcom in its annual audit, but can hardly be put down to a successful policy. What measures

does Ofcom have in place to evaluate the specific success of its policies to promote media literacy, over and above the rise to be expected without Ofcom's interventions?
Children's broadcasting and the future of children's television

26. The draft annual plan observes that in relation to first run television for children, "the effects of ongoing market changes are perhaps being felt the most". We heartily agree, and Ofcom's research report on the future of children's television last year was most welcome. Children's television – in terms of choice, quality and UK-originated programming - is clearly an area in which the market has failed children. The plan provides no statement of action, however. VLV urges the importance of this issue on several grounds.
27. First and foremost, the present offer does not meet children's needs. Children's viewing is disproportionately greater for UK-originated programming and disproportionately less for imports. Moreover, much that is imported for children is animation, so that cartoons account of 61% of programmes for children; yet they account for only 41% of their viewing. Children prefer to watch drama and factual programming, exactly the two genres most under threat. Ofcom's figures also show that drama accounts for 12% of output but 19% of viewing, while factual is 5% of output but 7% of viewing. Further, 19 of the top 20 (i.e. most viewed) children's programmes in 2006 were shown on BBC1 (hardly a justification to cut investment there). So, children vote with their feet for diversity in genres, especially those genres whose funding is most threatened (drama and factual). And they want UK programming, as indeed do their parents.
28. UK-originated programming is important for children and for child development. Children need programmes which reflect their own rich heritage of language, literature, values and environment. This should not be misunderstood as an either/or claim: of course children also benefit greatly from representations of other cultures, particularly if these are diverse rather than uniform. Nor is it a simple claim, for children's heritage is itself diverse and multidimensional, a fact which speaks to the need for a substantial rather than minimal body of programming reflecting children's lives and view of the world and themselves.
29. As a society, we recognise the politics of representation in relation to ethnicity and gender (we regard it as discriminatory to expect children to view solely white or male faces on television); but unlike in other countries, where language provides a politically correct means of affirming the importance of representing the society children live in, we seem not to recognise this as regards children's culture and daily lives.
30. Professor Maire Messenger Davies's (2007) review of the academic literature for Ofcom argues that "television is more important than other media primarily because of its universal accessibility to all classes, ages and types of children". In this regard, the internet – television's growing competitor – is quite different, being unequal in terms of quality of access and quality of use. Evidence for television's benefits for child development, on the other hand, is well-established in relation to learning, socialization and citizenship, and personal fulfilment and identity in the face of constant criticism of the effects of television viewing on children. Indeed, we would like to see Ofcom undertake research into the positive benefits that children can gain from viewing a range of high quality programmes made to suit their age, mental development and culture.
31. We express a serious concern over the reliance on market research ratings as an indication of children's interests. Overall, children's interest in television remains high -

they continue to spend far more time with television than with any other medium, over twice as much as with the internet, and more or less the same amount of time as when television was first introduced into Britain over half a century ago. As Ofcom's figures show, children continue to want children's television and a slight rise is predicted from 30.5% of all viewing in 2007 to 31.5% in 2012.

32. But there is a chicken-and-egg problem here; since, if the offer is reduced, commensurately falling consumption figures may seem to justify further reductions. Programmes for teenagers are a case in point. Having long posed a difficulty for broadcasters, few (including the BBC) now attempt to address or meet the legitimate needs of this audience, a fact easily forgotten when justifying continued neglect of their needs by claiming that teenagers don't care about television. We are just one discursive step from a similar 'justification' for under-serving children. There is ever less provided for even older children, let alone teens. For example, by moving Children's Hour earlier in the afternoon (thus further excluding older children who may not get home from school in time), and by axing Grange Hill, among other changes, the BBC too is further slanting its offer towards younger children.
33. We also stress the question of fairness or, for children, unfairness. Investment in original UK children's programmes fell by 17% since 2001, even though at the same time total investment in UK programmes rose by 4%. Only 4% of total spend goes on programming for 19% of the British population and expenditure on UK programming in particular is plummeting for children while it rises for everyone else. The explosion in children's channels is eroding rather than expanding choice.
34. Finally, we urge consideration of children's rights. Defining a 'child' as anyone under 18 (not the broadcasters' upper age limit of 15 or, increasingly common, 12 years old), the United Nations Convention on the Rights of the Child asserts children's rights to freedom of expression through any medium of the child's choice (Art. 13) and to mass media that disseminate information and material of social and cultural benefit to the child, with particular regard to the linguistic needs of minority/indigenous groups, and to protection from material injurious to the child's well-being (Art. 17). It is vital that this convention is respected in the UK and elsewhere.

The future of radio

35. VLV welcome's Ofcom's involvement in the Digital Radio Working Group. It is not clear, however, what Ofcom will be doing to ensure plurality in the radio market. Therefore Ofcom should initiate some research into the reasons for the continuing decline in the audience for commercial radio.
36. On keeping radio spectrum clear from interference - pages 45 and 46 – we are concerned that the plan fails to recognise the effect that pirates have on a daily basis in terms of interference with VHF reception in several urban areas. During 2008/9 Ofcom should develop procedures to encourage the public to report interference by pirates with radio reception. While this will not remove the problem it might provide Ofcom with more data about the scale of the interference.

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