

September 2009

Submission to Ofcom in response to the Broadcasting Code Review

Background: IBT

The International Broadcasting Trust (IBT) is a charity which seeks to promote high quality television and new media coverage of matters of international significance to the UK public.

IBT represents a coalition of international charities. Its members comprise all the UK's major development agencies including ActionAid, Amnesty International, British Red Cross, CAFOD, Care UK, Christian Aid, Comic Relief, Concern UK, Friends of the Earth, Help the Aged, HelpAge International, Merlin, Oxfam, Plan UK, Practical Action, Progressio, RSPB, Save the Children, Sightsavers International, Skillshare International, Tearfund, TVE, UNICEF UK, VSO, the World Association for Christian Communication and World Vision. IBT is a registered charity, number 326150.

The views in this submission reflect the concerns of IBT's member agencies regarding adequate common understanding of the world in which we live. These concerns are shared by millions of UK supporters of our organisations. **IBT members would assert that international affairs and what is going on in the wider world should be included in the definition of what is in the public interest with reference to Public Information Programming.**

IBT believes that in order for the UK citizens of the future to be able to flourish in a globalised society, they need to be, as former DCMS Secretary of State Andy Burnham described in January this year, the '*best informed citizens in the world*'.¹ IBT believes we should use the change in the Broadcasting Code to include Public Information Programming funded by charities as a moment of opportunity to put in place the means to achieve this admirable ambition.

We would welcome the opportunity to discuss with Ofcom any of the views expressed in this submission.

¹ Andy Burnham, Speech made to Oxford Media Convention, January 2009

Stakeholder questions

We limit our response to question 12 which relates to Public Information Programming.

12a) Would you consider it appropriate for Ofcom to introduce rules that would allow Public Information Programming (as described above)? If so please explain why. If not, please explain why not.

1. IBT members strongly support the introduction of rules that would allow programming which seeks to educate or inform the audience on matters in the public interest funded by *non-commercial, not-for-profit entities – of programming that is in the public interest and that may also refer to the interest of activities of the funder, provided the function of such references is to serve a public interest and not to promote the funder.* (6.32)
2. IBT strongly agrees that it is essential Public Information Programming brings a ‘public interest benefit’ (rule 9.26) in order to be relevant.
3. With reference to rule 9.26 IBT agrees that there is a difference between programming sponsored for a commercial gain, to promote the interests of a profit-making organization, and programming which is funded for the greater good by charities keen to put out educative programming.
4. With reference to rule 9.26 IBT agrees that the purpose of Public Information Programming should be to inform the public about issues and matters of public interest and not to promote the funder. An example of this which would be of interest to the British Red Cross (an IBT member) could be information on how to respond to a natural disaster or how to trace family members or friends in the event of an international disaster.
5. And IBT also agrees with rules 9.27, 9.28, 9.29, 9.30, 9.31, 9.32 and 9.33.
6. IBT largely agrees with the definition of Public Information Programming (paragraph 6.23) as *Public Information Programming is programming funded by a non-commercial, not-for-profit entity that seeks to educate or inform the audience on matters in the public interest. A non-commercial, not-for-profit entity is either an individual who operates without seeking to make a profit or an organisation that has non-profit making status. The entity’s activities must be wholly or mainly of a non-commercial nature. In cases where such an entity does pursue some activities of a*

commercial nature, Public Information Programming funded by that entity may not relate to or include any form of reference to those commercial activities.

However, IBT believes greater clarification is needed in the definition for what content should be considered 'programming in the public interest'. IBT believes that it is in the public's interest to be well informed about many things which relate to the world outside the UK although our impression from the consultation document is that the proposed rules would not cover such content.

We cite the following examples of matters which are in the public interest but which may not be covered in the current definition of Public Information Programming and argue that they should be covered:

- i. General events in the wider world which may have an impact on the UK public in due course. One example of this could be conflicts outside the UK which may lead to an increase in refugee movements towards the UK.
- ii. The impact decisions we make in the UK have on people in the wider world and therefore ultimately what impact they are likely to have on us in the longer term. One example of this might be measures to reduce climate change.
- iii. What the public can do to help if there is a national or international disaster, especially when the disaster has a direct connection to the British public, such as an earthquake abroad where there may be British people holidaying or there may be a large UK community of people whose families originate from the place where the earthquake has occurred.
- iv. How to trace or contact friends or family in the instance of a national or international disaster
- v. First aid skills – whether this is a skill used domestically or when abroad
- vi. Health – whether this is about one's health at home or abroad; with increased travel many illnesses and diseases which may have been viewed as purely problems for other countries are increasingly relevant to a UK audience, such as TB or malaria.
- vii. What happens to aid money donated by us in the UK and the UK government? This is a subject of interest to the vast majority of the UK population who either donate directly to charities or indirectly via the Government's Department for International Development.

7. Addressing paragraph 6.36 where it is stated that the rules have been developed to *limit appropriately the type of subjects covered by such programming*, IBT would argue there is no need to limit the subjects covered. It is IBT's view it is essential that broadcasters are free to decide which subjects they want to cover and then to approach potential funders who may have an interest in funding the programmes. In this way, broadcasters are free to commission those programmes which they believe will provide information which is in the public interest and be commercially successful as well.
8. IBT agrees that any rules to allow funding of Public Information Programming must ensure the maintenance of editorial integrity, transparency and separation between the broadcaster and funder.
9. IBT is concerned that there needs to be greater clarification in the rules governing the *appropriateness of subject matter and matters relating to political, industrial or public controversy*. (para 6.37) We would welcome greater detail regarding this aspect of content.

Why would content funded by IBT members about their activities provide public interest benefit?

10. IBT's members believe it is a public interest benefit for the public to be informed about what is going on in the wider world because with globalisation international boundaries are increasingly irrelevant.
11. In order to respond to this consultation IBT conducted a survey of its members asking questions which directly relate to those being asked in this consultation. The information IBT members have provided is the evidence on which much of this submission is based.
12. It is clear from the responses to our survey, that a certain amount of audio visual material created by IBT members already appears on UK television, but under the editorial control of broadcasters. This is especially true in news output when broadcasters may have little or no access to certain geographical areas but charities have access via staff who are working there and can send back footage.
13. All IBT members surveyed expressed a strong interest in funding Public Information Programming for television under these new rules.
14. With reference to paragraph 6.34, *Without specific rules that facilitate Public Information Programming, such content might not be the subject of commercial television programming*, it is clear that this change in regulations is timely because

programmes about subjects/events outside the UK are proving increasingly difficult for broadcasters to fund, especially in genres which are viewed as less commercially viable, such as children's programming. This is partly due to the greater costs involved in travelling and working abroad, as opposed to domestic filming which is cheaper and easier to research. IBT's *Screening the World* (2008) research provides evidence that currently the broadcasting ecosystem is failing to provide such international coverage. It shows a sharp decline in programming about the wider world on ITV1 and Five since 2005 and a shift of that programming onto niche channels which attract far fewer viewers and smaller budgets.

*'The longitudinal element of this research reveals some striking trends. International factual programming on the four main terrestrial channels has now reached its lowest overall level since 1989-90. The increasing levels of output on BBC3, BBC4 and More4 point to the migration of international factual content to digital channels. And the collapse in recorded programme hours of international and developing country factual programming on ITV1 is striking.'*²

Additionally, IBT's research for *Screening the World* (2008) shows a deplorably low level of new programming produced for UK children about the wider world.

Question 12 b) If Ofcom were to introduce rules in relation to Public Information Programming:

i. Are there any potential programmes that you believe could comply with the potential rules but that you consider would be undesirable or arguably not in the public interest? If so, please give details.

15. IBT does not believe that programmes which comply with the rules might be undesirable or not in the public interest for a number of reasons:
16. Despite this proposed change in the Code, ultimately it will be the broadcasters who still control what is commissioned and transmitted. They will still only commission programming which will appeal to their audiences, therefore be *desirable*, and be commercially viable.
17. With regard to whether programmes are in the public interest, it will ultimately be Ofcom's decision whether programmes are eligible for funding of this sort and therefore the risk they are not in the public interest will be minimized.

² *Screening the World*, IBT, 2008

18. Any programming funded under the new Public Information Programming rules in the Code would still have to comply with other sections in the Code which protect the audience with regard to decency etc.
19. With regard to impartiality, which is one aspect of the *desirability* of a programme, IBT members believe that there needs to be a balance of opinion in any programme which would rule out the undesirability of a programme being biased. They believe it is in their interest for programming to be overtly unbiased in order to maintain the trust of the audience. Below are a number of direct quotations from IBT members provided in our survey:
- i. *It may be fine for an NGO to put forward its views in a programme as long as others can put a counter-view for balance and to test their arguments.*
 - ii. *We would want to see impartial, challenging content, even when it relates to our own policies. We're not interested in promoting sloganeering or propaganda-style content and as accountability, transparency and aid effectiveness become increasingly more discussed, it is crucial that we try to demystify the sector for the wider public.*
 - iii. *We may have to fund a programme which broadcasts points of view we don't agree with in the name of impartiality.*
20. With reference to Paragraph 6.37 IBT members agree that Ofcom should be given powers to provide detailed guidance to broadcasters on the status of the potential programme funder, the identification of the funder with the programme, cross references to other relevant sections of the Code and the acceptability of references to the funder's activities to ensure that the programme isn't used as a platform to promote the sponsor. We believe that this guidance should ensure that programming which appears to comply with the potential rules is not undesirable or arguably not in the public interest.

Question 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?

Social Impact:

21. There is recent evidence that awareness of the wider world leads to greater social cohesion: children questioned in a 2008 MORI poll³ showed a greater respect for their neighbours and for the multi-cultural nature of UK society when they had been exposed to information about the wider world.
22. To quote a section of the report, *Findings suggest that global learning has an impact: those who have experienced global learning in school are keen to understand more about the problems in the world, as well as being more likely than average to believe that what they do in their daily lives can affect those in other countries and that people like them have the ability to make a difference. These more informed pupils also appear to be more open to people of different backgrounds than those who have not experienced global learning in school, and more likely than average to say that they try to do things to make the world a better place. Those who have not experienced global learning in school, are less likely than those who have to be keen to learn more about problems in the world and to believe that they can do things to make the world a better place.*⁴

Impact on the Television Industry & the Economics of Television

23. Anecdotally, having discussed this proposed change to the Broadcasting Code with commissioning editors at Channel 4, ITV and Five, as well as a number of digital children's channels, all those we contacted were in support of the funding of Public Information Programming about the wider world because this type of programming is more costly to make and therefore less easy to justify commercially. Their only proviso is that the broadcaster would have to retain full editorial control which is in line with the proposed rule changes.
24. IBT's members surveyed for this consultation, which included Oxfam, Christian Aid, The British Red Cross, Merlin and Help the Aged to name a few, have expressed a strong interest in funding such programming and IBT believes this will have a positive economic impact on broadcasters, providing extra budget for programming which otherwise they could not afford to make.
25. Suggestions of a few types of programming which would benefit from funding from IBT members includes:
 - 25a) Children's Programming – this is an area of great concern to IBT members and they are keen to see more programming which tells British children about the

³ Our Global Future: How can education meet the challenge of change? An Ipsos MORI Research Study on behalf of DEA 2008

⁴ Our Global Future: How can education meet the challenge of change? An Ipsos MORI Research Study on behalf of DEA 2008

lives of their peers around the world. Broadcasters have expressed an interest in extra funding for this genre which is seriously under-resourced currently and it has been recognised by Ofcom and the Government that more financial support is needed for this area of programming .

- 25b) *True Stories* – This series on More 4 focuses exclusively on documentaries about the world outside the UK. It has won many awards for its films which are engaging and powerful, yet prove to be very difficult to fund. More 4 never fully funds its films so producers have to find funding from co-production partners in other countries. This is one example of where Public Information Programming funding from charities would increase Channel 4’s ability to commission programming for *True Stories*.
- 25c) Teachers TV – programming for this channel could be eligible for Public Information Programming and this could provide a huge financial support to a service which is undoubtedly in the public interest. Many of IBT’s members already work with producers who provide content for Teachers TV especially relating to the citizenship curriculum and geography. Up until now they have provided support by facilitating access to stories and expertise in citizenship but they would be keen to financially support what they see as a crucial tool in helping teachers disseminate engaging information to British children about the wider world.
- 25d) A very specific example of such programming which could be covered by the new rules concerns the provision of information to disaster affected communities, both within the UK and internationally. The British Red Cross is co-chairing with Save the Children UK an inter-agency forum of NGOs, UN agencies and media development organisations to improve the practice and policy content for the provision of information to disaster affected communities about, for example, where to go for family tracing services or issuing weather warnings. Public information programming in these circumstances could be an area of great interest. To quote an IBT member: *We would see no conflict with the proposed rules if we supplied content for campaign pieces on encouraging first aid learning.*
26. IBT believes that without a change in the Broadcasting Code to allow funding for Public Information Programming about the wider world, programmes which feature such international content will become increasingly rare on commercial UK television. There is strong evidence in IBT quantitative research that broadcasters are transmitting fewer and fewer hours of programming with content about the world outside the UK: *in 2007, the international factual output of the four main terrestrial channels was the lowest*

ever recorded at just 582 hours.⁵ and the 2007 results for ITV1 show a considerable drop in international factual output from a previously very consistent amount of around 130 hours to a record low of just 35.3 hours.⁶ and FIVE had 151.9 hours [of international factual output], this represents a drop of 37% since 2000/01⁷. It is understandably more cost effective to film within the UK because travelling abroad increases budgets and this is undoubtedly one of the reasons for the reduction of hours of international content on UK Television in recent years. IBT believes that if Public Information Programming included programming about the world outside the UK this could help rectify this trend.

27. Additionally, IBT members believe that if they are able to fund programming there might be the opportunity for subjects to be covered which are not on air currently because they are continuing situations, such as returning to the site of a disaster six months later to see the impact of aid and reconstruction. This content could be of interest to the general public but not be included within current affairs or news budgets because it is not considered newsworthy enough.
28. IBT believes there is a great potential for Public Information Programming to assist in building the resilience of communities in the UK and abroad to withstand and respond to natural disasters and other hazards.
29. Re paragraph 6.38 which suggests that there may be a risk that this type of funding will undermine existing public interest programming, IBT members do not agree with this concern. IBT believes that such programming which is important, relevant to the audience and therefore engages the audience will still be made. It is programming which costs more per minute because of the difficulty of access or huge amount of research required, or travel costs (as in foreign filming) which will be most vulnerable in an increasingly competitive television market. This is programming which could be financially supported by not-for-profit organizations, such as IBT members, as Public Information Programming in order to guarantee greater quality of production and research.
30. Referring to the concern expressed in paragraph 6.40 that this type of funding might displace funding from other areas such as spot advertising, from the survey of IBT members it is clear that spending from IBT members will not be diverted from other media outlets in favour of Public Information Programming because they would aim to negotiate a licence to use the material shot by the broadcaster for their own in house media purposes. This will mean

⁵ IBT, Screening the World, 2008, page 14

⁶ Ibid, page 16

⁷ Ibid, page 16

that the funding they are spending already to gather content from foreign countries for their own uses about issues will simply be diverted to the broadcaster, but the end result will be that this expenditure will have more impact, potentially providing footage for the charity and a programme for the broadcaster as well.

The Impact on Equality

31. Regarding paragraph 6.43 – the impact on equality - IBT believes that Public Information Programming could provide a huge benefit in this area. It is widely recognised that there is a lack of equality on television in terms of gender, disability and ethnicity. IBT members would address this problem by providing funding to film and access to communities with which they work which are often ignored by broadcasters, especially those who are disabled and from ethnic minorities. Public Information Programming could provide funding to allow the voices of the often voiceless to be heard - the poorer, less advantaged members of society, whether they are in the UK or abroad - empowering them to advocate on their own behalf.

Question 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.

32. As stated above it is our understanding that no broadcaster will give editorial control to an outside organisation. As already quoted in Paragraph 19 of this submission, IBT members are fully aware of the need for impartiality and believe it is in their interest that programming is very clearly unbiased in order to maintain trust with the viewer.

Question 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.

33. No

Question 12 b) v. Specifically, should there be any restriction on the type of non-commercial, not-for-profit entities permitted to fund Public Information Programming, and if so, what restrictions?

34. No

Question 12 b) vi. Do you consider it would be appropriate for Ofcom to review these rules two years after their introduction? If not, please explain why.

35. IBT does believe it will be appropriate for Ofcom to review these rules two years after their introduction because then it will be possible to identify any difficulties with regard to the type of content which is considered 'appropriate' for such funding. In addition, it will be possible to determine whether the regulations are too restrictive or not restrictive enough. It will be essential to gauge whether there has been an increase in high quality programming which is in the public interest and if not, it should be questioned whether the rules are too restrictive.