

*Championing
excellence and diversity
in broadcasting*

Founded in 1983 by Jocelyn Hay CBE



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RESPONSE BY THE VOICE OF THE LISTENER & VIEWER

TO

OFCOM'S CHILDREN'S CONTENT REVIEW

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INFORMATION ABOUT THE VLV

1. 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 No 4407712 - Charity No 1152136).

EXECUTIVE SUMMARY

1. VLV considers that high quality TV content 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.
2. VLV prioritises broadcast content over online content because it considers it to be the safest and most reliable source of public service content. This is because it is regulated to protect children from harm and offence and ensure high standards are maintained. Online platforms are unregulated which is of concern to VLV especially with reference to children. Another concern is that public service content is not prioritised by search engines and algorithms online which reduces its discoverability and impact.
3. VLV considers that there has been a deficit in the plural supply of drama, factual programmes and news for children's audiences since 2006 and that the ambition of the 2003 Communications Act to ensure that services *'(taken together) include... a suitable quality and range of high quality and original programmes for children and young people'* has not been met.
4. VLV welcomes the introduction of the new power in the Digital Economy Act 2017 for Ofcom to publish criteria for the provision of children's programming and, if appropriate, to set conditions in the licences of the commercial public service channels to ensure that children's programming meets the criteria.
5. We note the flexibility in the Act which allows Ofcom to take account of provision on services related to the commercial PSBs, including, for example, CiTV, E4 and online services.

6. VLV recognises that the challenge of agreeing new conditions with the commercial PSBs will be to match the public policy goal of ensuring children in Britain have access to a greater supply of regulated public service content while devising proposals which 'go with the grain of the commercial broadcasters business models'.¹
7. VLV believes that it is essential that children have access to high quality public service television on **free to air** platforms. Online platforms and subscription services are not free to access. It is VLV's view that children should not be disadvantaged because their parents cannot afford to pay for subscription services or choose not to take them.
8. Since the only platforms where children can view content which is regulated for harm and offence and accuracy, VLV would support policy changes which encourage a greater commitment from the commercial public service broadcasters to provide an increased volume of new original UK-produced TV content for children across a range of genres in return for their privileged positions on the EPG. This content should include drama and factual programming. News should be provided for school-aged children.
9. VLV welcomed the Government's recommendation that the Contestable Fund pilot should focus on provision for children. We hope this provides broadcasters and producers with a greater incentive to provide more public service content for children.
10. Ofcom has provided clear evidence that children are increasingly viewing content online. However, VLV is concerned that there is not enough research about what children actually view when they go online. There is also little information about which public service content they view online, how long they view it for and on which platforms. Without this information it is impossible for policymakers to assess the significance of the public service contribution online viewing makes.
11. VLV would recommend that the criteria for children's public service content should be based on the public purposes as set out in the Communications Act. The criteria should ensure that there is a guarantee of new, original content across a range of genres so that the current deficits in the provision of drama, news and factual content are addressed. All content qualifying as public service content should be UK-specific so that it is relevant to the lives of children growing up in the UK today.

¹ Presentation at the VLV Autumn Conference, 29 November 2017

INTRODUCTION

12. The VLV welcomes this opportunity to respond to Ofcom's Children's Content Review and the research which Ofcom has published alongside the Review.
13. VLV has long campaigned on behalf of children's audiences for a greater range of content which fulfils the public purposes as set out in the Communications Act 2003, namely to inform our understanding of the world, stimulate knowledge and learning, reflect the UK cultural identity and represent diversity and alternative viewpoints.
14. VLV's starting point when considering the value of children's television content is to ask 'What kind of country do we want our children to grow up in? What are the values we want to encourage our children to adopt as they grow up?'. VLV considers high quality TV content as 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.
15. VLV prioritises broadcast content over online content because it considers it to be the safest and most reliable source of public service content. This is because it is regulated to protect children from harm and offence and ensure that high standards are maintained. Online platforms are unregulated which is of concern to VLV especially with reference to children. Another concern is that public service content is not prioritised by search engines and algorithms online which reduces its discoverability and impact.
16. Ofcom has provided consistent evidence since 2006 that the objective set out in the Communications Act 2003 to provide content for children has not been met. The obligation in the Act is for Ofcom to review periodically the extent to which the PSB services *'(taken together) include... a suitable quality and range of high quality and original programmes for children and young people'*.
17. In 2008 Ofcom published an excellent report on children's content, *The Future of Children's Television Programming*. This report concluded that there was already market failure in 2008 in certain genres of children's provision, most notably factual, drama and news content, and that this trend was likely to be exacerbated by increased competition in the sector.
18. In light of Ofcom's research, VLV very much welcomes the introduction of the new power in the Digital Economy Act 2017 for Ofcom to publish criteria for the provision of children's programming and, if appropriate, to set conditions in the licences of the commercial public service channels to ensure that children's programming meets the criteria. We also note the flexibility in the Act which allows Ofcom to take account of provision on services related to the commercial PSBs, including, for example, CiTV, E4 and online services.
19. Parliament's desire to encourage a more diverse and pluralistic concept of public service broadcasting for children is welcome if this increases the choice of high

quality public service content for children's audiences. This desire is particularly relevant to children and young people who are underserved in the commercial marketplace with first-run UK-originated content, and who are rarely consulted about their preferences, in contrast to industry stakeholders who participate regularly in the policy-making process.

20. VLV believes that it is essential that children have access to high quality public service television on **free to air** platforms. Online platforms and subscription services are not free to access. It is VLV's view that children should not be disadvantaged because their parents cannot afford to pay for online or subscription services or choose not to take them.
21. VLV welcomed the Government's announcement regarding the Contestable Fund pilot for public service content at the end of 2017. In light of the debate around children's provision by the commercial PSBs, VLV especially welcomed the recommendation that the pilot should focus on provision of broadcast content for children. However, we understand that the BFI is developing the pilot proposals further during 2018 which may change their scope. Also it must be noted that the pilot is due to be run for only three years, so it must be taken into account that this funding stream is not guaranteed beyond that period.
22. If the pilot of the Contestable Fund is to have the desired impact it will be necessary for free to air broadcasters to commit to transmit the content it funds so that it reaches mass audiences. It is VLV's view that if Ofcom were able to obtain greater commitment from the commercial PSB's to broadcast children's content, this would help increase the impact of the fund.
23. VLV recognises that the challenge of agreeing new conditions with the commercial PSBs will be to match the public policy goal of ensuring children in Britain have access to a greater supply of regulated public service content while devising proposals which 'go with the grain of the commercial broadcasters business models'.²
24. One of the key issues which needs to be addressed by Ofcom is the lack of plurality of supply for UK children of free to air television content. The dominance of the BBC in the provision of content for children is of great concern to VLV. A monopoly position is highly likely to lead to a narrowing of perspective and a reduction in the variety of viewpoints presented to children's audiences. VLV holds that plurality and competition lead to a thriving, more imaginative marketplace.
25. Ofcom has provided clear evidence that children are increasingly viewing content online. However, VLV is concerned that while there is a wealth of data about the hardware children use, the platforms they visit and parental satisfaction, there is little information about what children actually view when they go online. There is also little information about which public service content they view online, how long they view it for and on which platforms. Without this information it is impossible for

² Presentation by Simon Terrington at VLV Autumn Conference, 29 November 2017

policymakers to assess the significance of the public service contribution online viewing makes. Similarly we need more research on how children discover content online.

26. In the consultation document Ofcom highlights that the children's audience is fragmented into different age groups, each with its own needs and tastes. It will be a challenge to ensure that each of these age groups is catered for with a plural supply of content beyond that provided by the BBC, but nonetheless VLV would suggest this needs to be achieved in order that all children's audiences are provided with a plural supply of public service content.
27. VLV believes that while programmes which are enjoyed by the whole family account for half of children's viewing time³ and are valuable, they do not constitute an adequate substitute for a plural supply of dedicated children's content which should seek to address a diverse child audience. It is VLV's view that each age group of children deserves a plural provision of content which is designed specifically for their age group and interests.
28. VLV recommends that when Ofcom develops the criteria for children's public service content, as tasked in the Digital Economy Act 2017, these should be based on the public purposes as set out in the Communications Act. The criteria should ensure that there is a guarantee of new, original content across a range of genres so that the current deficits in the provision of drama, news and factual content are addressed. All content qualifying as public service content should be UK-specific so that it is relevant to the lives of children growing up in the UK today. VLV would also support a requirement for content which explains the wider world and issues such as migration, which children will have heard about but may not understand.

Consultation Questions

Audience behaviour and preferences

1) What characteristics do (i) children and (ii) parents/carers most value about content aimed at children? How does this vary depending on the age of the child?

29. The consultation document provides evidence that there has been an increase in popularity of online content, especially among older children. While VLV acknowledges that everyone today has access to huge quantities of content across many platforms, VLV is concerned that online content is not regulated for harm and offence or accuracy. VLV believes this is of concern to parents.
30. Another challenge is that high quality content devised with public value as its goal is not prioritized by search engines or algorithms online, so there is no guarantee that it will be easily identifiable or discoverable.

³ *Children's Content Review, Invitation to contribute*, para 1.6, page 5, Ofcom, 29 November 2017

31. At a time when there is global public and political concern about the impact of fake news and inappropriate online content, VLV would challenge any suggestion that UK provision of public service content for children is adequate because there is so much content available elsewhere on online platforms for children. VLV holds that content for children should be regulated to protect children from harm and offence as a minimum standard.
32. It is clear from Ofcom research as well as other sources that parents consider the TV to be a *safe place* for children.⁴
33. YouTube and other publishers accept little or no responsibility for the content they allow to be uploaded to their sites. This was clear in a recent news story following the Logan Paul scandal when a popular YouTuber posted a video of a man who appeared to have committed suicide. Robert Kyncl, YouTube's Chief Business Officer, argued that YouTube should not be regulated in the same way as broadcasters because he insisted that YouTube is a publisher, not a creator. He said, 'We're protecting the advertiser and we're protecting creators earning a living on YouTube'.⁵ There was no mention in the report of it being a priority for YouTube to protect audiences.

Availability of children's content

6) Are there specific genres within children's content (on any platform) where demand or audience need is not currently matched by supply from PSBs, commercial channels, or on-demand and streaming services, or a combination of the former? What supports your view on this?

34. It is evident from Ofcom research that news, domestic drama and factual content which reflects the lives and experiences of children in the UK is especially neglected by the commercial PSBs and specialist commercial children's channels.
35. VLV notes Ofcom research which highlights a deficit in provision for 12-14 year olds. This has been the case for a number of years and one which Channel 4 has been tasked to rectify, however it has only been partly successful. While it can be said that many 12-14 year olds have already migrated onto viewing content on online platforms, VLV does not believe that leaving them to rely on unregulated content which provides no guarantee of quality or protection against harm is an adequate policy response. 12-14 year olds have the right as much as any adult or other child to public service content which reflects their lives.

⁴ *Children's Content Review, Invitation to contribute*, para 3.2, page 7, Ofcom, 29 November 2017

⁵ <http://www.bbc.co.uk/news/newsbeat-42768180>

7) What is the role and importance of first-run UK-originated programming for audiences? For broadcasters? Does this vary by sub-genres or by age group?

36. As stated above, VLV prioritises the societal value of children’s content over its potential commercial value.

37. VLV welcomed the presentation by Simon Terrington, Director of Content Policy at Ofcom, at the VLV conference in November 2017, when he said, *‘children’s needs are at the heart of this policy debate...It isn’t just about what children want but it is also categorically about what they need. It is about education, growth, protection and about standards.’*⁶

38. VLV agrees with the views expressed by Baroness Benjamin when she spoke in the House of Lords on 29 March 2017,

*‘Our children and our grandchildren are entitled to the provision of quality programming that was there for us. In many ways, that is even more crucial for children today, as television has the power to educate and inspire them for the future. As I always say, childhood lasts a lifetime. Instead of driving children towards watching unsuitable and inappropriate adult content, we need to ensure that appropriate content is available for them to identify with and to help shape their development and their imaginations.’*⁷

39. Baroness Jones of Whitchurch echoed a concern of VLV in an earlier debate in the House of Lords highlighting that if children do not become accustomed to watching content on television and supporting the public service broadcasting system this will lead to a decline in popularity as they grow up and become adults. She said, *‘have just as much right as adults to expect high-quality entertainment and the knowledge that will enrich and inspire their lives. In a sense, what people watch as children develops the habits and interests they will have as they move on to programmes and entertainment for teenagers and adults. Our great expectation that public service broadcasters will provide very good quality programming for adults is wasted if we do not provide for the next generation as well, so that it can recognise it and create that demand for it. Children also have as much right to see UK-made content.’*⁸

40. At the VLV conference in November 2017 Anne Brogan, Managing Director of Kindle Entertainment, highlighted the important role television plays in inspiring children and building their confidence,

⁶ VLV Autumn Conference, 29 November 2017

⁷ <https://hansard.digiminster.com/Lords/2017-03-29/debates/AD07E824-13BF-4682-A8BE-D09B0AC64624/DigitalEconomyBill?highlight=ofcom#contribution-B48C7C32-4F4C-4861-B9B4-A4B301E4E8A8>

⁸ <https://hansard.digiminster.com/Lords/2017-02-08/debates/62015B3A-4223-456C-8F4D-81AA2D582916/DigitalEconomyBill?highlight=digital%20economy#contribution-69155D80-B285-4BD5-B1E1-C23FB2467D49>

*'Children's content is so vitally important; more important than any other genre. Because it is when you are a child that your hopes, your dreams and ambitions are formed. And it's vital for every individual child and for us as a society that those hopes, those dreams, those ambitions are as big as they possibly can be. If your imagination does not get fed when you are a child then the chances are that your ambition will be reduced.'*⁹

41. It has to be taken into account in any evaluation of children's provision that repeats are less of a problem for programming aimed at younger children because they tend to enjoy watching repeats. However, VLV is concerned that the current low volume of new original content indicates a lack of innovation, originality and distinctiveness in children's content generally.
42. Key issues for VLV when considering the potential value of children's online content are:
- the range and type of what is being offered
 - whether public service criteria are being met
 - whether children are being offered a range and diversity that reflects their lives and experiences
 - whether content follows the standards set in the Broadcasting Code
 - whether content is factually accurate
 - whether the genres which are in market failure – UK drama, factual and news for children – are being supplemented adequately

Incentives and disincentives to produce children's content

9) How have funding models and investment in children's content changed over the last five to ten years? Do you have evidence you can share with this to support your view?

43. Ofcom evidence shows that there has been a significant decline in the investment of new original UK children's content by commercial PSBs since 2006. Investment by the commercial PSBs in children's content has decreased by 93% since 2003. Funding by PSB broadcasters on first run originations increased between 2015 and 2016 by 9% to 84m, but overall it has declined from £113m in 2006.¹⁰ And less than 1% of television hours available for our children are new, first-run British programmes; the rest are imports and repeats. In 2016 only 86 hours of new original content was broadcast by the commercial PSBs, in contrast with the 687 broadcast by the BBC.¹¹

10) If certain genres within children's content (for instance news, factual, or drama) are becoming increasingly difficult to obtain funding for, what are the reasons for this? Are certain genres more difficult to generate financial returns from, and if so, why?

⁹ Presentation at the VLV Autumn Conference, November 29th 2017

¹⁰ *Ofcom PSB Annual Report 2017*, p 23.

¹¹ *Ofcom PSB Annual Report 2017*, Annex C, Figure 20

44. News, factual and drama programming produced specifically for a UK audience from a UK perspective is difficult to fund because there is a limited international market for such programming therefore co-production funding is limited.

11) Are there other incentives and disincentives you think we should consider as part of the review?

45. As stated above, VLV welcomes the Government's recommendation that the pilot for the Contestable Fund should focus on children's content. If, following the deliberations of the BFI which is developing the Fund proposal, this turns out to be the case it could provide an incentive for producers and broadcasters to provide more children's content.
46. It is VLV's view that if Ofcom were able to obtain greater commitment from the commercial PSB's to broadcast children's content, this would help increase the impact of the Fund. However, VLV notes that the pilot is due to be run for only three years, so it has to be taken into account that this funding stream is not guaranteed beyond that period.
47. The only platforms where children can view content which is regulated for harm and offence and accuracy are broadcast platforms. For this reason VLV would support policy changes which encourage a greater commitment from the commercial public service broadcasters to provide an increased volume of new original UK-produced TV content for UK children in return for their privileged positions on the EPG.
48. VLV appreciates that any approach to introducing new conditions to the commercial public service broadcasters' current licences will need to be conducted in a flexible way.
49. VLV suggests that new conditions should be negotiated with the commercial public service broadcasters so that they commit to providing a minimum volume of new, original UK-produced content across a range of genres for children on their main or portfolio channels. This content should include drama and factual programming. News should be provided for school-aged children.
50. Any new licence requirements should ensure such content is broadcast on days and at times when children will be able to view it.