

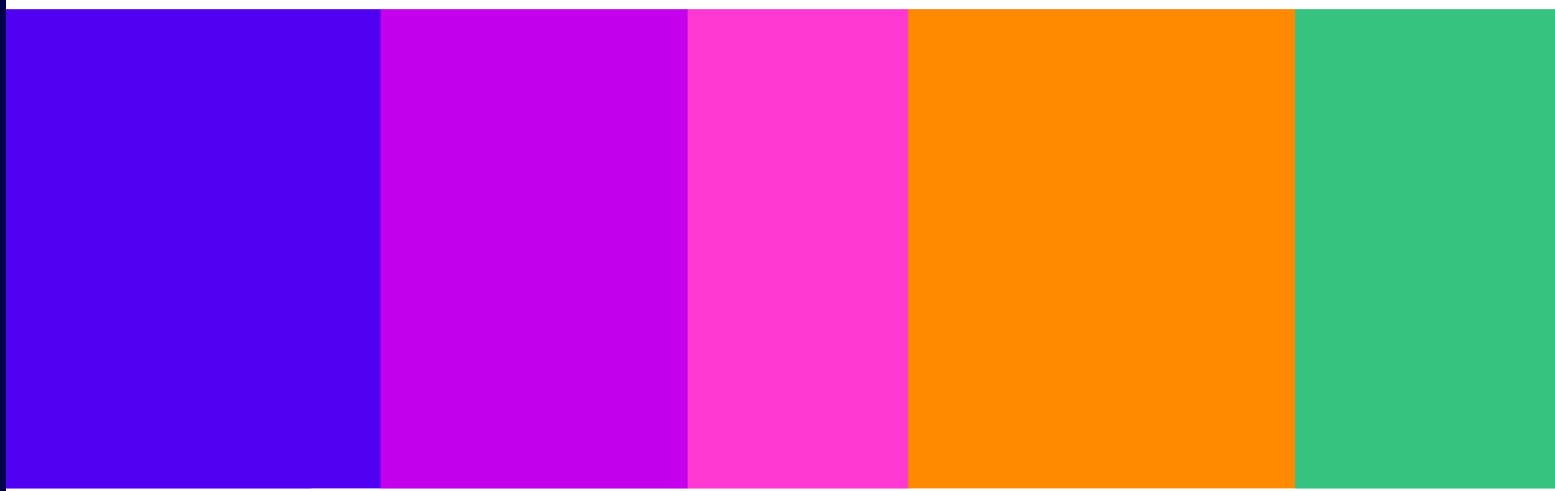
Designation of Public Service Broadcaster Internet Programme Services

Statement on the methods Ofcom will apply when making our designation decisions

Statement

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1. Overview

- 1.1 The [Media Act 2024](#) (Media Act) introduced a new online availability and prominence regime focused on connected TV platforms that enable people to select and access TV players or programmes provided via those players. This new regime will require certain connected TV platforms to ensure that BBC iPlayer and other public service broadcaster (PSB) TV players, as well as their public service content, are available, prominent, and easily accessible. In return for these new benefits, PSBs must ensure that their TV players make a significant contribution to the fulfilment of their individual public service remits (individual remit), and that audiences are able to find and watch public service content on them.
- 1.2 The connected TV platforms that may fall in scope of these new rules are referred to in the legislation as ‘television selection services’ (TSS). The decision as to which TSS are designated lies with the Secretary of State, who, before making their decision, must have first received a report with recommendations from Ofcom. In April this year we published our statement on the principles and methods we would apply when producing that report¹ and today we have published a consultation on our draft report to the Secretary of State.²
- 1.3 Separately, it is Ofcom’s role to decide which PSB players – formally known as ‘internet programme services’ (IPS) – satisfy the conditions set out in legislation to benefit from the new availability and prominence regime. In February this year, we published a consultation explaining our proposed approach alongside a draft Statement of Methods (Statement) for assessing which IPS should be designated.³
- 1.4 We received 15 responses in total to the consultation, from a range of stakeholders including PSBs, non-public service broadcasters, connected TV platform providers and certain interest groups.
- 1.5 We have carefully considered all responses in finalising the Statement.⁴ In this document, we explain the rationale for our decisions.
- 1.6 This document is structured as follows:
- **Section 2** explains the background and our objectives for the new availability and prominence regime.
 - **Section 3** summarises the consultation responses and sets out Ofcom’s decisions.
 - **Annex 1** contains our final Statement.
 - **Annex 2** sets out the legal framework.
 - **Annex 3** sets out the impact assessments.
- 1.7 The next step will be for IPS providers wishing to apply for designation of their IPS to apply to Ofcom. IPS providers will be able to apply for designation in January 2026.

¹ Ofcom, 2025, Statement: [Designation of Television of Selection Services, Statement of Principles and Methods](#).

² [Ofcom, 2025, Consultation: Designation of Television Selection Services - draft report to the secretary of state](#)

³ Ofcom, 2025, [Consultation: Designation of Public Service Broadcaster Internet Programme Services](#) (the ‘consultation’).

⁴ We have published all non-confidential responses on our website.

What we have decided – in brief

Having considered stakeholder responses, which were largely supportive of the draft Statement, we have decided to proceed with the Statement as set out in the consultation with the exception of two amendments relating to information about the promotion and discoverability of “public service remit content” (PSR content).⁵ We have also made some amendments to the application process.

The amended Statement sets out the following approach in making our designation decisions about whether to designate IPS provided by Channel 3 licensees, the Channel Four Television Corporation (C4C), Channel 5 or S4C:

- **Condition 1: Does the IPS make, or is it capable of making, a significant contribution to the PSB’s individual remit?** We will take account of each PSB’s individual remit when we assess significance and expect that IPS should generally include all the content that the PSB, in its statement of programme policy (SoPP), has stated is intended to fulfil its individual remit.⁶
- **Condition 2: Is the public service remit content included readily discoverable and promoted by the IPS?** The high traffic areas of the homepage and other high traffic areas⁷ and features of the IPS should predominantly consist of PSR content. In particular, IPS providers must promote and make readily discoverable: (i) news and current affairs content; and (ii) a diverse range of informative, educational and entertaining content, in the high traffic areas of their IPS. In response to stakeholder comments, we have amended the Statement to make clear that IPS providers should a) submit relevant data to evidence the ready discoverability and promotion of PSR content and b) include a description of the aims and priorities underpinning their approach to curation.⁸
- **Is it appropriate for Ofcom to designate the IPS?** We will take into account a PSB’s proposals in its SoPP about the contribution the IPS will make to its individual remit, how the IPS will be used to satisfy the needs and interests of as many different audiences as possible and the PSB’s approach to performance monitoring.
- **The process for IPS providers to apply for designation of an IPS.** We have decided not to proceed with a separate early application process but will instead invite IPS providers to apply during two application windows a year, starting in January 2026.
- **The methods for revoking an IPS designation.** We will apply the same methods we apply to our designation decisions to our revocation decisions.

The overview section in this document is a simplified high-level summary only. The decisions we have taken, and our reasoning are set out in section 3 below.

⁵ Public service remit content is defined in the Act as material included in the IPS that contributes to the fulfilment of the licensed PSB’s or S4C’s individual remit (Section 362AA(12) of the Act).

⁶ Licensed PSBs and S4C are able to use ‘relevant audiovisual services’ – as defined in section 264(11) of the Act – alongside their main TV channel to contribute to the fulfilment of their individual remits. In order to fulfil their individual remits, the licensed PSBs and S4C must also make an “adequate contribution” to the collective obligation on all the PSBs to fulfil the public service remit for UK television set out in section 264(4) of the Act.

⁷ A ‘high traffic area’ refers to an area of the IPS which is viewed and/or accessed by a significant volume of people when they use the IPS.

⁸ ‘Curation’ means the selection, organisation and presentation of content within the IPS.

2. Background

The objectives of the new Media Act availability and prominence regime

- 2.1 The habits of UK viewers have changed significantly over the last decade. People are watching more TV online, driven by the mass take-up of broadband, a range of different video-enabled connected devices, and new platforms and services providing vast on-demand catalogues, including big-budget original programmes.⁹ Although live broadcast TV and radio services continue to be widely used and valued, the increase in choice enabled by technological change has gone hand in hand with declines in linear viewing and listening.¹⁰
- 2.2 After several decades during which their services were structured around linear distribution, broadcasters have been adapting to these changes and the expectations of audiences today. The UK's PSBs have each developed a player offering original content, as well as some exclusive and licensed programming, which can be accessed on a wide range of connected devices. The legislation refers to these types of players as IPS.
- 2.3 While the regulatory framework specified in the Communications Act 2003 (the Act) has ensured that the PSBs' linear television channels¹¹ have been widely available and easy to find in electronic programme guides for decades, until the passing of the Media Act there were no rules to secure the prominence of public service content in online media environments.
- 2.4 The new regime introduced by Part 2 of the Media Act – which inserted Part 3A into the Act – addresses this by building on the existing prominence framework for linear television and bringing into scope connected TV platforms,¹² defined by the Act as TSS. It is for the Secretary of State to make regulations to designate TSS, which will then be known as 'regulated TSS' or 'RTSS'.
- 2.5 The core objective of this new regime is to maximise audience benefits by ensuring public service content is "available to the overwhelming majority of the population."¹³ As such, in setting out the Statement at **Annex 1** and when we apply the methods when making our designation decisions, we will seek to ensure that public service content is widely available to a broad range of audiences in the UK. We will also have regard to our relevant statutory duties, which are summarised in the legal framework (**Annex 2**).

⁹ More detailed analysis of these broad trends is provided in Ofcom's [Future of TV Distribution](#) and [Media Nations 2024 reports](#).

¹⁰ Ofcom, 2024, [Review of public service media. Terms of reference](#); and Ofcom, 2024, [Media Nations UK 2024](#).

¹¹ PSBs' linear television channels include all of the BBC's public broadcast television services, each Channel 3 service, Channel 4, Channel 5 and S4C.

¹² Ofcom, 2024, [The connected TV platforms market. An update on our work](#).

¹³ Paragraph 4 of the Media Act 2024 [Explanatory Notes](#). The Explanatory Notes were prepared by the Department of Culture, Media and Sport to assist readers in understanding this new Act of Parliament. They provide background information on the development of policy, but do not form part of the Media Act and are not endorsed by Parliament.

What are internet programme services?

- 2.6 Under the Act, an IPS is a service, accessed via the internet, whose “principal purpose” is to provide programmes to users.¹⁴ An IPS can consist of one or more on-demand programme services, as well as other services such as linear television services. All the latest versions of the PSBs’ IPS, that is BBC iPlayer, ITVX, Channel 4 (streaming service), 5 (streaming service), STV Player and S4C’s Clic, provide access to a mix of both on-demand and linear programming.
- 2.7 Currently all of the PSBs have one IPS. Under the Act, there is no limit on the number of IPS that a PSB may seek designation for,¹⁵ provided that each IPS meets the necessary criteria for designation.¹⁶

Determining which IPS may be designated

- 2.8 Ofcom can designate the IPS of a licensed PSB – that is, Channel 3 licensees, C4C and Channel 5 – or S4C.¹⁷ The Act puts in place criteria regarding who can control an IPS, the contribution the IPS must make (or be capable of making) to the PSB’s individual remit and the content that should be included in order for it to be designated.

IPS designation framework

- 2.9 Before we take any decisions on designating an IPS, Ofcom must first be satisfied that the provider of the IPS is a licensed PSB, S4C or a person associated with them, within the terms set by the Act.
- 2.10 Further, Ofcom may only designate an IPS if the service satisfies certain conditions.¹⁸
- a) The IPS makes, or is capable of making, a significant contribution to the PSB’s individual public service remit (Condition 1); and
 - b) Programmes included in the IPS that contribute towards the PSB’s remit¹⁹ are readily discoverable and are promoted by the service (Condition 2).
- 2.11 In addition, Ofcom must consider that it is appropriate to designate the IPS.²⁰ The Act sets out certain matters that we must take into account when assessing appropriateness. However, we can also take account of any other matters that we consider to be relevant to this assessment.²¹
- 2.12 Ofcom may also decide to revoke the designation of an IPS if it considers that there are reasonable grounds for believing that the IPS is not continuing to meet the designation

¹⁴ Sections 362AA(10) and (11) of the Act.

¹⁵ Section 362AA(7)(b)(i) of the Act envisages that a PSB may seek designation of a second or further IPS aimed at meeting the needs and interests of a specific audience.

¹⁶ Section 362AA(2) of the Act.

¹⁷ Section 362AA of the Act. IPS provided by the BBC are automatically designated under section 362AA(1)(a) the Act (which has not yet been brought into force).

¹⁸ Sections 362AA(3) and (4) of the Act.

¹⁹ Programmes that contribute towards a PSB’s remit are referred to in the Act as “public service remit content” (PSR content).

²⁰ Section 362AA(2)(b) of the Act.

²¹ Section 362AA(7) of the Act.

criteria described above.²² Before such a decision can be made, Ofcom must first notify the IPS provider and give them an opportunity to make representations.

- 2.13 In formulating the Statement (**Annex 1**), we have outlined how we intend to determine if the designation criteria are met when making our designation and revocation decisions.

Role of Statements of Programme Policy (SoPPs) in the IPS designation process

- 2.14 SoPPs are the documents through which the licensed PSBs and S4C set out how they intend to fulfil their regulatory obligations, including how they intend to fulfil their individual remit and make an adequate contribution to the fulfilment of the public service remit for UK television (the overall PSB remit).²³ SoPPs consist of a SoPP Plan that contains the PSB's proposals for the following year and the PSB's performance review of the previous year (SoPP Review). The licensed PSBs are required to publish annual SoPPs, having regard to Ofcom guidance. S4C is also required to prepare a SoPP annually and to have regard to Ofcom guidance when doing so.²⁴
- 2.15 SoPPs play an important role in the IPS designation process. In assessing whether to designate an IPS, we must take account of the proposals in a PSB's SoPP Plan as to the contribution that the IPS will make towards fulfilling its individual remit and whether that contribution is capable of satisfying the needs and interests of a wide range of audiences. In addition, SoPP Reviews are relevant since we must also consider how effective and efficient the PSB's monitoring of its performance is as regards the fulfilment of its individual remit. The SoPP guidance also sets out the information that we propose PSBs include in their SoPP Plans for the purposes of our assessment and determination of whether Condition 1 and Condition 2 are satisfied.

²² Section 362AB(2) of the Act.

²³ Section 264(4) of the Act.

²⁴ Our [SoPP guidance](#) sets out the information that the PSBs should and could include in their SoPPs for the purposes of explaining how they intend to fulfil their individual remits, including making an adequate contribution to the overall PSB remit.

3. Consultation responses and Ofcom's decisions

- 3.1 As discussed in Section 2, when making our designation decisions, we must take account of the criteria set out in the Act. In the consultation, we proposed the methods that we will apply when determining: (i) whether to designate an IPS; and (ii) whether to revoke the designation of an IPS. Our consultation assessed the impact of our proposals and asked the following questions about the methods that we proposed to use:

Question 1: Do you agree with our proposed methods for determining whether the IPS makes, or is capable of making, a significant contribution to the PSB's individual public service remit?

Question 2: Do you agree with our proposed methods for determining whether public service remit content included in the IPS is readily discoverable and promoted by the service?

Question 3: Do you agree with our proposed methods for determining whether it is appropriate to designate an IPS?

Question 4: Do you agree with our proposed process for PSBs to apply for designation of an IPS?

Question 5: Do you agree with our proposed methods for revocation of designation of an IPS?

- 3.2 We received 15 responses to the consultation, which we have carefully considered in finalising the Statement. In this section we set out our responses to the issues raised by stakeholders before setting out our decisions. In reaching these decisions, we have considered their impact and our relevant statutory duties. Our final impact assessments, including on equality and the Welsh language, are set out in **Annex 3**.

Condition 1: Significant contribution to individual PSB remits

What we said

- 3.3 In the consultation,²⁵ we proposed to apply the following methods in determining whether the IPS makes, or is capable of making, a significant contribution to the PSB's individual remit (Condition 1):
- a) We will consider significance in the context of each PSB's individual remit.
 - b) We will have regard to the extent to which the content that the PSB intends to use to fulfil its individual public service remit will be included in the IPS.

²⁵ Paragraph 4.14 of the consultation.

- c) We expect that the IPS provider will include in the IPS all the content on the relevant audiovisual services (relevant services)²⁶ that the PSB has identified in its SoPP as intended to fulfil its individual remit.
- d) Where an IPS provider applies to designate a second or further IPS that would aim to meet the needs and interests of a specific audience, we proposed that the IPS provider should include on this IPS all of the content the PSB intends to use to fulfil the aspects of its individual remit relevant to that specific audience.

What respondents said

- 3.4 Most respondents were broadly supportive of our proposed methods for determining whether an IPS is capable of making a significant contribution to the PSB's individual public service remit. However, some stakeholders sought further clarity on what constitutes a significant contribution,²⁷ and a few considered that the proposals did not go far enough in terms of what we should require the PSBs to do to ensure their IPS functions in a way that delivers public value.²⁸
- 3.5 Several respondents, including C4C, ITV, S4C and Paramount/Channel 5 (Channel 5) particularly welcomed our proposals to consider significance in the context of each PSB's individual remit, with S4C emphasising the importance of Ofcom taking into account its respective size and intended audience as well as its individual remit.²⁹
- 3.6 Other respondents expressed support for our proposals that the IPS should include all the content on the relevant services that the PSB has identified in its SoPP as intended to fulfil its individual remit.³⁰ C4C and ITV welcomed our recognition that there might be exceptions to this. ITV noted that the extent to which all broadcast programmes remain available on-demand may vary, for example due to rights issues for live events,³¹ and suggested that this point could be specifically reflected in our Statement.³²
- 3.7 Some stakeholders including COBA sought further detail on how we would define and assess what would constitute a 'significant contribution'.³³ The Sandford St Martin Trust (SSMT) suggested that significant contribution be considered in terms of the quality and provision of new content and that PSBs should be asked to report on their contribution across the full range of generally accepted public service media genres – for example religion/belief, science, children's or history – for the purposes of our determination of Condition 1.³⁴ The Royal National Institute of Blind people (RNIB) said that any Ofcom assessment as to whether the IPS was capable of making a significant contribution should

²⁶ 'Relevant audiovisual services' are defined in section 264(11) of the Act. Licensed PSBs and S4C are able to use relevant audiovisual services alongside their main TV channel to contribute to the fulfilment of their individual remits (in order to fulfil their individual remits, the licensed PSBs and S4C must also make an "adequate contribution" to the fulfilment of the overall PSB remit (Sections 265(2)(b) and (3)(c) of the Act (for the licensed PSBs); Section 204A of the Act (for S4C), not yet in force).

²⁷ Virgin non-confidential response, p.3 and p.7; COBA response, p. 3; SSMT response, p.2.

²⁸ SSMT response, p.3; IBT/University of Leeds response, p.2.

²⁹ C4C response, p.3; S4C response, p.1; Channel 5 response, p.2.

³⁰ Sky non-confidential response, p.2; ITV non-confidential response, p.4; STV response, p.4; C4C response, p.3.

³¹ ITV non-confidential response, p.5; C4C response, p.3.

³² ITV non-confidential response, p.5.

³³ Virgin non-confidential response, p.3 and p.7; COBA response, p.3; IBT/University of Leeds response, p.2 and p.7.

³⁴ SSMT response, p.2.

take into account the frequency and consistency of content which reflected the lives and experiences of people with disabilities.³⁵

- 3.8 The joint response from the International Broadcasting Trust (IBT) and Professor Catherine Johnson of the University of Leeds (IBT/University of Leeds) stated that our proposals did not go far enough in understanding the nature of the IPS platforms seeking designation. Specifically, IBT/University of Leeds raised concerns about our ability to determine whether an IPS makes or is capable of making a significant contribution to public service obligations without having an in-depth understanding of how each IPS has been designed, deployed, and adapted.³⁶ IBT/University of Leeds suggested that PSBs be required to set out the values, principles and priorities underpinning their IPS and informing the development and deployment of algorithms and recommendation systems. We discuss this point in our response at paragraphs 3.24 to 3.26 below as it relates to a point that IBT/University of Leeds raised in respect of Condition 2 about the information which will be required from PSBs to support IPS designation.

Our response

- 3.9 As we explained in our consultation,³⁷ we consider it is likely to benefit audiences for IPS to include all the content on the relevant services that the PSB has identified in its SoPP as intended to fulfil the PSB's individual remit. We agree with C4C and ITV that there may be exceptions where it is not possible or appropriate for an IPS provider to make available specific content that contributes to the PSB's remit on its IPS. We recognised this in our consultation,³⁸ and the Statement accordingly acknowledges³⁹ that there may be instances where an IPS does not include all of the content on all the relevant services that the PSB has identified in its SoPP. The Statement asks PSBs to explain where this is the case. Given this, we do not consider that it is necessary to change the Statement to reflect ITV's point that broadcast programmes could remain available on-demand for varying degrees of time.
- 3.10 In relation to requests for further clarity about how Ofcom will define and assess whether an IPS makes or is capable of making a significant contribution to the fulfilment of a PSB's individual remit, we remain of the view that our proposed methods for determining whether Condition 1 is satisfied are sufficient. In the Statement, we explain that we will consider significance in the context of each PSB's individual remit and will have particular regard to the extent to which the content that the PSB intends to use to fulfil its individual remit, as identified in its SoPP, will be included in the IPS.⁴⁰ As part of our assessment, we will therefore consider the information in a PSB's SoPP Plan and assess the extent to which the content on the relevant services that the PSB has identified as intended to fulfil its individual remit is included in its IPS.
- 3.11 In response to the points raised by SSMT and the RNIB that we should consider 'significant contribution' in terms of: (i) the provision of core public service media genres and the quality and provision of new content (SSMT); and (ii) the frequency and consistency of content that reflects the lives and experiences of people with disabilities (RNIB), we note

³⁵ RNIB response, p.1.

³⁶ IBT/University of Leeds response, p.2.

³⁷ Paragraph 4.10 of the consultation.

³⁸ Paragraph 4.11 of the consultation.

³⁹ Paragraph A1.20 of the Statement.

⁴⁰ Paragraphs A1.18 – A1.20 of the Statement

that the Media Act has introduced a revised PSB remit which, among other things, highlights the importance of content that:

- meets the needs and satisfies the interests of as many different audiences as practicable;
- includes a sufficient quantity of content that reflects the lives and concerns of different communities and cultural interests and traditions within the UK; and
- includes an appropriate range and quantity of independent and original production content, as well as an appropriate range of genres.

- 3.12 Taken together, the PSBs have an important role in making and commissioning types of programming which are either unavailable elsewhere or found only to a limited extent. However, the model followed by individual PSBs is likely to vary and it is for each PSB, rather than Ofcom, to set out its approach in its SoPP.
- 3.13 Our SoPP guidance states that SoPPs could include an explanation of any audience targets the PSB is trying to reach overall, such as specific demographic groups, and how a PSB's choice of relevant services (including the IPS) will help it reach a variety of audiences.⁴¹ PSBs should also set out in their SoPPs how they will use each of their services to contribute to the "communities and cultural interests" and "range of genres" requirements of the overall PSB remit.⁴² In keeping with this, we have been clear in the Statement that we will look closely at the extent to which the content on the relevant services that PSBs have identified in their SoPPs is included in an IPS. We have therefore decided not to make any further changes to the text in the Statement about Condition 1.

Our decision

- 3.14 Having carefully considered the responses provided by stakeholders, we have decided to proceed with our proposed methods for determining whether the IPS makes, or is capable of making, a significant contribution to the PSB's individual remit, as set out below.

Methods for determining a significant contribution to the PSB's individual remit

We will apply the following methods in determining whether the IPS makes, or is capable of making, a significant contribution to the PSB's individual remit:

- a) We will consider significance in the context of each PSB's individual remit.
- b) We will have particular regard to the extent to which the content that the PSB intends to use to fulfil its individual public service remit will be included in the IPS.
- c) We expect that the IPS provider will include in the IPS all the content on the relevant services that the PSB has identified in its SoPP as intended to fulfil its individual remit.
- d) Where an IPS provider applies to designate a second or further IPS that would aim to meet the needs and interests of a specific audience, the IPS provider should include on this IPS all of the content the PSB intends to use to fulfil the aspects of its individual remit relevant to that specific audience.

⁴¹ Paragraph 2.14 of the SoPP guidance

⁴² Paragraphs 2.34 and 2.44 of the SoPP guidance

Condition 2: Discoverability and promotion of public service remit (PSR) content

What we said

- 3.15 In the consultation,⁴³ we proposed to apply the following methods in determining whether PSR content included in the IPS is readily discoverable and promoted by the service (Condition 2):
- We will have regard to information provided by IPS providers explaining how PSR content will be made readily discoverable and promoted by the IPS. This should include information as to:
 - a) how PSR content will be positioned in high traffic areas of the homepage as well as other high traffic areas and features of the IPS so the audiences' attention to this content is likely increased relative to non-PSR content; and
 - b) how their approach to curation (editorially led and/or algorithmic) will help to promote and ensure the ready discoverability of PSR content.
 - We consider that to satisfy Condition 2 IPS providers must promote and make readily discoverable on the high traffic areas of the homepage as well as other high traffic areas and features of the IPS:
 - a) a diverse range of PSR content that informs, educates and entertains; and
 - b) news and current affairs content.

What respondents said

- 3.16 In their responses to our proposals for Condition 2, the PSBs generally cautioned against Ofcom taking an overly prescriptive approach, with ITV emphasising the need to understand each PSB IPS individually.⁴⁴ Other stakeholders noted that Ofcom should ensure it takes account of the interests of non-PSBs in competition with the PSBs.⁴⁵ In addition to these general comments, we also received some specific feedback on certain areas that we consider and respond to below.

Meaning of discoverability and 'hammocking'

- 3.17 ITV noted that, in our consultation, we referred to the meaning of discoverability we had set out in our Statement on the BBC's new Operating Licence⁴⁶ and said we consider discoverability to mean enabling audiences to find PSR content in the IPS that is new to them and may interest them and/or which they might not otherwise come across.⁴⁷ ITV stated that our proposed meaning was unduly restrictive and could prevent the promotion of content that is most popular or that they have watched before. ITV cautioned against trying to replicate the linear concept of 'hammocking'⁴⁸ in a digital age, which it said could result in audiences moving to services that more readily surface the content they want to

⁴³ Paragraph 4.32 of the consultation.

⁴⁴ ITV non-confidential response, p.5.

⁴⁵ Warner Bros Discovery response, p.1.

⁴⁶ Ofcom, 2023, [Statement: Modernising the BBC's operating Licence](#), p.20.

⁴⁷ Paragraph 4.17 of the consultation.

⁴⁸ 'Hammocking' refers to a programme with particular societal benefits (such as the news) being scheduled between very popular programmes with a view to increasing its audience.

watch. ITV also said that the meaning we had given to ‘discoverability’ in the consultation had been created for the purposes of our regulation of the BBC’s performance and that a ‘one-size-fits all’ approach is not appropriate.⁴⁹

Our response

- 3.18 In response to ITV’s point that the meaning of discoverability set out in the consultation is unduly restrictive, we note that the Media Act explicitly requires that PSR content included in the IPS is both readily discoverable and promoted.⁵⁰ As we said in the consultation, we consider promotion in this context means taking steps to increase audiences’ attention to PSR content in the IPS, so they are easily able to find and watch it.⁵¹ This includes all PSR content that might be of interest to audiences and is therefore not limited to PSR content that is new to them.
- 3.19 We do not accept ITV’s suggestion that the meaning of discoverability we referred to in the consultation is inappropriate in these circumstances. In describing what we consider discoverability to mean in the context of Condition 2, we referred to a broad, non-prescriptive approach that we had also set out in our Statement on the BBC’s Operating Licence. We do not consider it is necessary for the different PSBs to take an identical approach to the discoverability of PSR content and think the approach we set out in the consultation gives PSBs this flexibility.
- 3.20 With respect to ITV’s comments about ‘hammocking’, we agree that this does not apply in the same way on an IPS, where audiences choose their content on demand or might follow recommendations driven by algorithms, as it does on a linear service. However, as we explained in the consultation,⁵² we think it is important for PSBs to ensure that audiences who use an IPS are still exposed to a broad range of PSR content.

Information to support claims of discoverability and promotion of PSR content

- 3.21 IBT/University of Leeds considered that the draft Statement did not provide sufficient clarity about the data we would require from IPS providers to satisfy ourselves that Condition 2 was met, suggesting further information was required as to how PSBs would track the promotion of programmes, evaluate the impact of actions taken and report their findings. IBT/University of Leeds also asked what evidence and data we will require from IPS providers in respect of defining ‘high traffic areas’ of the IPS. They suggested that IPS providers be required to publish data to support claims of discoverability and promotion, including data used to define high traffic areas, to improve accountability and facilitate independent scrutiny, and proposed metrics that could be used for this purpose.⁵³ In contrast, ITV and Channel 5 highlighted the need to consider the dynamic nature of some high traffic areas of IPS user-interfaces, which Channel 5 noted will change throughout the year and may be influenced by national or global events.⁵⁴

⁴⁹ ITV non-confidential response, p.10.

⁵⁰ Sections 362AA(3)(b) and 362AA(4)(b) of the Act.

⁵¹ Paragraph 4.17 of the consultation.

⁵² Paragraph 4.18 of the consultation.

⁵³ IBT/University of Leeds response, pp.3 - 7.

⁵⁴ ITV non-confidential response, p.13; Channel 5 response, p.3.

- 3.22 IBT/University of Leeds also recommended that Ofcom develop ‘a clear and transparent metric for measuring prominence to which the PSBs have to adhere’ for the purposes of satisfying Condition 2. As an example, they highlighted that Ofcom could develop a prominence score based on user data provided by the PSBs.⁵⁵ However, ITV cautioned against a mandated approach to the measurement of ‘promotion’ or ‘prominence’ whilst the market is in flux. ITV argued that approaches to measurement would evolve over time.⁵⁶
- 3.23 As noted in paragraph 3.8 above, IBT/University of Leeds also said that, in order to make an effective assessment of the designation criteria, Ofcom should require information about the design and operation of the IPS including the values, principles and priorities informing the development and deployment of algorithms and recommendation systems.⁵⁷

Our response

- 3.24 We agree with IBT/University of Leeds that we would expect IPS providers to provide relevant data to support any claim that PSR content is readily discoverable and promoted by the IPS – we consider this is likely to be an important part of the ‘information’ included in an application to explain how Condition 2 is satisfied.⁵⁸ We think it would be helpful to be clear on this point before IPS providers begin making designation applications. We have therefore amended paragraph A1.23 of the Statement so that the provision of information for the purposes of Condition 2 is “supported by relevant data”.⁵⁹
- 3.25 However, given that this is a new and developing area of regulation we do not believe it would be helpful to specify in the Statement a fixed metric against which to assess designation applications. As IPS continue to develop, PSBs, like all providers, will continue to experiment with different ways of making content discoverable in their IPSs. Given this, we agree with ITV that some flexibility may be required in respect of measurement.
- 3.26 Nevertheless, as we explained in the consultation,⁶⁰ applications should include a description of the nature of the IPS, including information about its design and operation and this will be set out in the application form for IPS providers, which we intend to issue later this year. We would expect such information to include a description of the aims and priorities underpinning an IPS provider’s approach to curation. Again, however, we recognise that it would be helpful to ensure this is clear to IPS providers before they make designation applications. We have therefore amended paragraph A1.23(b) of the Statement so that it requires information about an IPS provider’s approach to curation “and the aims and priorities underpinning that approach”.⁶¹

News and current affairs content

- 3.27 Some stakeholders queried the emphasis on news and current affairs in our proposals.⁶² S4C stated that the statutory basis on which Ofcom was prioritising news and current affairs was unclear. It raised concerns that our proposed requirement to promote news and

⁵⁵ IBT/University of Leeds response, pp.6-7.

⁵⁶ ITV non-confidential response, p.11.

⁵⁷ IBT/University of Leeds response, pp.2 –3.3

⁵⁸ As required by paragraph A1.23 of the Statement.

⁵⁹ Paragraph A1.23 of the Statement.

⁶⁰ Paragraph 5.1 of the consultation.

⁶¹ Paragraph A1.23(b) of the Statement.

⁶² STV response, p.7, ITV non-confidential response pp.13-14; S4C response, p.2.

current affairs could come at the expense of other genres aimed at expanding the appeal of its other programmes and promoting the use of the Welsh language.⁶³ ITV stated that the requirement for news and current affairs content to be promoted and easy for users of IPS to discover was an additional and non-statutory requirement.⁶⁴

- 3.28 S4C highlighted that there are several ‘contributing factors’ which would render a policy to promote news and current affairs in high traffic areas of the IPS inappropriate for S4C currently. These include the limited availability of the nightly news programme produced by BBC Cymru Wales, which is only made available to them for a maximum of 24 hours after broadcast. In addition, S4C explained that its primary news service is delivered mainly via a digital text-based service which sits in its own app/website and therefore would not be suitable for its IPS. S4C also stated that it has a limited amount of current affairs programming covering new stories which means that a requirement to promote this content in high traffic areas is disproportionate.⁶⁵
- 3.29 Channel 5 noted that the translation of its linear news offer to its IPS was a work in progress and observed that there is not currently a best practice model which we could point to when assessing news and current affairs for the purposes of designation. However, Channel 5 also said that it is currently assessing how it could better promote news and current affairs on its IPS in a way that is in keeping with the service and would meet the expectations of its audience.⁶⁶

Our response

- 3.30 In relation to questions from S4C and ITV about the statutory basis for our proposal to require the ready discoverability and promotion of news and current affairs, the Act gives Ofcom discretion to set out the methods we will apply in determining whether Condition 2 is satisfied.⁶⁷ We set out in our consultation that one of the factors we proposed to take account of in our assessment is whether PSR content that is particularly important to audiences is promoted and readily discoverable within the IPS.⁶⁸
- 3.31 News and current affairs content is at the heart of the UK’s system of public service media (PSM). As we explained in the consultation,⁶⁹ audiences consider the provision of trusted and accurate news to be the PSBs’ most important contribution to that system.⁷⁰ All PSBs already include some form of news and current affairs content in their IPS which is either live streamed or on-demand and Ofcom research shows that audiences are increasingly viewing news content provided by the PSBs via their IPS.⁷¹ We therefore remain of the view that IPS providers must promote and make readily discoverable news and current affairs content on their IPS in order to satisfy Condition 2.
- 3.32 We note S4C’s arguments regarding the promotion of news and current affairs content on its IPS. We recognise that each PSB has a different news offer and we expect that the

⁶³ S4C response, p.2.

⁶⁴ ITV non-confidential response, pp.13-14.

⁶⁵ S4C response, pp.2-3.

⁶⁶ Channel 5 response, p.3.

⁶⁷ Section 362AC(1) of the Act.

⁶⁸ Paragraphs 4.16 and 4.22 - 4.29 of the consultation.

⁶⁹ Paragraphs 4.27 – 4.28 of the consultation.

⁷⁰ See further our latest review of [PSM](#)

⁷¹ As evidenced in our [News Consumption Survey 2025](#) four in ten (40%) viewers of broadcast or BVOD news told us they used PSB on-demand services for news, in line with the previous year (43%).

approach which will be suitable for the promotion of this type of content will vary. In this respect, we agree with Channel 5 that there is not currently a best practice model with which to assess whether an IPS provider's proposed approach to news and current affairs content satisfies Condition 2. We will take into account the rationale which IPS providers set out in their application for their proposed approach when assessing whether the requirement for news and current affairs content to be readily discoverable and promoted has been met.

Specifying genres and content to make discoverable and promote in the IPS

- 3.33 In addition to news and current affairs, IBT/University of Leeds asked us to be more specific about the elements of the overall PSB remit that IPS providers should promote and make readily discoverable on their IPS, including the requirement that IPS providers promote and make discoverable 'an appropriate range of genres'⁷² to encourage a diversity of genre consumption.⁷³
- 3.34 RNIB suggested that, for the purposes of our assessment of Condition 2, we should consider the promotion of disability-related content within high-traffic areas of the IPS.⁷⁴
- 3.35 SSMT said that it welcomed our proposed strategies that IPS providers can use to direct traffic towards, or to feature PSR content within, their IPS. However, they also referred to what they regarded as deficiencies in our proposals with regard to the discoverability and promotion of content concerned with core PSM genres, including religion or belief.⁷⁵

Our response

- 3.36 We agree with stakeholders that the approach employed by IPS providers in respect of the ready discoverability and promotion of PSR content should enable audiences to discover a broad range of content that may interest them. As we set out in the consultation, PSBs are central in providing a breadth of UK content that reflects the whole of the UK and appeals to a wide range of audiences.⁷⁶
- 3.37 The methods set out in the Statement require IPS providers to promote and make discoverable a diverse range of PSR content which informs, educates and entertains.⁷⁷ A 'diverse range' of PSR content includes a range of genres. As noted in paragraph 3.12 above, it is for each PSB, rather than Ofcom, to set out its approach to remit fulfilment in its SoPP. If content is included on the IPS and contributes to the fulfilment of a PSB's individual remit, it will be PSR content and would therefore need to be promoted and made readily discoverable in the high traffic areas of the IPS. For these reasons we do not think it is appropriate to set more specific expectations in the Statement as to the range of genres or types of content that should be promoted and made readily discoverable – with the exception of news and current affairs content as discussed above – for the purposes of satisfying Condition 2.

⁷² Section 264(6) of the Act.

⁷³ IBT/University of Leeds response, p.4.

⁷⁴ RNIB response, p.1.

⁷⁵ SSMT response, p.6.

⁷⁶ Paragraph 4.25 of the consultation; Ofcom, Review of Public Service Media (2019-23), p. 10.

⁷⁷ Paragraph A1.24(a) of the Statement.

Our decision

- 3.38 Having carefully considered the responses provided by stakeholders, and for the reasons explained in paragraphs 3.24 and 3.26 above, we have decided to make a change to the Statement at paragraph A1.23 under Condition 2, where we will add a reference to: (i) the provision of “relevant data” which supports information about how PSR content will be made readily discoverable and be promoted by the IPS; and (ii) the “aims and priorities” underpinning the approach of IPS providers to curation.
- 3.39 Corresponding changes have been made to the IPS section of the SoPP guidance,⁷⁸ where we set out the information that PSBs could include in their SoPP Plans for the purposes of our determination of Condition 2.

Methods for determining discoverability and promotion of PSR content

We will apply the following methods in determining whether public service remit content included in the IPS is readily discoverable and promoted by the service:

We will have regard to information provided by IPS providers explaining how PSR content will be made readily discoverable and promoted by the IPS. This should include information, **supported by relevant data**, as to:

- a) how PSR content will be positioned in high traffic areas of the homepage as well as other high traffic areas and features of the IPS so the audiences’ attention to this content is likely increased relative to non-PSR content; and
- b) how their approach to curation (editorially led and/or algorithmic), **and the aims and priorities underpinning that approach**, will help to promote and ensure the ready discoverability of PSR content.

We consider that to satisfy Condition 2 IPS providers must promote and make readily discoverable on the high traffic areas of the homepage as well as other high traffic areas and features of the IPS:

- a) a diverse range of PSR content that informs, educates and entertains; and
- b) news and current affairs content.

Treatment of non-PSR content

What we said

- 3.40 In the consultation, we proposed that in cases where an IPS provider intends to make non-PSR content available within the IPS, they should explain how they will ensure that the ready discoverability and promotion of PSR content is not adversely affected. We also proposed that the high traffic areas of the homepage as well as other high traffic areas and features of the IPS should predominantly consist of PSR content in order to satisfy Condition 2.

⁷⁸ Paragraph 2.50 of the SoPP guidance.

What respondents said

- 3.41 Several respondents commented on our approach to non-PSR content in the proposals. ITV and STV emphasised the importance of being able to integrate PSR and non-PSR content into the IPS and promote a wide range of content.⁷⁹ C4C noted that, alongside the promotion of a broad range of PSR content, it also needed to be able to promote a ‘compelling and competitive streaming offer’.⁸⁰
- 3.42 ITV also expressed concerns about the proposal in the Statement that the promotion of non-PSR content should not adversely affect the promotion of PSR content,⁸¹ and stated that the promotion of non-PSR content (for example content behind a paywall) and what they termed ‘PSR-lite’ content (such as freely-available repeats or acquired content) had led to an increase in viewing of PSR content including in key genres.⁸² ITV said that our approach to non-PSR content represented a ‘fundamental misunderstanding’ of the form IPS take now and might take in future.⁸³
- 3.43 STV considered that the proposed requirements in the Statement⁸⁴ set a high bar, would be ‘onerous’ to achieve and took a binary view that any presentation of non-PSR content is always to the detriment of PSR content.⁸⁵ Similarly, ITV stated that we seemed to have interpreted ‘readily discoverable and promoted’ to mean that the consumption of PSR content must be increased relative to the consumption of non-PSR content, which it said misunderstood the role of a hybrid service like ITVX.⁸⁶ ITV also said that requiring them to divert audience attention away from premium content would hamper its ability to shape ITVX in the interests of its audience.⁸⁷
- 3.44 ITV also expressed concern that common, algorithmically driven features designed to support an audience-centric and personalised approach may not be compatible with the ‘not adversely affected’ requirement. ITV cited an example of a premium subscriber with a preference for content available only in the premium (paid-for) tier who is likely to see more of this content appear in any algorithmically driven areas of the user-interface.⁸⁸
- 3.45 On the other hand, Virgin Media O2 (Virgin) emphasised that the benefit of prominence on regulated TSS under the Media Act regime should come with the requirement for IPS to provide diverse and wide-ranging content which contributes to the relevant PSB’s individual remit.⁸⁹ Virgin asked for more scrutiny and safeguards regarding non-PSR content and, in particular, expressed concerns regarding the dilution of PSR content as a result of the placement of non-PSR content on IPS, including third-party content. Virgin was concerned that, once designated, the IPS could act as a form of ‘Trojan horse’, allowing non-PSR content and services to receive undue prominence in conflict with the purpose and

⁷⁹ STV response, p.5; ITV non-confidential response, pp.9-10.

⁸⁰ C4C response, p.3.

⁸¹ Paragraph A1.26 of the Statement.

⁸² ITV non-confidential response, p.9.

⁸³ ITV non-confidential response, p.9.

⁸⁴ Paragraphs A1.23 and A1.26 of the Statement.

⁸⁵ STV response, p.5.

⁸⁶ ITV non-confidential response, p.9.

⁸⁷ ITV non-confidential response, p.10.

⁸⁸ ITV non-confidential response, p.12.

⁸⁹ Virgin non-confidential response, p.4.

intention of the regime introduced by the Media Act and with the potential to ‘materially harm’ RTSS and Pay TV operators.⁹⁰

- 3.46 IBT/University of Leeds stated that it was unclear from our proposals how PSBs would differentiate between PSR and non-PSR content and that we should clarify which content types meet the definition.⁹¹

Our response

- 3.47 It is important to be clear that neither the legislation nor our proposals prevent the inclusion, promotion or discoverability of non-PSR content (which can include paid-for content) on an IPS. It is also not our view that any presentation of non-PSR content will in and of itself be to the detriment of PSR content.
- 3.48 Instead, as highlighted by some stakeholders, our approach is intended to recognise that the inclusion of non-PSR content in an IPS must be consistent with the overall objective of the new regime that audiences can easily access, find and discover content that contributes to the delivery of PSB remits.
- 3.49 Our Statement requires IPS providers who plan to make non-PSR content available within their IPS to explain how they will ensure that the ready discoverability and promotion of PSR content will not be adversely affected if they do so. This does not preclude the use of algorithmically driven features to support a personalised approach, which may include the promotion of non-PSR content in high-traffic areas, nor does it limit the amount of non-PSR content that may be included on an IPS. However, it does require providers to be able to show that the inclusion of non-PSR content does not impact the ready discoverability and promotion of PSR content with the effect that Condition 2 is no longer satisfied. Whether the approach taken by an individual provider is sufficient to do so will depend on the specific circumstances in each case.
- 3.50 In response to the point made by IBT/University of Leeds, PSR content is defined in the legislation as material included in an IPS that contributes to the fulfilment of the licensed PSB’s or S4C’s individual remit.⁹² Content that a PSB intends to use to fulfil its remit is broadly defined by Parliament in section 264 of the Act. It is for the PSBs to identify in their SoPP Plan the content that they intend to use to fulfil their respective individual remits.

Our decision

- 3.51 Having carefully considered the responses provided by stakeholders, we have decided to proceed with our proposed methods for the treatment of non-PSR content.

Methods for determining treatment of non-PSR content

In cases where an IPS provider intends to make non-PSR content available within the IPS, they should explain how they will ensure that the promotion and ready discoverability of PSR content is not adversely affected.

⁹⁰ Virgin non-confidential response, p.5.

⁹¹ IBT/University of Leeds response, p.3.

⁹² Section 362AA(12) of the Act.

The high traffic areas of the homepage as well as other high traffic areas and features of the IPS should predominantly consist of PSR content in order to satisfy Condition 2.

Appropriateness of designating an IPS

What we said

3.52 In the consultation,⁹³ we proposed to apply the following methods in determining whether it is appropriate to designate an IPS:

- a) We will take into account proposals in PSB SoPP Plans about the contribution the IPS will make to the fulfilment of the PSB's individual remit;
- b) We will consider information in PSB SoPP Plans about how the IPS will be used to satisfy the needs and interests of as many different audiences as possible (or a specific audience, in the case of a second or further IPS); and
- c) We will review information in PSB SoPP Reviews to determine the effectiveness and efficiency of a PSB's monitoring of the performance of the IPS in fulfilling the PSB's individual remit.
- d) We will also take into account any other matters that we consider relevant, having regard to our relevant statutory duties.
- e) Finally, we also propose the general principles at paragraphs A1.37 to 1.40 of the Statement of Methods:
 - i) We will explain why we have taken a particular approach in our designation and revocation decisions and how this approach is consistent with the methods in the Statement of Methods.
 - ii) We may, however, consider it appropriate to depart from the methods in the Statement of Methods. If we do this, we will explain why we have done this.
 - iii) We may use our information gathering powers in section 362AS of the Act to inform our designation and revocation decisions.
 - iv) We will publish our designation and revocation decisions.

What respondents said

3.53 Respondents mainly agreed with our proposed methods for determining whether it is appropriate to designate an IPS. We received specific feedback in relation to audience needs and the designation of second or further IPS, which we address below.

Audience needs

3.54 RNIB highlighted the need for Ofcom to take accessibility requirements into account when considering how the IPS will be used to satisfy the needs and interests of as many different audiences as possible.⁹⁴ S4C underlined the importance of considering the intended audience for the IPS.⁹⁵

⁹³ Paragraph 4.45 of the consultation.

⁹⁴ RNIB response, p.3.

⁹⁵ S4C response, p. 4.

Designation of a second or further IPS

- 3.55 Some stakeholders raised concerns regarding the possibility of an IPS provider having multiple IPS designated. [REDACTED] and Samsung stated that it could become technically difficult and burdensome to provide all designated IPS with the same level of prominence on a RTSS.⁹⁶ As such they sought clarification as to how Ofcom would apply ‘appropriate prominence’ to the designation of a second or further IPS.⁹⁷ Samsung also stated that Ofcom should clarify that there can be differentiation of what ‘appropriate prominence’ should mean for ‘primary’ IPS in future codes of practice. Virgin raised concerns around the risk of overcrowding on user interfaces if PSBs launch multiple IPS, which they said might be done strategically to ‘bump’ competing non-PSB players further down the screen or menu. Virgin said that this could impact commercial opportunities for RTSS providers.⁹⁸
- 3.56 COBA also asked for clarity on the role the wider industry would have when Ofcom was considering the designation of an additional PSB IPS and emphasised the need for consultation to gauge whether the market already delivers the proposed content.⁹⁹

Our response

Audience needs

- 3.57 In relation to the point raised by RNIB regarding accessibility requirements, the Media Act introduces new accessibility requirements into the Act which will apply to the on-demand programmes provided by a designated IPS.¹⁰⁰ These requirements include the provision of subtitles, audio description and signing, along with ensuring that disabled users are provided with adequate information about the access services available. Services in scope will also have to report to Ofcom on the quality and usability of their access services.
- 3.58 Given that accessibility requirements are dealt with separately in the Act, we do not think it would be appropriate to introduce additional accessibility requirements for IPS providers. However, as noted in the consultation,¹⁰¹ when considering how an IPS will be used to satisfy the needs and interests of as many different audiences as possible we will consider information in PSB SoPPs about the audiences the IPS will target and/or an explanation as to how the overall nature of the programmes on the IPS and the subject matters they cover will cater to those audiences. We therefore agree with S4C that the intended audience for the IPS is an important consideration in this respect.

Designation of a second or further IPS

- 3.59 Under the Act, RTSS providers will be required to give an appropriate degree of prominence to each designated IPS included on their RTSS. We note the concerns raised by [REDACTED] and Samsung in relation to RTSS providers giving appropriate prominence to multiple designated IPS. This is something we will consider when we intend to consult later this year

⁹⁶ [REDACTED] Samsung response p.2.

⁹⁷ [REDACTED]

⁹⁸ Virgin non-confidential response, p.6.

⁹⁹ COBA response, p.4.

¹⁰⁰ Section 368HL of the Act sets out accessibility requirements which will apply to all services categorised as ‘Tier 1’ services. Under Section 368HA of the Act an on-demand programme service (ODPS) falls within the meaning of a Tier 1 service if it is being used by a PSB, other than the BBC, to contribute to the fulfilment of its individual remit.

¹⁰¹ Paragraph 4.41 of the consultation.

on our code of practice that will describe the actions we recommend RTSS providers take in order to comply with their prominence duties.¹⁰²

- 3.60 In response to Virgin’s concerns regarding the risk of strategic overcrowding of the user interface if PSBs launch multiple IPS, we may only designate an IPS if it satisfies the conditions set out in the Act and we consider that it is appropriate to do so.¹⁰³ When considering appropriateness in the context of second or further IPS, we must take account of whether the proposed IPS’ contribution to the PSB’s individual remit is capable of satisfying the needs and interests of a specific audience.¹⁰⁴ In the consultation, we explained that, for this purpose, we would consider information about who the intended specific audience is and an explanation as to how the programmes on the IPS will cater to the needs and interests of that specific audience.¹⁰⁵
- 3.61 With regard to COBA’s comment about consulting with wider industry in relation to designation decisions for second or further IPS, we explained in the consultation that we will consult on our proposed designation decisions.¹⁰⁶ This includes designation decisions in respect of an IPS provider’s second or further IPS.

Our decision

- 3.62 Having carefully considered the responses provided by stakeholders, we have decided to proceed with our proposed methods for determining whether it is appropriate to designate an IPS.

Methods for determining whether it is appropriate to designate an IPS

We will apply the following methods when determining whether it is appropriate to designate an IPS:

- a) We will take into account proposals in PSB SoPP Plans about the contribution the IPS will make to the fulfilment of the PSB’s individual remit;
- b) We will consider information in PSB SoPP Plans about how the IPS will be used to satisfy the needs and interests of as many different audiences as possible (or a specific audience, in the case of a second or further IPS); and
- c) We will review information in PSB SoPP Reviews to determine the effectiveness and efficiency of a PSB’s monitoring of the performance of the IPS in fulfilling the PSB’s individual remit.
- d) We will also take into account any other matters that we consider relevant, having regard to our relevant statutory duties.
- e) Finally, we also propose the following general principles at paragraphs A1.37 to 1.40 of the Statement of Methods:
 - i) We will explain why we have taken a particular approach in our designation and revocation decisions and how this approach is consistent with the methods in the Statement of Methods.

¹⁰² Ofcom’s obligation to issue a code of practice in respect of RTSS providers’ prominence duties is set out in section 362AP of the Act.

¹⁰³ Section 362AA(2) of the Act.

¹⁰⁴ Section 362AA(7)(b)(i) of the Act.

¹⁰⁵ Paragraph 4.42 of the consultation.

¹⁰⁶ Paragraphs 5.6, 5.7 and 5.12 of the consultation.

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| ii) | We may, however, consider it appropriate to depart from the methods in the Statement of Methods. If we do this, we will explain why we have done this. |
| iii) | We may use our information gathering powers in section 362AS of the Act to inform our designation and revocation decisions. |
| iv) | We will publish our designation and revocation decisions. |

Process for IPS designation application

What we said

- 3.63 In the consultation,¹⁰⁷ we proposed that IPS providers wishing to apply for their IPS to be designated should provide us with the following documents and information:
- a) The latest available SoPP documents from the relevant PSB, which consist of a SoPP Plan that contains the PSB's proposals for the following year and the PSB's performance review of the previous year (SoPP Review);
 - b) Any information that is relevant to our assessment of Conditions 1 and 2 that is not included in the latest available SoPP documents from the relevant PSB;
 - c) Where the IPS provider is not the PSB, confirmation that the IPS provider is adopting the proposals as set out in the relevant PSB's SoPP Plan for the purposes of providing the IPS;
 - d) Information regarding the IPS provider, including confirmation that the IPS provider has 'general control' of the IPS;
 - e) A description of the nature of the IPS, including the services contained within it – for example, whether the IPS consists of a single ODPS, multiple ODPS or a combination of ODPS and other services.
 - f) Where any of the services within the IPS are not controlled by the IPS provider, information about the person who controls these services; and
 - g) Any other relevant information that the IPS provider would like Ofcom to consider when assessing whether to designate the IPS.
- 3.64 The consultation also set out the proposed process and indicative timelines for stakeholders wishing to submit 'early applications' in 2025¹⁰⁸ (i.e. before the new prominence regime has been commenced) as well as the process that will be in place thereafter.¹⁰⁹

What respondents said

- 3.65 Respondents generally agreed with our proposed process for IPS providers to apply for designation of an IPS. Some stakeholders including IBT/University of Leeds stressed the importance of IPS providers providing transparent and complete information in a timely manner to enable us to make our designation decisions.¹¹⁰ Warner Bros Discovery also emphasised the importance of third parties having adequate time to comment on our proposed designation decisions.¹¹¹

¹⁰⁷ Paragraph 5.1 of the consultation.

¹⁰⁸ Paragraphs 5.4 to 5.9 of the consultation.

¹⁰⁹ Paragraphs 5.10 to 5.12 of the consultation.

¹¹⁰ Warner Bros Discovery response, p.4; IBT/University of Leeds response, p.7.

¹¹¹ Warner Bros Discovery response, p.4.

- 3.66 [REDACTED] proposed that the Statement should be amended to set out a process for Ofcom to consider designation of IPS even where the IPS provider has not made an application.¹¹²

Our response

- 3.67 Regarding the provision of information to Ofcom, we agree with Warner Bros Discovery and IBT/University of Leeds that the application process, including the provision of information by IPS providers, should be done in a comprehensive and timely manner. For this reason, we intend to issue an application form to assist with this process and which includes all the factors set out at paragraph 3.63 above. In response to Warner Bros Discovery's comment about ensuring third parties have adequate time for scrutiny of Ofcom's designation decisions, as noted in paragraph 3.61 above, we will consult on our proposed designation decisions to ensure transparency for stakeholders.¹¹³
- 3.68 In relation to [REDACTED] comment, under the Media Act it is up to IPS providers to choose whether they wish to submit a designation application.¹¹⁴ In the absence of an application by an IPS provider, and therefore without the information we require in order to determine if the designation criteria are met, we would not be in a position to make a designation decision.

Our decision

- 3.69 We have decided not to make any amendments to our proposed process for IPS providers to apply for designation having considered the responses provided by stakeholders.
- 3.70 In the consultation we said we would issue further details on timings for the early application process when preparing this document.¹¹⁵ Based on the current implementation of the Media Act, we have reviewed the timings around the proposed application processes and have decided that it is not necessary to have a separate early application process. However, to enable PSBs to apply for designation as soon as the new SoPP regime comes into effect in 2026, we have decided to commence the process that will apply for all designation applications from January 2026. Full details of the application process are set out below.
- 3.71 To assist PSBs with the application process, we will develop a designation application form based on the information IPS providers are required to provide, as described in paragraph 3.63 above. We intend to issue this form later this year.

Process for PSBs to apply for designation of an IPS

We will apply the following process for PSBs to apply for designation.

IPS providers wishing to apply for their IPS to be designated should provide us with the following documents and information:

- a) The latest available SoPP documents from the relevant PSB, which consist of a SoPP Plan that contains the PSB's proposals for the following year and the PSB's performance review of the previous year (SoPP Review);

¹¹² [REDACTED]

¹¹³ Paragraphs 5.6, 5.7 and 5.12 of the consultation.

¹¹⁴ IPS provided by the BBC are automatically designated (section 362AA(1)(a) of the Act).

¹¹⁵ Paragraph 5.5 of the consultation.

- b) Any information that is relevant to our assessment of Conditions 1 and 2¹¹⁶ that is not included in the latest available SoPP documents from the relevant PSB;
- c) Where the IPS provider is not the PSB, confirmation that the IPS provider is adopting the proposals as set out in the relevant PSB's SoPP Plan for the purposes of providing the IPS;
- d) Information regarding the IPS provider, including confirmation that the IPS provider has 'general control' of the IPS;
- e) A description of the nature of the IPS, including the services contained within in it – for example, whether the IPS consists of a single ODPS, multiple ODPS or a combination of ODPS and other services.
- f) Where any of the services within the IPS are not controlled¹¹⁷ by the IPS provider, information about the person who controls these services; and
- g) Any other relevant information that the IPS provider would like Ofcom to consider when assessing whether to designate the IPS.

Designation application process:

We will have two regular 'windows' during the year when applications can be submitted to Ofcom for IPS designation. Starting from January 2026, when we expect the new SoPP regime to come into effect, these windows will be the month of January and the month of July each year. These are the months after the usual publication deadlines for the SoPP Plan and SoPP Review respectively.

An IPS provider wishing to apply for designation of its IPS from January 2026 onwards should submit the following documents:

- i) The relevant PSB's latest available SoPP Plan and SoPP Review.¹¹⁸
- ii) The information set out in paragraphs (b) to (g) above.

To ensure transparency for stakeholders, we will consult on our proposed designation decisions and following consultation, final designation decisions will be issued.

Process for revoking IPS designation

What we said

- 3.72 In the consultation,¹¹⁹ we explained that Ofcom may decide to revoke the designation of an IPS if it considers that there are reasonable grounds for believing that the IPS is not continuing to meet the designation criteria.
- 3.73 The Act sets out the conditions that must be satisfied in order for Ofcom to revoke the designation of an IPS. These conditions are that (i) the designated IPS is not making a significant contribution to the licensed PSB or S4C's remit; (ii) the PSR content included in

¹¹⁶ We identified such relevant information in section 4 of the consultation.

¹¹⁷ By control in these circumstances, we mean editorial responsibility as defined in section 368A(4) of the Act.

¹¹⁸ We recognise that it will not be possible to submit a full SoPP Review until June 2027, when the first performance reviews under the new SoPP regime are due to be published. We therefore expect PSBs applying for designation in January 2026, July 2026 and January 2027 to provide information about their plans to ensure efficient and effective performance monitoring of their proposals in their SoPP Plans to fulfil their individual remits.

¹¹⁹ Paragraphs 5.13 to 5.17 of the consultation.

the IPS is not readily discoverable or is not promoted by the service; and (iii) it would not be appropriate for Ofcom to designate the IPS.¹²⁰

- 3.74 In the consultation, we said that in determining whether the above criteria are met, Ofcom will consider the matters and evidence we set out in section 4 of the consultation. In other words, the methods we proposed to apply to our designation decisions, as set out above,¹²¹ will also apply to our revocation decisions.
- 3.75 We also explained that Ofcom has enforcement powers¹²² including the power to specify steps that designated IPS providers must take in order to remedy a failure to comply with their ongoing duties¹²³ under the Act to ensure that Condition 1 and Condition 2 continue to be met.

What respondents said

- 3.76 STV urged Ofcom to give IPS providers an opportunity to remedy any shortcomings identified by Ofcom within a reasonable timeframe, prior to revocation.¹²⁴
- 3.77 STV also stated that our revocation decisions should not be based on a snapshot of the IPS at a particular point in time given that the discoverability, promotion and nature of PSR content will not be a static experience. STV suggested that our assessment must therefore take into account the IPS provider's compliance over a defined period of time.¹²⁵
- 3.78 Warner Bros Discovery encouraged maximum transparency regarding revocation decisions and sought clarity as to whether these would be published.¹²⁶

Our response

- 3.79 In response to STV's point about giving IPS providers a reasonable timeframe to remedy any identified shortcomings prior to revocation, we explain in the Statement¹²⁷ that the Act requires us to notify an IPS provider and give them an opportunity to make representations before making any revocation decision. The Act gives us discretion to decide the period for making those representations, which will be notified to the IPS provider in question.¹²⁸ We will therefore propose a reasonable and proportionate period based on the particular circumstances when we give notice under the Act.
- 3.80 We agree with STV that revocation decisions should not be based on a 'snapshot' of the IPS at a particular point. Before issuing a revocation notice to an IPS provider, we will take into account a range of factors, including the IPS provider's compliance with the designation criteria over a reasonable period of time.
- 3.81 In relation to the point raised by Warner Bros Discovery regarding transparency about revocation decisions, our Statement makes clear that it is our intention to publish our

¹²⁰ Section 362AB(2) of the Act.

¹²¹ See paragraphs 3.14, 3.39, 3.51 and 3.62 above.

¹²² Section 362AZ(1)(a) and (4) of the Act.

¹²³ Section 362AN of the Act.

¹²⁴ STV response, p.9.

¹²⁵ STV response, p.9.

¹²⁶ Warner Bros Discovery response, p.5.

¹²⁷ Paragraph A1.34 of the Statement.

¹²⁸ Section 362AB(3) of the Act.

decisions in relation to both the designation of an IPS and the revocation of a designation.¹²⁹

Our decision

- 3.82 Having carefully considered the responses provided by stakeholders, we have decided to proceed with our proposed methods for revocation of designation.

Methods for revocation of designation of an IPS

We will apply the following methods for revocation of designation of an IPS:

Ofcom may decide to revoke the designation of an IPS if it considers that there are reasonable grounds for believing that the IPS is not continuing to meet the designation criteria.

The Act sets out the conditions that must be satisfied in order for Ofcom to revoke the designation of an IPS. These conditions are that (i) the designated IPS is not making a significant contribution to the licensed PSB or S4C's remit; (ii) the PSR content included in the IPS is not readily discoverable or is not promoted by the service; and (iii) it would not be appropriate for Ofcom to designate the IPS.

In determining whether the above criteria are met, Ofcom will consider the matters and evidence relevant to the conditions above and discussed in section 4 of the consultation (in other words, the methods we proposed to apply to our designation decisions, as set out above¹³⁰, will also apply to our revocation decisions).

Ofcom has enforcement powers including the power to specify steps that designated IPS providers must take in order to remedy a failure to comply with their ongoing duties under the Act to ensure that Condition 1 and Condition 2 continue to be met

Other matters

- 3.83 Several respondents provided comments that did not directly relate to the consultation questions, but which were relevant to designation of IPS. These included comments regarding:

- a) Monitoring and review of IPS
- b) IPS provider and associated persons
- c) General control and third-party involvement
- d) Designation of an IPS which is not an app

Monitoring and review of IPS

- 3.84 Some stakeholders expressed the view that there should be regular reviews and monitoring of designated IPS and sought more detail about our plans for this. For example, SSMT said that there should be an in-depth review or annual audit with Ofcom reporting and making recommendations on how IPS providers manage the discoverability of PSR content on their IPS.¹³¹ Warner Bros Discovery said that Ofcom could conduct a biannual review of the 'overall system' and cautioned against too much reliance being placed on the preparation

¹²⁹ Paragraph A1.40 of the Statement.

¹³⁰ See paragraphs 3.14, 3.39, 3.51 and 3.62 above.

¹³¹ SSMT response, p.6.

of annual SoPPs documents by the licensed PSBs and S4C, which it said would not be suitable for a wider review of the impact of market developments.¹³² Virgin said that Ofcom should carry out regular monitoring or assessments of designated IPS, outside of any reporting by the PSBs.¹³³ [REDACTED] agreed that having a regular review of IPS designations would allow Ofcom to reflect on the scope of the designations and whether they remain appropriate in light of developments in the sector.¹³⁴

- 3.85 In response to these points, the consultation notes that we will review the information provided by PSBs in their SoPP Review when considering the effectiveness of PSBs' performance monitoring. As we implement the changes required by the Media Act, we will continue to consider how we monitor the ongoing duties of both designated IPS providers and RTSS providers¹³⁵ alongside our ongoing programme of research and analysis into the broader public service media system.

IPS providers and associated persons

- 3.86 We also received questions from some stakeholders regarding the designation of an IPS which is provided by more than one PSB or a consortium of PSBs. In particular, [REDACTED] and Samsung asked us to confirm whether an IPS which is provided by a consortium of PSBs would be eligible for designation.¹³⁶
- 3.87 [REDACTED] also asked whether, to be considered "associated with" a PSB under the Act, a singular PSB must have a controlling share of the associated person.
- 3.88 In response to these comments, we can confirm that an IPS which is provided by a consortium of PSBs would not be eligible for designation. The Act is clear that the "only person" who can be treated as providing an IPS is the person who has 'general control' of the service.¹³⁷ This means that only one legal 'person', such as a corporate entity, can be the IPS provider and therefore it would not be possible for an IPS to be provided by a consortium of PSBs (irrespective of whether or not they satisfy the 'general control' requirements under the Act).¹³⁸
- 3.89 With regard to associated persons, the Statement explains that: (i) a person can only be associated with C4C and S4C if the person is controlled by C4C or S4C (as applicable); and (ii) a person can only be associated with the provider of a Channel 3 service or Channel 5 if the person and the relevant PSB are controlled by the same person.¹³⁹ A singular entity – whether a PSB such as C4C, S4C or another legal entity – must therefore 'control' the associated person, and we will have regard to our published guidance on control¹⁴⁰ when considering whether the IPS provider is associated with the licensed PSB or S4C and any relevant issues.¹⁴¹

¹³² Warner Bros Discovery response, p.4.

¹³³ Virgin non-confidential response, p.6.

¹³⁴ [REDACTED]

¹³⁵ Sections 362AN and 362AO of the Act.

¹³⁶ [REDACTED] Samsung response, p.2.

¹³⁷ Section 362AZ12(2) of the Act.

¹³⁸ 'General control' is discussed at paragraph A1.15 of the Statement.

¹³⁹ Section 362AZ12(6) of the Act.

¹⁴⁰ [Guidance on the definition of control of media companies.](#)

¹⁴¹ Paragraph A1.16 of the Statement.

General control and third-party involvement

- 3.90 Virgin requested additional clarity in relation to general control and specifically third-party ownership or operation of a PSB player. They stated that it was important that any such relationship came with sufficient transparency.¹⁴²
- 3.91 With regard to Virgin's comments, as noted in paragraph 3.63 above, IPS providers are required to provide information in their designation applications regarding the IPS provider itself, including confirmation that the IPS provider has 'general control' of the IPS, and information about any other person who controls services within the IPS.

Designating an IPS which is not an app

- 3.92 [REDACTED] stated that Ofcom's Statement should allow for the designation of an IPS that is not an app. They said that the references to PSB 'apps' used in our consultation and draft Statement conflated IPS and apps and did not allow for a scenario in which a service that is not an app could be designated as an IPS.¹⁴³
- 3.93 In response to [REDACTED] comments we can confirm that a PSB service which is not an app, but which meets the definition of an IPS under the Act¹⁴⁴ and satisfies the designation conditions as described in our Statement, is capable of being designated. To provide clarification on this point we have changed references to 'TV apps' in the Statement to 'TV players'.

¹⁴² Virgin non-confidential response, p.5.

¹⁴³ [REDACTED]

¹⁴⁴ Sections 362AA(10) and (11) of the Act.

A1. Statement of Methods

About this document

- A1.1 This document is the Statement of Methods to be applied by Ofcom in exercising its designation functions under the prominence regime in Part 3A of the Communications Act 2003 (the Act). Section 364AC of the Act requires Ofcom to produce this statement.
- A1.2 Under the new regime, it is Ofcom's role to designate the TV players, referred to as an 'internet programme service' (IPS), provided by the licensed public service broadcasters (PSBs) – that is, Channel 3 licensees, C4C and Channel 5 – and S4C, as well as persons associated with them. Ofcom may only designate such IPS if: i) Ofcom determines that certain conditions are satisfied; and ii) Ofcom considers that it would be appropriate to do so.
- A1.3 This statement sets out the methods that Ofcom will apply in determining:
- a) whether the designation conditions for an IPS are met;
 - b) whether it is appropriate to designate an IPS; and
 - c) whether a designated IPS is no longer meeting the designation conditions, or it is no longer appropriate to designate an IPS, such that Ofcom is proposing to revoke that IPS's designation.

Legislative framework

- A1.4 This section summarises the relevant legal framework underpinning Ofcom's designation functions under the prominence regime. A detailed overview of the legal framework is contained in annex 2.
- A1.5 The overarching aim of the regime in Part 3A of the Act is to ensure that public service content is available, prominent and easily accessible on connected TV platforms, referred to as 'television selection services' (TSS). To achieve this, the providers of designated IPS will have to make their service available to designated TSS (referred to as regulated TSS or RTSS) and the providers of RTSS will have to ensure that PSBs' designated IPS, and their public service content, are made available and prominent on their RTSS.
- A1.6 The Act defines an IPS as a service which consists of: (i) an on-demand programme service (ODPS); or (ii) an ODPS and other services (e.g. live-streamed television programme services).¹⁴⁵ The provider of an IPS is the person who has general control of the service.¹⁴⁶
- A1.7 Ofcom may only designate an IPS provided by a licensed PSB or S4C, or a person associated with them (for brevity, referred to in this statement as 'an IPS provided by a PSB'), if:
- a) The IPS makes, or is capable of making, a significant contribution to the licensed PSB's or S4C's individual public service remit (Condition 1);

¹⁴⁵ Sections 362AA(10) and (11) of the Act. As set out in section 11(c)(i) of the Act the ODPS can be a non-UK ODPS.

¹⁴⁶ Section 362AZ12(2) of the Act.

- b) Programmes included in the IPS that contribute towards the licensed PSB's or S4C's individual remit (referred to in the Act as "public service remit content" (PSR content)) are readily discoverable and are promoted by the service (Condition 2); and
- c) Ofcom considers that it is appropriate to designate the IPS.

- A1.8 In addition to its role in designating a PSB's primary IPS, Ofcom may designate a second or further IPS provided by that PSB (or a person associated with that PSB) if, in addition to meeting the designation criteria described above, Ofcom considers that the proposed contribution that the second or further IPS would make towards fulfilling the PSB's 'individual public service remit' (the individual remit) is capable of satisfying the needs and interests of a specific audience.
- A1.9 Once designated, DIPS providers are subject to ongoing duties to ensure that the designation conditions in paragraph A1.7(a) and (b) above continue to be met.¹⁴⁷ The Act provides Ofcom with enforcement powers,¹⁴⁸ including the ability to issue penalties where DIPS providers fail to comply with these duties,¹⁴⁹ and to specify steps that must be taken to remedy such failures.¹⁵⁰
- A1.10 Ofcom may also decide to revoke the designation of an IPS if it considers that there are reasonable grounds for believing that the IPS is not continuing to meet the designation criteria.¹⁵¹ Before such a decision can be made, Ofcom must first notify the IPS provider and give them an opportunity to make representations.
- A1.11 The Act provides Ofcom with information gathering powers that can be used to obtain information that we consider necessary to inform our decisions to make or revoke a designation and to assess compliance with the ongoing duties to ensure the designation conditions continue to be met.¹⁵² These powers allow Ofcom to require information to be obtained or generated by the person receiving the request.¹⁵³
- A1.12 Ofcom must publish a statement about the methods it will apply when determining: (i) whether the designation criteria for an IPS are met; and (ii) whether a designated IPS is no longer meeting the designation criteria, such that Ofcom is proposing to revoke that IPS's designation.¹⁵⁴ This document is that statement.
- A1.13 Ofcom may revise or replace this statement.¹⁵⁵

Ofcom's methods for designation

IPS providers and associated persons

- A1.14 Before determining whether the designation conditions are met and whether it would be appropriate to designate an IPS provided by a PSB, Ofcom must first be satisfied that the

¹⁴⁷ Section 362AN of the Act.

¹⁴⁸ Sections 362AZ to 362AZ4 of the Act

¹⁴⁹ Sections 362AZ3 and 362AZ4 of the Act.

¹⁵⁰ Section 362AZ(4) of the Act.

¹⁵¹ Section 362AB(2) of the Act.

¹⁵² Section 362AS of the Act.

¹⁵³ Section 362AS(3) and (4) of the Act.

¹⁵⁴ Section 362AC(1) of the Act.

¹⁵⁵ Section 362AC(2) of the Act.

person to which the application relates – that is, one of the licensed PSBs, S4C, or a person associated with one of them – is the provider of the IPS in question.

- A1.15 The Act is clear that only the person who has general control of the IPS can be the IPS provider. This means that a licensed PSB, S4C, or a person associated with them will only be treated as the IPS provider if they have general control of the IPS. ‘General control’ means, in the case of an IPS where the programmes are contained in a single ODPS, the person who has ‘editorial responsibility’¹⁵⁶ for the ODPS. For any other IPS, it means the person who has general control over which ODPS and other services are included in it.¹⁵⁷
- A1.16 In the case of an application for designation where the provider is a person associated with a licensed PSB or S4C, Ofcom must also be satisfied that the person in question is ‘associated’ with the licensed PSB or S4C within the meaning set out in the Act. In the case of a person associated with C4C and S4C, this means that the associated person must be controlled by C4C or S4C (as applicable). In the case of a person associated with the provider of a Channel 3 service or Channel 5, this means that the associated person and the relevant PSB must be controlled by the same person. ‘Control’ in the context of associated persons has the same meaning as in the Broadcasting Act 1990 i.e. majority interest control, de facto control or a control arrangement.¹⁵⁸ In considering whether the provider of a service is associated with the licensed PSB or S4C and any relevant issues, we will have regard to our published guidance on control.¹⁵⁹

Designation conditions

- A1.17 Sections 362AA(3) and (4) of the Act set out two conditions that must be satisfied by an IPS in order for Ofcom to be able to designate it. In addition to these conditions, Ofcom must also consider that it is appropriate to designate the IPS.¹⁶⁰

Condition 1: Does the IPS make, or is it capable of making, a significant contribution to the licensed PSB’s or S4C’s individual remit?

- A1.18 In determining whether this condition is satisfied, Ofcom will consider significance in the context of each PSB’s individual remit. We will have particular regard to the extent to which the content on all the relevant audiovisual services (relevant services)¹⁶¹ that the PSB has identified in its statement of programme policy (SoPP) (other than the IPS) will be included in the IPS. Programmes included in an IPS that contribute towards the licensed PSB’s or S4C’s individual remit are referred to as PSR content. The IPS can also include content that a PSB does not intend to use to fulfil its individual remit (we refer to this as ‘non-PSR content’), which includes paid-for content. However, Ofcom will not take account of non-PSR content when assessing whether an IPS is capable of making a significant contribution to the licensed PSB’s or S4C’s individual remit.

¹⁵⁶ ‘Editorial responsibility’ is defined in Section 368A(4) of the Act.

¹⁵⁷ Section 362AZ12(4) of the Act.

¹⁵⁸ Part 1 of Schedule 2 to the Broadcasting Act 1990.

¹⁵⁹ [Guidance on the definition of control of media companies.](#)

¹⁶⁰ Section 362AA(2)(b) of the Act.

¹⁶¹ ‘Relevant audiovisual services’ are defined in section 264(11) of the Act. Licensed PSBs and S4C are able to use relevant audiovisual services alongside their main TV channel to contribute to the fulfilment of their individual remits (in order to fulfil their individual remits, the licensed PSBs and S4C must also make an “adequate contribution” to the collective obligation on all the PSBs to fulfil the public service remit for UK television (Sections 265(2)(b) and (3)(c) of the Act (for the licensed PSBs); Section 204A of the Act (for S4C), not yet in force).

- A1.19 The Act allows PSBs to fulfil their remits by making content available on services that are free of charge and which are either: (i) provided by PSBs; or (ii) provided by third parties under arrangements between the PSB and that third party.¹⁶² We consider that, in order to satisfy Condition 1, an IPS provider should generally include on its IPS all the content on all the relevant services that the PSB has identified in its SoPP (other than the IPS).
- A1.20 For the purposes of Ofcom's determination of Condition 1, IPS providers should therefore expressly confirm whether the IPS will include all of the content on all the relevant services that the PSB has identified in its SoPP (other than the IPS). If the IPS will not include all of this content, the IPS provider should explain this.
- A1.21 When determining whether Condition 1 is satisfied in respect of designation applications for a second or further IPS aimed at meeting the needs and interests of a specific audience, IPS providers should confirm whether the IPS will include all of the content on the relevant services that the PSB has identified in its SoPP as intended for that specific audience. If the second or further IPS will not include all of this content, the IPS provider should explain this.

Condition 2: Is the public service remit content included in the service readily discoverable and promoted by the IPS?

- A1.22 In the Act, PSR content is defined as material included in the IPS that contributes to the fulfilment of the individual remits for licensed PSBs and S4C.¹⁶³ As noted above, the IPS may also include content that does not contribute to the fulfilment of these individual remits (non-PSR content).
- A1.23 In determining whether Condition 2 is satisfied, Ofcom will have regard to information provided by IPS providers explaining: (i) how PSR content will be made readily discoverable on the IPS; and (ii) how PSR content will be promoted by the IPS. This should include information, supported by relevant data, about:
- a) How PSR content will be positioned in the high traffic areas of the homepage as well as other high traffic areas¹⁶⁴ and features of the IPS so the audiences' attention to this content is likely increased relative to non-PSR content; and
 - b) How their approach to curation (editorially led and/or algorithmic), and the aims and priorities underpinning that approach, will help to promote and ensure the ready discoverability of PSR content.
- A1.24 We consider that in order to satisfy Condition 2, IPS providers must promote and make readily discoverable in the high traffic areas of the homepage as well as other high traffic areas and features of the IPS:
- a) a diverse range of PSR content that informs, educates and entertains; and
 - b) news and current affairs content.
- A1.25 In the case of a second or further IPS, Ofcom will have regard to the information provided by IPS providers pursuant to paragraph A1.23 above, as well as whether the IPS promotes

¹⁶² Section 264(13) of the Act.

¹⁶³ Section 362AA(12) of the Act.

¹⁶⁴ A 'high traffic area' refers to an area of the IPS which is viewed and/or accessed by a significant volume of people when they use the IPS. Examples of high traffic areas and features include: the 'hero banner' (i.e. the largest and most prominent slot) of the homepage; themed rails on the homepage; recommendations within the search function; curated category tabs; auto-playing programmes; recommendations at the beginning or end of programmes; and themed campaigns.

and makes readily discoverable the content described in paragraph A1.24 above. If an IPS provider considers that, owing to the nature of the second or further IPS and its intended specific audience, it is not possible to promote or make readily discoverable the content described in paragraph A1.24, the IPS provider should explain this.

- A1.26 In cases where an IPS provider intends to make non-PSR content available within the IPS, they should explain how they will ensure that the promotion and ready discoverability of PSR content is not adversely affected. We consider that the high traffic areas of the homepage as well as other high traffic areas and features of the IPS (see footnote 81), should predominantly consist of PSR content in order to satisfy Condition 2.

Is it appropriate to designate the IPS?

- A1.27 When considering whether it is appropriate to designate an IPS, the Act sets out certain matters that Ofcom must take into account. These are:
- The proposals in that PSB's SoPP as to the contribution that the IPS will make towards fulfilling the PSB's individual remit;
 - Whether that proposed contribution is capable of satisfying the needs and interests of a wide range of audiences (or a specific audience in the case of second or further IPS); and
 - The effectiveness and efficiency of the PSB's monitoring of its performance so far as relating to the fulfilment of the PSB's individual remit.
- A1.28 Set out below are the considerations Ofcom will take into account in respect of each of these matters.

Proposals in SoPPs

- A1.29 As set out in Ofcom's SoPPs guidance, a PSB's SoPP should contain information about that PSB's IPS and the contribution it will make to the fulfilment of the PSB's individual remit. Ofcom will have regard to these proposals when considering whether it would be appropriate to designate an IPS.

Audience needs

- A1.30 When considering whether an IPS's proposed contribution is capable of satisfying the needs and interests of a wide range of audiences, Ofcom will review the information contained in a PSB's SoPP about how the PSB will use its IPS to satisfy the needs and interests of as many different audiences as possible. The SoPP guidance sets out the information PSBs could provide in order to demonstrate this, and Ofcom will consider this information for the purposes of considering whether it would be appropriate to designate an IPS.
- A1.31 In the case of second or further IPS, Ofcom will consider the information contained in a PSB's SoPP demonstrating how the PSB will use a second or further IPS to satisfy the needs and interests of a specific audience. This could include information about who the intended specific audience is, as well as the PSB's strategy for ensuring that the programmes on the second or further IPS will meet the needs and satisfy the interests of that audience, considering the nature of the programmes and the subject matters they cover. Such explanation could be supported by analysis showing audience figures for the relevant service overall and audience demographics.

Performance monitoring

- A1.32 When considering the effectiveness and efficiency of a PSB's performance monitoring in relation to the fulfilment of its individual remit, Ofcom will review the information provided by PSBs in their SoPP Plan and SoPP Review. In particular, Ofcom will look at the SoPP Review and the PSB's assessment of how it has fulfilled its individual remit across all of its relevant services (which includes the IPS), and, in doing so, how the PSB has made an adequate contribution to the overall PSB remit. We may also consider any qualitative and / or quantitative assessment of the performance of the IPS provided by the PSB.

Other matters

- A1.33 In addition to the above, Ofcom will take into account any other matters that it considers relevant when considering whether it is appropriate to designate an IPS,¹⁶⁵ having regard to our relevant statutory duties.

Ofcom's methods for revocation of designation

- A1.34 Ofcom may decide to revoke the designation of an IPS, in the absence of a request to do so by the IPS provider, on the basis that Ofcom considers that there are reasonable grounds for believing that one or more of the criteria set out in section 362AB(2) of the Act are met. Before such a decision can be made, Ofcom must first notify the IPS provider and give them an opportunity to make representations.
- A1.35 The criteria in section 362AB(2) are that:
- a) The designated IPS is not making a significant contribution to the licensed PSB's or S4C's individual remit;
 - b) The PSR content included in the IPS is not readily discoverable or is not promoted by the service; or
 - c) It would not be appropriate for Ofcom to designate the IPS.
- A1.36 When determining whether any of the criteria in section 362AB(2) are met, Ofcom will consider the matters and evidence discussed in paragraphs A1.18-1.33 above.

General principles

- A1.37 We will explain why we have taken a particular approach in our decisions in relation to the designation of an IPS or revocation of a designation and how that approach is consistent with the methods set out in this statement.
- A1.38 However, we may consider it appropriate or necessary to follow different methods to those set out in this statement. If we follow different methods, then we will explain why we have done this.
- A1.39 We may use our information gathering powers in section 362AS of the Act to gather evidence to inform our decisions in relation to our designation or revocation decisions.
- A1.40 We will publish our decisions in relation to the designation of an IPS or revocation of a designation.

¹⁶⁵ Section 362AA(7) of the Act.

A2. Legal Framework

- A2.1 This annex sets out the statutory framework regarding the designation of internet programme services (IPS) under Part 3A of the Communications Act 2003 (the Act), which was inserted into the Act by Part 2 of the Media Act 2024. This annex is only a summary of the relevant provisions, it is not a substitute for reference to the statute.
- A2.2 Also relevant are Ofcom’s general duties in carrying out its functions, to further the interests of citizens in relation to communications matters and consumers in relevant markets, where appropriate, by promoting competition.¹⁶⁶ In doing so, Ofcom must have regard to a number of matters including the desirability of promoting the fulfilment of the purposes of public service television broadcasting in the UK, the desirability of encouraging investment and innovation in relevant markets, and the needs of persons with disabilities.¹⁶⁷
- A2.3 In performing its general duties, Ofcom must have regard to the principles under which regulatory activities should be transparent, accountable, proportionate, consistent, and targeted only at cases in which action is needed, and any other principles appearing to Ofcom to represent the best regulatory practice.¹⁶⁸
- A2.4 As explained further below, where an IPS is designated by Ofcom (designated IPS or DIPS), the provider of the DIPS will be subject to various statutory obligations under the Act, including making the DIPS available to television selection services (TSS)¹⁶⁹ that are designated by the Secretary of State (regulated TSS or RTSS).

Internet programme services (IPS)

- A2.5 The PSBs’ TV players that may be designated are referred to as internet programme services (IPS). The Act defines an IPS as a service which is either (i) entirely an on demand programme service (ODPS) or (ii) an ODPS together with other services (e.g. live-streamed television programme services).¹⁷⁰

Designated internet programme services (DIPS)

- A2.6 The Act defines a DIPS as an IPS:
- provided by the BBC;
 - provided by a licensed PSB or S4C and designated by Ofcom; or

¹⁶⁶ Section 3(1) of the Act.

¹⁶⁷ Section 3(4)(a), (d) and (i) of the Act.

¹⁶⁸ Section 3(3) of the Act.

¹⁶⁹ A TSS is a service or dissociable section of a service, provided by means of the internet and in connection with Internet Television Equipment (ITE) which consists of (a) the presentation of the IPS included in the service or the dissociable section of the service; and (b) a facility that enables the user: (i) to make a selection between those IPS or programmes provided by those IPS or both; and (ii) to access the IPS or programme selected or both (Section 362AE(1) of the Act. The Secretary of State may lay regulations to amend the definition of “television selection service” or internet television equipment” (Section 362AE(7)).

¹⁷⁰ Section 362AA(10) and (11) of the Act.

- provided by a person associated with a PSB and designated by Ofcom.

A2.7 It is therefore Ofcom's role to designate IPS provided by licensed PSBs and S4C, as well as persons associated with the PSBs.¹⁷¹

IPS providers and associated persons

IPS Providers

A2.8 The only person who can be treated as providing an IPS is the person who has general control of the service.¹⁷²

A2.9 The person with general control of the service means:

- in the case of an IPS where the programmes are contained in a single on-demand programme service (ODPS), the person who has editorial responsibility for the ODPS within the meaning of s368A(4) of the Act,¹⁷³ or
- in the case of any other IPS, the person who has general control over which ODPSs, non-UK ODPSs and IPS are included in the service.¹⁷⁴

A2.10 The Act draws a distinction between IPS provided by C4C and S4C on the one hand, and IPS provided by C4 and S4C companies on the other hand. The provision of an IPS by C4C or S4C does not include provision by C4 and S4C companies. Therefore, when determining who has general control of the service, control that is or is capable of being exercised by C4C or S4C over decisions by a C4 or S4C company about what is to be comprised in a service should be disregarded.¹⁷⁵

Associated persons

A2.11 A person is associated with a PSB if:

- the person is a body corporate (e.g. a company) which is controlled by the PSB; or
- where the PSB is the provider of a Channel 3 service or Channel 5, the person and the PSB are both bodies corporate (e.g. companies) which are controlled by the same person.¹⁷⁶

A2.12 'Controlled' has the same meaning as in paragraph 1(3) of Part 1 of Schedule 2 to the Broadcasting Act 1990,¹⁷⁷ which sets out that a person may be deemed to 'control' a company in any of the following three scenarios:

- **'Majority interest':** A person controls a company if they hold, or are beneficially entitled to, more than 50 per cent of the equity share capital or possesses more than 50 per cent of the voting power in the company;

¹⁷¹ Section 362AA(2) of the Act also gives Ofcom the power to designate IPS provided by a person associated with the BBC where the conditions in Section 362AA(5) are satisfied. These provisions have not been brought into force at this time and are therefore not considered in this document.

¹⁷² Section 362AZ12(2) of the Act.

¹⁷³ Section 362AZ12(3) of the Act.

¹⁷⁴ Section 362AZ12(4) of the Act.

¹⁷⁵ Section 362AZ12(5) of the Act.

¹⁷⁶ Section 362AZ12(6) of the Act.

¹⁷⁷ Section 362AZ12(7) of the Act. Ofcom has issued [guidance](#) on the control of media companies.

- **‘De facto control’**: Even where a person does not have a majority interest, they are regarded as controlling a company where it is reasonable, having regard to all the circumstances, to expect that they would (if they chose to) be able in most cases or in significant respects, by whatever means and whether directly or indirectly, to achieve the result that affairs of the body are conducted in accordance with their wishes;
- **‘Control arrangement’**: A person also controls a company where they hold, or are beneficially entitled to, 50 per cent of the company's equity share capital, or possesses 50 per cent of the voting power in the company, and has an arrangement with any other participant in the company as to how any voting power possessed by either of them is to be exercised or not.

Designation criteria

A2.13 Ofcom may designate an IPS provided by a licensed PSB or S4C if:

- a) The IPS makes, or is capable of making, a significant contribution to the licensed PSB's or S4C's individual remit;
- b) Programmes included in the IPS that contribute towards the licensed PSB's or S4C's individual public service remit (referred to in the Act as 'public service remit content') are readily discoverable and promoted by the service; and
- c) Ofcom considers it is appropriate to designate the IPS.¹⁷⁸

‘Appropriate’

A2.14 When considering whether it is appropriate to designate a licensed PSB's or S4C's IPS, Ofcom must take into account (amongst other things):

- The proposals in that PSB's SoPP as to the contribution that the IPS will make towards fulfilling the PSB's individual public service remit;
- Whether that proposed contribution is capable of satisfying the needs and interests of a wide range of audiences (or a specific audience in the case of second or further IPS); and
- The effectiveness of the PSB's monitoring of its performance so far as relating to the fulfilment of the PSB's individual public service remit.

Public service remits and SoPPs

Individual remits

A2.15 Each licensed PSB and S4C has an individual remit which they are required to fulfil.

A2.16 The individual remit for Channel 3 services and Channel 5 is to make available a range of high quality and diverse programmes.¹⁷⁹

¹⁷⁸ Section 362AA(2), (3) and (4) of the Act.

¹⁷⁹ Section 265(2) of the Act.

- A2.17 The individual remit for C4C is to make available broad range of high quality and diverse programmes.¹⁸⁰ These programmes must, in particular:
- demonstrate innovation, experimentation, and creativity;
 - appeal to the tastes and interests of a culturally diverse society;
 - include a significant amount of educational content; and
 - have a distinctive character.
- A2.18 The individual remit for S4C is to make available a broad range of high quality and diverse programmes, with a substantial proportion in Welsh.¹⁸¹
- A2.19 For each licensed PSB and S4C, the programmes with which they fulfil their individual remits should be capable of being taken into account for the purposes of assessing the extent to which the overall PSB remit is fulfilled, and should constitute an adequate contribution to the fulfilment of the overall PSB remit.

The overall PSB remit

- A2.20 The overall PSB remit is fulfilled when the PSBs (the BBC, the licensed PSBs and S4C), taken together, make available a broad range of programmes which:¹⁸²
- a) Meet the needs and satisfies the interests of as many different audiences as possible, considering when and how the programmes are accessed, as well as the nature of the programmes and the subject matters covered by them.
 - b) Offer comprehensive and authoritative news and current affairs coverage, both within the UK (and different parts of the UK) and globally, to support civic understanding and fair and well-informed debate.
 - c) Serve as a public service for information, education and entertainment, including programmes:
 - i) reflecting the lives and concerns of different UK communities and cultural traditions; and
 - ii) in the Welsh, Gaelic, Irish, Scots, Ulster Scots, or Cornish languages.
 - d) Include original productions that reflect the lives and concerns of children and young people in the UK, are educational, and help them understand the world.
 - e) Feature a suitable range and amount of independent productions, original productions, and programmes made outside the M25.
 - f) Cover an appropriate range of genres.
- A2.21 The overall PSB remit is the collective responsibility of all the PSBs which must be fulfilled by them together. The regime gives flexibility regarding the PSBs' individual contributions to the overall PSB remit, but in order to fulfil their individual remits, each licensed PSB and S4C must make an adequate contribution to the overall PSB remit.

¹⁸⁰ Section 265(3) of the Act.

¹⁸¹ Paragraph 3(2) of Part 2 Schedule 12 of the Act.

¹⁸² Section 264(4)-(6) of the Act.

SoPPs

A2.22 Licensed PSBs and S4C are required to produce SoPPs on an annual basis.¹⁸³ The SoPPs must:

- set out how the PSB's individual remit, which includes making an adequate contribution to the overall PSB remit, will be fulfilled in the coming year;
- set out how its requirements relating to programme quotas, news provision, regional programme-making and commissioning will be fulfilled;¹⁸⁴
- state which relevant audiovisual services¹⁸⁵ will be used to contribute to the fulfilment of the PSB's individual remit, and if so, how; and
- contain a performance review for the previous year.

A2.23 In preparing SoPPs, the licensed PSBs and S4C must have regard to Ofcom guidance, take account of Ofcom annual factual and statistical reports and public service media reviews, and special account of the most recent ones. They must publish the SoPP as soon as possible after it is complete, having regard to Ofcom guidance about the manner of publication.

Revocation of designation

A2.24 Designation of an IPS can be revoked in two scenarios:

- **Automatic revocation:** The designation of an IPS provided by a person associated with a licensed PSB or S4C is revoked when that person ceases to be associated with the PSB(s) in question.¹⁸⁶ The person must give notice to Ofcom that it has ceased to be associated with the PSB(s) in question, which should be sent in such manner and contain such information as Ofcom may require.¹⁸⁷
- **Revocation by Ofcom:** Ofcom must revoke a designation of an IPS if the IPS provider requests us to do so.¹⁸⁸ We can also decide to revoke a designation of an IPS if we think there are reasonable grounds for believing that the IPS is not meeting the designation criteria.¹⁸⁹ If we decide to revoke an IPS's designation on this basis, we will give notice to the IPS provider stating the grounds and reasons for our opinion that the IPS is not meeting the designation criteria.¹⁹⁰ We will also explain why we are proposing to revoke the IPS's designation.¹⁹¹ The IPS provider will have an opportunity to respond to the notice and make representations to Ofcom, and the notice will specify further details about this, including the time period for making those representations.¹⁹² Once the time

¹⁸³ Section 266(1) of the Act.

¹⁸⁴ The requirements are set out in Sections 277 to 296 (in the case of the licensed PSBs) and Schedule 12 Part 2 (in the case of S4C) of the Act.

¹⁸⁵ Section 264(11) of the Act.

¹⁸⁶ Section 362AB(1) of the Act.

¹⁸⁷ Section 362AD(1) and (2) of the Act.

¹⁸⁸ Section 362AB(7) of the Act.

¹⁸⁹ Section 362AB(2) of the Act.

¹⁹⁰ Section 362AB(3)(a) - (b) of the Act.

¹⁹¹ Section 362AB(3)(c) of the Act.

¹⁹² Section 362AB(3)(d) - (e) of the Act.

period allowed for representations has expired, Ofcom will reach a final decision and will give notice of this decision to the IPS provider.¹⁹³

Ofcom's statement of methods

A2.25 Ofcom has a duty to prepare and publish a statement providing information about the methods we will apply in determining:

- whether the conditions for designating an IPS have been met; and
- whether there are reasonable grounds for believing that an IPS is not meeting one or more of the designation conditions, such that Ofcom is proposing to revoke the designation of that IPS.¹⁹⁴

A2.26 The Act also provides Ofcom with information gathering powers that can be used to obtain information that we consider necessary to inform our determination of these matters.¹⁹⁵

Effects of designation

Introducing new requirements for DIPS and RTSS

A2.27 Where IPS and TSS are designated, the providers of those DIPS and RTSS must comply with the new regime. The provider of a DIPS will be the relevant PSB, or person associated with that PSB.¹⁹⁶ The provider of an RTSS will be the person who has general control over the manner in which the TSS presents to its users the IPS that are included in the service.¹⁹⁷

A2.28 Providers of DIPS will be subject to a 'must-offer' obligation, and providers of RTSS will be subject to a 'must-carry' obligation.

A2.29 The 'must-offer' and 'must-carry' requirements on DIPS and RTSSs are designed to ensure that a DIPS receives an appropriate degree of prominence and that its content remains readily available to the public, despite the increased diversification of accessing content that is provided by connected TV platforms and VoD services.

A2.30 The 'must-offer' obligation means that a DIPS provider must offer its DIPS to every RTSS provider.¹⁹⁸ The DIPS provider must do its best to secure that, in relation to every RTSS, agreements are entered into and kept in force that ensure the service is included in the RTSS.¹⁹⁹

A2.31 The 'must-carry' obligation means that an RTSS provider must, in respect of each DIPS, enter into arrangements with the provider of the DIPS for the RTSS to include that DIPS and

¹⁹³ Section 362AB(4) of the Act.

¹⁹⁴ Section 362AC(1) of the Act.

¹⁹⁵ Section 362AS of the Act.

¹⁹⁶ Section 362AA(2) of the Act.

¹⁹⁷ Section 362AE(5) of the Act. Section 362AE(6) of the Act says that the fact a TSS relies to any extent on algorithms to determine the prominence given to an IPS or any programme provided by the IPS does not prevent a person from having general control.

¹⁹⁸ Section 362AJ(1) of the Act.

¹⁹⁹ Section 362AJ(2) of the Act. There is a separate obligation for any IPS provided by the BBC (Section 362AJ(4)). Details of the BBC's obligations pursuant to the [BBC Agreement](#) can be found at Para 1.11 – 1.13 of the BBC's Distribution Policy and Clause B13 of The BBC's commercial and trading activities: requirements and guidance – annex 3.

keep such arrangements in force.²⁰⁰ RTSS providers will also be required to ensure that the DIPS and, where appropriate, content on the DIPS that contributes to the delivery of PSBs' individual remits are prominently located on their services²⁰¹ and that these services are accessible to those with disabilities (particularly those affecting sight or hearing).²⁰²

- A2.32 Both DIPS and RTSS providers are subject to ongoing duties.²⁰³ For DIPS providers, this means that they must ensure that the designation conditions described in paragraphs A2.13(a) and (b) above continue to be met. DIPS and RTSS providers also have a duty to act consistently with the 'agreement objectives' when negotiating the arrangements required to meet the requirements of their 'must-carry' and 'must-offer' obligations.²⁰⁴ The agreement objectives are that:
- a) DIPS are given an appropriate degree of prominence within an RTSS (which includes PSR content and any listed channel included in the DIPS);²⁰⁵
 - b) the arrangements between the providers do not adversely affect the ability of the licensed PSBs or S4C to fulfil their individual remits²⁰⁶; and
 - c) arrangements do not disproportionately restrict how the provider of an RTSS may make innovations in the ways that users may select and access IPS.²⁰⁷
- A2.33 The Act requires Ofcom to prepare and publish guidance about how providers of DIPS and providers of RTSS may act consistently with the agreement objectives.²⁰⁸
- A2.34 The Act gives Ofcom a dispute resolution function²⁰⁹ and enforcement powers.²¹⁰

Economic growth duty

- A2.35 Section 108 of the Deregulation Act 2015 sets out Ofcom's duty to have regard to the desirability of promoting economic growth when exercising its regulatory functions. In order to consider the promotion of economic growth, Ofcom will exercise its regulatory functions in a way that ensures that:
- a) Regulatory action is taken only when it is needed; and
 - b) Any action taken is proportionate.²¹¹
- A2.36 The government's statutory guidance on this duty recognises drivers of economic growth to include innovation and competition.

²⁰⁰ Section 362AK of the Act.

²⁰¹ Section 362AO(1) and (3) of the Act.

²⁰² Section 362AO(4) of the Act.

²⁰³ Sections 362AN and 362AO of the Act.

²⁰⁴ Section 362AM of the Act.

²⁰⁵ Section 362AM(1)(a) of the Act.

²⁰⁶ Section 362AM(1)(b) of the Act.

²⁰⁷ Section 362AM(1)(c) of the Act.

²⁰⁸ Ofcom's guidance must also include how the BBC may act consistently with the agreement objectives in carrying out any of its duties under the BBC Charter and Agreement that are comparable to the requirement on other DIPS providers under Section 362AJ(3) (Section 362AL(2) of the Act).

²⁰⁹ Sections 362AT - 263AY of the Act.

²¹⁰ Sections 362AZ - 362AZ5 of the Act.

²¹¹ Section 108(2)(b) of the Deregulation Act 2015.

Public sector equality duty

- A2.37 Section 149 of the Equality Act 2010 (the 2010 Act) imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to the following protected characteristics: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.
- A2.38 Section 75 of the Northern Ireland Act 1998 (the 1998 Act) also imposes a duty on Ofcom, when carrying out its functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity and have regard to the desirability of promoting good relations across a range of categories outlined in the 1998 Act. Ofcom's Revised Northern Ireland Equality Scheme explains how we comply with our statutory duties under the 1998 Act.

Welsh language duty

- A2.39 The Welsh Language (Wales) Measure 2011 established a legal framework to impose duties on certain organisations to comply with standards in relation to the Welsh language. The standards issued to Ofcom are listed in Ofcom's compliance notice effective from 25 January 2017.
- A2.40 The Welsh Language Policy Making Standards require Ofcom to assess (a) opportunities for persons to use the Welsh language, and (b) treating the Welsh language no less favourably than the English language, when formulating a new policy or reviewing or revising an existing policy.

A3. Impact Assessment

Assessing the impact of our methods

- A3.1 Section 7 of the Communications Act 2003 (the Act) requires us to carry out and publish an assessment of the envisioned impact of implementing a proposal which would be likely to have a significant impact on businesses or the general public, or when there is a major change in Ofcom's activities. Impact assessments help us to understand the policy decisions we have decided to take and why we consider those decisions best fulfil our applicable duties and objectives in the least intrusive way.²¹²
- A3.2 The analysis presented throughout the consultation (in particular section 4) provided our assessment of the impact of our proposals and constituted an impact assessment, as defined by section 7 of the Act. We did not receive any specific comments from stakeholders on our impact assessment. Section 3 of this document sets out our responses to stakeholder comments and our decisions, including our final assessment of the impact of the methods we will apply when designating IPS. In the consultation, we said that, overall, we consider that our methods will benefit audiences as they will ensure that DIPS allow them to access and readily discover the high quality and diverse content required by the PSB remits. The changes we have decided to make to the Statement discussed at paragraphs 3.24 and 3.26 above do not affect that conclusion.
- A3.3 We will carry out a further impact assessment when consulting on our proposed designation decisions.

Equality impact assessment

- A3.4 Section 149 of the Equality Act 2010 (the 2010 Act) imposes a duty on Ofcom, when carrying out its functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and other prohibited conduct related to protected characteristics under the 2010 Act.²¹³ The 2010 Act also requires Ofcom to have due regard to the need to advance equality of opportunity and foster good relations between persons who share specified protected characteristics and persons who do not.
- A3.5 Ofcom has separate but complementary duties under Northern Ireland's equality legislation.²¹⁴ This requires Ofcom to screen policies for their impact on equality of opportunity and/or good relations in each of the nine equality categories identified for Northern Ireland.
- A3.6 We explained in Annex 3 to our consultation that we did not consider the proposed methods to have any adverse equality impacts. We did not receive any comments on our assessment. As set out in this document, we have decided to proceed with our methods as proposed, with the exception of the changes discussed at paragraphs 3.24 and 3.26 above. We do not consider that the changes we have made to the Statement affect the conclusion of our equality impact assessment. We therefore confirm that we do not expect the

²¹² Ofcom, [Impact assessment guidance](#), 2023.

²¹³ These protected characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

²¹⁴ Section 75 of the Northern Ireland Act 1998.

methods we will apply when making our designation decisions will have any adverse equality impacts.

- A3.7 We will carry out a further equality impact assessment when consulting on our proposed designation decisions.

Welsh language impact assessment

- A3.8 The Welsh language has official status in Wales.²¹⁵ To give effect to this, certain public bodies, including Ofcom, are required to comply with Welsh language standards in relation to the use of Welsh, including the general principle that Welsh should not be treated less favourably than English in Wales.²¹⁶ Accordingly, we have considered the potential impact of our review on (i) opportunities for persons to use the Welsh language; and (ii) treating the Welsh language no less favourably than the English language.
- A3.9 We explained in Annex 3 to our consultation that we considered the proposed methods would not treat the Welsh language differently to the English language or have any impact on opportunities for persons to use the Welsh language. We said we expected that for Welsh language speakers, the new regime will benefit them by ensuring they have access to PSB content catering to Welsh speaking audiences.
- A3.10 We did not receive any comments on our assessment. As set out in this document, we have decided to proceed with our methods as proposed, with the exception of the changes discussed at paragraphs 3.24 and 3.26 above. We do not consider that the changes we have made to the Statement affect the conclusion of our Welsh language impact assessment. We therefore confirm that we do not expect the methods we will apply when making our designation decisions to treat the Welsh language differently to the English language or have any impact on opportunities for persons to use the Welsh language. We remain of the view that, for Welsh speakers, the new regime will benefit them by ensuring they have access to PSB content catering to Welsh speaking audiences.
- A3.11 We will carry out a further Welsh language impact assessment when consulting on our proposed designation decisions.

²¹⁵ Section 1(1), Welsh Language (Wales) Measure 2011.

²¹⁶ The [Welsh language standards](#) with which Ofcom is required to comply are available on our website.