

*Championing
excellence and diversity
in broadcasting*

Founded in 1983 by Jocelyn Hay CBE



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**SUBMISSION FROM VOICE OF THE LISTENER & VIEWER TO
OFCOM'S CONSULTATION ON THE BBC'S REQUEST
TO CHANGE ITS OPERATING LICENCE IN RESPECT OF
CHILDREN'S NEWS AND FIRST-RUN UK ORIGINATIONS**

INFORMATION ABOUT THE VLV

1. The Voice of the Listener & Viewer Limited (VLV) represents the citizen and consumer interests in broadcasting and speaks for listeners and viewers on the full range of broadcasting issues. It uses its independent expertise to champion quality and diversity in public service broadcasting, to respond to consultations, to produce policy briefings and to conduct research. VLV has no political, commercial or sectarian affiliations and is concerned with the issues, structures, institutions and regulations that underpin the British broadcasting system. VLV supports the principles of public service in broadcasting. It is a charitable company limited by guarantee (registered in England and Wales No 4407712 - Charity No 1152136).

EXECUTIVE SUMMARY

2. VLV has concerns about any reduction in regulated public service content, and in the context of research highlighting the shortage of UK produced, UK-specific public service content now being made for children, VLV on principle opposes the proposed reduction to the BBC's existing broadcast quotas for children's news from 85 hours per year to 35 hours per year. VLV believes this will only exacerbate the problem of the shortage of original UK-produced public service content for children on television. VLV gathers from the consultation document, however, that Ofcom broadly supports the BBC's proposals and, if that is the case, VLV would suggest some measures to mitigate the impact of the proposals under consideration.
3. VLV would be prepared to see the amount of hours covered by the broadcast quota reduced only if: the BBC commits itself unambiguously to continuing to produce a daily video bulletin of *Newsround* no shorter than five minutes in duration and containing a mixed diet of news; the latest *Newsround* bulletin is made the most prominent item on the CBBC section of the BBC iPlayer and made prominent on the *Newsround* website; both the *Newsround* website and the *Newsround* bulletin are made prominent on the CBBC section of the BBC website; and Ofcom employs some quantitative measurement in regulating the output of the *Newsround* website and the CBBC iPlayer.
4. VLV believes that the proposal to amend the definition of first-run UK originated content to allow the BBC to count children's content made for the BBC iPlayer towards its children's first-run UK originations quotas is unnecessary and detrimental to children's interests. VLV is concerned that Ofcom has not only agreed to the BBC's request but added a condition – that half of the first-run UK originated content is first shown on the linear channels CBBC and CBeebies or is broadcast on the linear channels subsequent to its first broadcast on BBC iPlayer – that seems wholly inadequate. That means that up to half of first-run UK originated content could be restricted to online-only viewing. Even if such a scenario seems unlikely at the moment, the BBC has been given licence to shift rapidly away from broadcast to online content should it wish to. VLV fears that this paves the way for a future

request from the BBC to move children's content fully online and to dispense with its two children's channels.

5. Furthermore, VLV is concerned that this proposal represents a major definitional change that could have ramifications across the BBC. If the BBC is granted this change for the children's channels, it sets a precedent that could lay the ground for a request to change the operating licence for BBC1 and BBC2 in similar ways. This kind of shift, for all that technology and consumer behaviour may make it look inevitable, will change the way the BBC is seen and sees itself, and VLV believes this is a process that cannot be embarked upon without major public debate involving licence fee payers.
6. VLV is concerned by two shifts implied by these proposed changes to the BBC's operating licence. Firstly, they represent a reduction in regulated hours of public service content without a clear justification on the grounds of market failure or of diminished resources. This could create a precedent for future requests to cut quotas in different content areas. Secondly, the changes represent a shift away from broadcast provision to online content, which while consistent with technological development and consumer trends is not necessarily in the best interest of citizens. The BBC remains a broadcaster first and foremost and VLV does not believe it should be gravitating towards online content at the expense of broadcast provision when in any case the two need not be mutually exclusive. Again, there is potential for this precedent, especially around definitional change, to allow the BBC to make further changes at the expense of broadcast provision, without consultation from licence fee payers, who pay principally for broadcast services.
7. VLV is concerned that Ofcom has outlined a rapid implementation of these changes when a full public consultation involving licence fee payers has not been possible. Changes to the first-run UK originations definition and the first-run UK originations quotas are to apply for the full 2020 calendar year, implying that the new arrangements start in January, less than three weeks after the close of this consultation. Changes to the CBBC news quota and conditions are set to take effect from 1 April 2020, which is again too soon for any meaningful public consultation. VLV believes that there should be such a public consultation and that changes of this nature should not be hastily implemented.

INTRODUCTION

8. VLV welcomes this opportunity to respond to Ofcom's provisional views on the BBC's request to change its operating licence in respect of children's news and first-run UK originated content.
9. VLV considers that high quality TV content such as news is an essential tool to help the development of children by providing them with engaging, entertaining and informative content which helps them understand the world around them and their place in it.

10. VLV notes the decline in investment in original children's programming in recent years. Ofcom published research last year showing that the collective annual spend on new, UK-made children's programming on the public service channels had fallen from £116m in 2006 to £70m in 2017. Ofcom reported startling falls over that period in the number of hours of children's programming made by the commercial public service broadcasters, leaving the BBC as "the most significant player in terms of investment and hours across all children's genres".¹
11. The BBC has an especially important role when it comes to news and factual programming. One of Ofcom's key findings was that there was "a limited range of children's programmes that help children to understand the world around them". It said the BBC was the only broadcaster providing news specifically for children, and also noted that in 2017 the commercial public service broadcasters had made just three hours of children's factual programming.² VLV acknowledges the proposals made since then by the commercial public service broadcasters to make more children's programming. But the BBC's crucial position as by far the leading provider of news and factual programming is unchanged.
12. VLV believes that news should be at the heart of the BBC's provision for children. In *Newsround* it has a cherished brand that dates back almost half a century. *Newsround* was part of the BBC1 afternoon schedule for 40 years, up until children's programming was discontinued on that channel in 2012, and it has been part of the CBBC channel's schedule since its launch in 2002. The programme has a crucial role to play in informing and educating pre-teenage children.

CONSULTATION QUESTIONS

Question 1: Do you agree with Ofcom's provisional assessment and its proposed changes to the Operating Licence for Children's news on CBBC? If not, please explain why, providing appropriate supporting evidence where possible.

13. The BBC has requested to reduce the amount of news it is required to broadcast on the CBBC channel from 85 hours per year (or 14 minutes per day, if spread equally throughout the week) to 35 hours per year (or 5.75 minutes per day) – and to show news once each day rather than at intervals throughout the day. Ofcom has accepted this proposal, subject to the BBC being required to deliver more children's daily news online on the *Newsround* website.
14. At the moment there are three daily bulletins of *Newsround*, a programme that has been running since 1972 and is now broadcast on the CBBC channel. The BBC plans

¹ *Assessing the current provision of children's programmes on TV and online*, Ofcom, 24 July 2018, p3, para 1.14-15

² *Assessing the current provision of children's programmes on TV and online*, Ofcom, 24 July 2018, p4, para 1.16

to put greater resources into online content, and has pledged to improve and increase the provision of children’s news online through the *Newsround* brand. It says it wants to “develop the *Newsround* brand into a digital first proposition, through which a much wider range of up-to-date content is offered on the website”.³

15. VLV notes that the BBC has made this request not to save costs but to re-deploy resources to “engage and stay relevant to younger audiences”.⁴ VLV does not dispute the basic premise on which this request is based: that the attention of all viewers, including children, is moving from the linear, broadcast world to on-demand, online content. The BBC has provided statistics showing that the *Newsround* programme’s weekly reach among six to 12-year-olds has fallen from 676,000 in 2012 to 291,000 in 2019, while weekly unique browsers on the *Newsround* website have increased from 152,000 in 2014 to 903,000 in 2019 (these figures do not appear to screen out browsers who may be over 12; the BBC additionally notes that around 600,000 six-to-12s say they use the *Newsround* website each week).⁵ VLV notes that no figure for online viewing of the *Newsround* bulletin is given.

16. VLV has concerns about any reduction in regulated public service content, which always has to meet a high bar to be justified, and which can provide the pretext for further reductions at a later date. That the BBC has made such a request demonstrates a lack of commitment to the public service values it should be upholding and maintaining. In its report on children’s content last year, Ofcom highlighted the shortage of UK produced, UK-specific public service content now being made for children.⁶ In the context of Ofcom’s research, VLV on principle opposes the change to the BBC’s existing broadcast quotas for children’s news because it will only exacerbate the problem of the shortage of original UK-produced public service content for children on television. VLV gathers from the consultation document, however, that Ofcom broadly supports the BBC’s proposals and, if that is the case, VLV would suggest some measures to mitigate the impact of the proposals under consideration.

17. VLV is also concerned that shifting resources away from broadcast to online provision so rapidly may put at risk the quality of news made for children. If there are to be fewer regulated hours of broadcast news, the quality of what is still being made for broadcast and also that of new content made for the online service needs to be defended vigorously.

³ *BBC Children’s: Request for Changes to Ofcom’s Operating Licence*, BBC, November 2019, p4, section 2.1

⁴ *BBC Children’s: Request for Changes to Ofcom’s Operating Licence*, BBC, November 2019, p2

⁵ *BBC Children’s: Request for Changes to Ofcom’s Operating Licence*, BBC, November 2019, p4, section 2.2

⁶ *Assessing the current provision of children’s programmes on TV and online*, Ofcom, 24 July 2018

18. In a world where fewer children are viewing the *Newsround* bulletin on broadcast television, it may not make much sense to insist on having three bulletins a day. But VLV is clear that the principle of the bulletin is of great importance. Whether viewed on TV or online, a video bulletin containing a mix of topical stories gives children access to a wide range of information and allows them to learn about things they did not know about and would therefore not have sought out for themselves. VLV believes that this is an important justification for bulletins for all audiences, but would argue that this is especially the case for children, whose knowledge, interests and enthusiasms are so much less developed than those of adults. VLV notes with interest that the BBC told Ofcom that 22% of teachers say they use *Newsround* as a teaching resource, presumably via the iPlayer.⁷

Proposals to mitigate the impact of these changes

19. Ideally, VLV would like to see the BBC producing a bulletin of more than five minutes a day. A bulletin of 10 minutes, say, could still be achieved if the required amount of children's news were reduced from 85 hours per year to 60 hours. But if the 35-hour requirement is allowed as proposed, VLV would like to see the BBC commit itself unambiguously to continuing to produce a daily video bulletin no shorter than five minutes in duration and containing a mixed diet of news. It would be unacceptable for the BBC to seek at a later date to make up the 35 hours with short-form video content consisting of individual stories.

20. VLV believes that the *Newsround* bulletin should remain at the heart of the BBC's news provision for children. If the proposed changes go ahead, VLV would like to see the latest *Newsround* bulletin made the most prominent item on the CBBC section of the BBC iPlayer; at the moment it is not generally featured. The bulletin should also be prominent on the *Newsround* website; it is generally relegated below other news items at the moment. Prominence should also be guaranteed for both the *Newsround* website and the *Newsround* bulletin on the CBBC section of the BBC website; neither is featured at the moment. Bulletins should also be made available for longer than the current 24 hours.

21. VLV would also suggest that the BBC should put more effort into promoting *Newsround* bulletins and other content on platforms which are popular among children, such as YouTube.

22. As for Ofcom's proposed condition for online news, VLV has concerns that this may not produce sufficiently robust oversight. Ofcom says it "will require the BBC to provide children's news online through content which: is delivered in a range of different formats, including text-based articles, videos and interactive pieces; covers a broad range of topics; and features in-depth news and analysis".⁸ Although Ofcom

⁷ *BBC Children's news and first-run UK originations: Consultation on the BBC's request to change its Operating Licence*, Ofcom, 15 November 2019, p11, para 3.20

⁸ *BBC Children's news and first-run UK originations: Consultation on the BBC's request to change its Operating Licence*, Ofcom, 15 November 2019, p15, para 3.37

has plans for detailed assessment of the BBC's output, including using various performance metrics, it has chosen not to apply any prescriptive quantitative condition, regarding such an approach as "unnecessarily restrictive".⁹ The BBC's request document envisages an "average of 20+ new stories published daily" on the *Newsround* website, including an average of four video stories.¹⁰ But there does not appear to be a mechanism to ensure that these aspirations are reliably delivered. Whether and how the video stories would be able to overlap with the content of the bulletin is not made clear, for instance. VLV believes that Ofcom should reconsider its approach and employ some degree of quantitative measurement, at least holding the BBC to its proposed 20+ new stories, including four videos.

23. In summary, VLV is concerned that this proposal represents a diminution of the BBC's commitment to provide news and current affairs content for children. VLV would be prepared to see the amount of hours covered by the broadcast quota reduced only if: the BBC commits itself unambiguously to continuing to produce a daily video bulletin of *Newsround* no shorter than five minutes in duration and containing a mixed diet of news; the latest *Newsround* bulletin is made the most prominent item on the CBBC section of the BBC iPlayer and made prominent on the *Newsround* website; both the *Newsround* website and the *Newsround* bulletin are made prominent on the CBBC section of the BBC website; and Ofcom employs some quantitative measurement in regulating the output of the *Newsround* website and the CBBC iPlayer.

Question 2: Do you agree with Ofcom's provisional assessment and our proposed changes to the definition of a first-run UK origination in respect of children's content and additional condition to safeguard the provision of some first-run UK originated children's content on the linear services? If not, please explain why, providing appropriate supporting evidence where possible.

24. The BBC has requested that the definition of first-run UK originated content be amended to allow the BBC to count children's content made for the BBC iPlayer towards its children's first-run UK originations quotas. Ofcom has agreed to this proposal, subject to the condition that at least half of the first-run UK originated children's pre-teen content and pre-school content that the BBC is required to broadcast is shown on the CBBC and CBeebies channels, either first or after its initial showing on BBC iPlayer.
25. The BBC's request is again rooted in the widely recognised shift from linear broadcast to on-demand online viewing. "By uploading some first-run content to BBC iPlayer prior to, or rather than, broadcasting it on the linear schedule, we can

⁹ *BBC Children's news and first-run UK originations: Consultation on the BBC's request to change its Operating Licence*, Ofcom, 15 November 2019, p15, para 3.36

¹⁰ *BBC Children's: Request for Changes to Ofcom's Operating Licence*, BBC, November 2019, p6, figure 2

access harder-to-reach audiences and provide a wider variety of content for children,” it argues.¹¹

26. VLV acknowledges that children are increasingly viewing content online but does not believe that to reach today’s children there needs to be any change in how much content is required to be broadcast. For one thing, the majority of viewing of children’s programmes is still to the CBBC and to CBeebies channels. The BBC says that the iPlayer accounts for 32% of the viewing of CBBC and for 24% of CBeebies.¹² These are significant figures that will doubtless rise, but there clearly remains much broadcast viewing. Indeed, Ofcom cites figures that show that in 2018 children were still watching on average 77 minutes of linear television each day, while two fifths of children aged 5-15 claim to only watch television via the television set, rather than through other devices.¹³ More significantly, the fact that online viewing is growing does not automatically mean that less original programming should be broadcast. Under current arrangements, all broadcast programmes are also available on the iPlayer, so online viewers are not losing out on anything.
27. The BBC says it wants to “experiment with more BBC iPlayer-only content” and that it wants to make programmes for the 10-12 year-old demographic that would be “less appropriate to broadcast on linear TV”, where six to nine-year-olds might also be watching.¹⁴ VLV does not believe that these aspirations require any diminution in the amount of hours of first-run content that the BBC is required to broadcast. By its nature, any experimental content can be kept relatively small-scale; in any case VLV would expect the BBC to provide more evidence that such experiments cannot be broadcast in some way. If programmes for the 10-12 year-old demographic were felt to have material that was inappropriate for younger children, some kind of labelling or watershed system ought to be possible to alert parents to any potential issues. Keeping such material off broadcast TV would also disenfranchise viewers to the CBBC channel.
28. VLV believes that this proposal is unnecessary and detrimental to children’s interests. To be clear, it means that some of the airtime now devoted to first-run UK-originated content on CBBC and CBeebies would be filled with repeats, as the BBC acknowledges. The BBC’s argument that “the children’s channels already broadcast more repeats, with the familiar content generally appealing to children” seems beside the point.¹⁵

¹¹ *BBC Children’s: Request for Changes to Ofcom’s Operating Licence*, BBC, November 2019, p10-11, section 3.1

¹² *BBC Children’s: Request for Changes to Ofcom’s Operating Licence*, BBC, November 2019, p12, figure 6

¹³ *BBC Children’s news and first-run UK originations: Consultation on the BBC’s request to change its Operating Licence*, Ofcom, 15 November 2019, p23, para 3.73

¹⁴ *BBC Children’s: Request for Changes to Ofcom’s Operating Licence*, BBC, November 2019, p12, section 3.3

¹⁵ *BBC Children’s: Request for Changes to Ofcom’s Operating Licence*, BBC, November 2019, p13, section 3.3

29. VLV is concerned that Ofcom has not only agreed to the BBC's request but added a condition that seems wholly inadequate. Ofcom would require that half of the first-run UK originated content – 175 hours out of 350 hours for pre-teen children and 50 hours out of 100 hours for pre-school children – is first shown on the linear channels CBBC and CBeebies or is broadcast on the linear channels subsequent to its first broadcast on BBC iPlayer. That means that up to half of first-run UK originated content could be restricted to online-only viewing. Even if such a scenario seems unlikely at the moment, the BBC has been given licence to shift rapidly away from broadcast to online content should it wish to. VLV fears that this paves the way for a future request from the BBC to move children's content fully online and to dispense with its two children's channels.
30. Furthermore, VLV is concerned that this proposal represents a major definitional change that could have ramifications across the BBC. If the BBC is granted this change for the children's channels, it sets a precedent that could lay the ground for a request to change the operating licence for BBC1 and BBC2 in similar ways. This kind of shift, for all that technology and consumer behaviour may make it look inevitable, will change the way the BBC is seen and sees itself, and VLV believes this is a process that cannot be embarked upon without major public debate involving licence fee payers.

Question 3: Do you agree with Ofcom's provisional assessment and proposed changes to the first-run UK originations quota for Children's content on CBBC? If not, please explain why, providing appropriate supporting evidence where possible.

31. The BBC has suggested that its quota for first-run UK originations in children's content on CBBC be reduced from 400 to 350 hours, and Ofcom has agreed to this. This proposal simply takes account of the proposed 50-hour reduction in the number of hours of children's news broadcast on CBBC. To the extent that VLV agrees with such a change – and VLV's objections to this plan are set out in the answer to Question 1 – we do not object to this secondary proposal in relation to UK originated content. To be clear, VLV believes the quota for first-run UK originations on CBBC should be reduced by the same number of hours as the quota for children's news on CBBC. However, as stated above, we would only support these proposals if the *Newsround* bulletin is maintained and the prominence of the latest *Newsround* bulletin on the CBBC iPlayer and *Newsround* website is guaranteed.

Question 4: Do you agree with Ofcom's provisional assessment on the cumulative impact of the variations as a whole? If not, please explain why, providing appropriate supporting evidence where possible.

32. VLV is concerned by two shifts implied by these three proposed changes to the BBC's operating licence which may be regarded as having a cumulative impact that could

have further implications for future provision of public service content across the BBC.

33. Firstly, they represent a reduction in regulated hours of public service content without a clear justification on the grounds of market failure or of diminished resources. This could create a precedent for future requests to cut quotas in different content areas.
34. Secondly, the changes represent a shift away from broadcast provision to online content, which while consistent with technological development and consumer trends is not necessarily in the best interest of citizens. The BBC remains a broadcaster first and foremost and VLV does not believe it should be gravitating towards online content at the expense of broadcast provision when in any case the two need not be mutually exclusive. Again, there is potential for this precedent, especially around definitional change, to allow the BBC to make further changes at the expense of broadcast provision, without consultation from licence fee payers, who pay principally for broadcast services.

Question 5: Do you agree with our proposal for the transitional arrangements? If not, please explain why, providing appropriate supporting evidence where possible.

35. VLV is concerned that Ofcom has outlined a rapid implementation of these changes when a full public consultation involving licence fee payers has not been possible. Changes to the first-run UK originations definition and the first-run UK originations quotas are to apply for the full 2020 calendar year, implying that the new arrangements start in January, less than three weeks after the close of this consultation. Changes to the CBBC news quota and conditions are set to take effect from 1 April 2020, which is again too soon for any meaningful public consultation. VLV believes that there should be such a public consultation and that changes of this nature should not be hastily implemented.