

Note of Ofcom-LGB Alliance meeting 10 December 2021, 10:00 am

Ofcom: Adam Baxter (AB), xx (Ofcom), xx (Ofcom), xx (Ofcom)

LGB Alliance (LGBA): xx (LGBA), xx (LGBA), xx (LGBA)

- AB opened the meeting noting it followed request from LGB Alliance.
- [LGBA] said that the LGBA still felt that real damage was being done because, in their view, Ofcom has not made a public announcement clarifying Melanie's comments to John Nicolson MP at the DCMS SC in December 2020. She added that Melanie's comments were often being cited when people attack the LGBA. AB stressed that Ofcom had consistently made its position clear both to the LGBA and elsewhere that it is a matter of public record that after her statements to John Nicolson, later in the Committee hearing Melanie provided clarification in response to questions on the topic of trans identity from Damian Green MP. As had been previously made clear to the LGBA, they could refer to Ofcom's February 2021 letter to them if they so wished (Ofcom has published this letter on its own website in response to FoI requests).
- [LGBA] said that there was concern that many at the BBC would not include the LGBA in programming and she asked whether Ofcom could write to the BBC to state that it could include the LGBA in programming. AB said the specific editorial steps and decisions taken by the BBC, including who it interviews and includes in programmes, is a matter for the BBC Executive Board. Consistent with the right to freedom of expression, it would be a chilling restriction on creative freedom if Ofcom was to intervene in the manner that the LGBA was suggesting. [LGBA] also asked whether Ofcom would have a view were Tim Davie to announce that the LGBA should not be included in BBC programming. AB said that such issues were matters for the BBC Executive Board and not Ofcom, but noted that in any case the LGBA was included in BBC programmes (e.g. the *Stephen Nolan Investigates* podcasts).
- [LGBA] noted that in the *Nolan Investigates* podcasts, Ofcom had been misleading by implying that it had regularly met with the LGBA when in fact it had only met to talk about Melanie's appearance at the DCMS SC. AB disagreed, noting that, as [LGBA] himself acknowledged when interviewed in the *Nolan Investigates* podcasts, Ofcom had never heard of the LGBA prior to the DCMS SC hearing so could not have met them before then and that whilst the SC session was discussed when Ofcom subsequently met with the LGBA, we also discussed the LGBA's perspective on a range of diversity issues, which we would do with any stakeholder.
- [LGBA] raised the issue of Ofcom's decision to leave the Stonewall Diversity Champions Scheme, noting that Ofcom had done so due to a perception of a conflict of interest with its statutory duties. AB confirmed this was the case and strongly refuted an implication from [LGBA] that Ofcom's standards decision-making had been influenced by Ofcom's membership of the Stonewall scheme. [Ofcom] agreed and stressed that Ofcom's decision-making is transparent and is laid out in the Broadcast and On Demand Bulletin.
- [LGBA] asked in what ways could the LGBA interact with Ofcom. [Ofcom] explained her work in the diversity in broadcasting area and offered to meet [LGBA] to understand the LGBA's views better. She added that in 2022 Ofcom would be publishing a call for inputs on diversity in broadcasting issues and she hoped the LGBA would take part in that process. [Ofcom] said that she and AB would be happy to meet with the LGBA if they had specific questions about content standards.
- [Ofcom] said that the LGBA had been contacted by a number of Ofcom LGB colleagues who were unhappy about Ofcom's position in relation to issues such as Stonewall. [Ofcom] said

that it is saddening if any colleague feels uncomfortable in the workplace and that she was leading the work to ensure that all members of the staff networks feel valued and included.

- [LGBA] also asked whether Ofcom would be happy for an LGB staff Network to be set up. [Ofcom] said that Ofcom's staff networks consist of members of the named communities and their allies and are designed to be as inclusive as possible. The aim being to build a safe space of support, awareness and allyship. She wondered how a separate staff network would fulfil those aims.

The meeting closed at 11:00 am.