

Ofcom consultation on Statement of Programme Policy and Statement of Media Content Policy Draft Guidance

ITV plc response

Commercial confidentiality

We understand the need for sufficient transparency in terms of setting out our future plans for delivering ITV's PSB remit in the SoPP. We note, though, that there will of course be limits to the specifics of what can be declared in advance. In a highly competitive market, detailing commercially sensitive plans in public, ahead of launch, would not be appropriate.

Flexibility in SoPP design

We welcome Ofcom's approach to its guidance in terms of providing illustrative examples of the sorts of information that *could* or *may* be provided, rather than definitively setting out specifically what *must* be provided. This will allow each PSB to align its reporting to its own individual circumstances and status, minimising the regulatory burden that the additional reporting will inevitably impose.

We also welcome Ofcom's recognition in the draft guidance (2.70) that multiple C3 licences might provide a more consolidated document, as this will significantly reduce repetition.

Scale & specificity of goals and reporting

We note that we expect the scale and specificity of ITV's reporting to be significantly below that of the BBC or Channel 4, reflective of their public ownership (and, in the case of the BBC, very significant public funding) as well as their more expansive remits and obligations. More extensive reporting - for instance via significant volumes of quantitative targets or bespoke audience tracking surveys - would not be appropriate for ITV (nor STV / Channel 5).

Similarly, Ofcom's guidance frequently refers to the use of multiple services, perhaps targeting different audiences. Again, this may be most appropriate for the BBC and C4, who each use a wide range of services and set themselves very specific goals. ITV will likely meet its remit predominantly via just two services - ITV and ITVX - both aimed at everyone in the UK.

Genres contributing to public service remit delivery

3.14 of the consultation and 2.32 of the draft guidance suggests that Ofcom views the relevant genres contributing to the need to 'inform, educate and entertain' to be primarily factual, educational, entertainment, comedy, and drama programming, and films. The concept of 'inform, educate and entertain' would not seem to us to be limited to these genres. For instance, current affairs and news provision must be central to this mission.

Sports content is clearly a form of entertainment. Whilst Ofcom may wish to highlight certain genres, we would not want this to preclude the delivering of certain outcomes via other genres, or to become a requirement to operate in genres that are not currently a core part of our service.

The draft guidance suggests that PSBs “may include the planned number of hours, and proportion, of each type of programming to be made available on the relevant service.” The use of ‘may’ here is vital as ITV generally does not plan its forward schedule with this degree of specificity. A similar point applies to paragraphs 2.40/2.41 of the guidance (in relation to quota-delivering content).

Similarly in 3.14 of the consultation and 2.34(c) of the draft guidance, Ofcom suggests that ‘cultural interests’ will be covered via genres such as sports, music, arts, and religion and ethics. Again, we would expect culture to be reflected across the full range of our output rather than ascribed to certain genres only.

Detail on content to be made available and target audiences

3.16 in the consultation says that Ofcom “...expect[s] that as a relevant service the licensed PSB will be providing information in its SoPP Plan about how the IPS will contribute to fulfilment of its remit, in terms of the content it will make available and the audiences that it will reach. For convenience and transparency, [Ofcom] suggest[s] that the licensed PSB may wish to augment this with information relevant to [Ofcom’s] determination of whether Condition 1 and Condition 2 are satisfied in the IPS section of their SoPP Plan.”

Elsewhere in the consultation there are also references to providing detail about future plans, for instance in 3.20 in relation to quotas.

In the draft guidance at 2.12, Ofcom states “SoPP Plans should include a clear explanation as to how a licensed PSB’s proposals are intended to contribute towards the fulfilment of its individual remit and the overall PSB remit. This could be supported by the evidence which a licensed PSB has used to develop its policy, such as audience research and stakeholder engagement.”

If the intent is for PSBs to set out such information for the year ahead in broad terms, then we are comfortable with Ofcom’s proposals, though would welcome this being explicitly stated in the final guidance.

Clearly a significant amount of commissioning activity will take place after the future-focused element of the SoPP is published. Even where programme commissions are known, the precise detail of what will be covered may not - for instance, the soaps develop throughout the year and our daytime covered emerging stories of interest. There is therefore clearly a limit to how much information can be provided in advance.

We note also that ITV does not plan for the year ahead via detailed evidence-gathering and analysis. Rather, ITV has a long-term strategic approach to the types of content it wishes to commission and acquire, and then seeks the best content available to deliver this. The more

detailed and targeted approach that might be suggested by Ofcom's guidance here looks more appropriate for the sort of oversight required of the publicly-owned PSBs, which have much more detailed expectations of them.

Ensuring content is readily available and promoted

We have raised substantive concerns about Ofcom's approach to assessing whether PSR content is readily available and promoted in our separate response to Ofcom's consultation on the designation of PSB IPS. We will not repeat the substance of that response here but the two submissions should be read in parallel.

The implications of our response are that the draft guidance at 2.48(a) will need amending to remove the requirement that "...audiences' attention to [PSR] content is likely increased relative to non-PSR content" and that 2.48(e) will need to be removed in its entirety.

Other specific responses to points in the consultation document

- 2.63 - we recognise that C3 licensees are required to have approved networking arrangements in place. We are unclear what purpose is served by confirming this to be the case within the SoPP, though can of course include a sentence to that effect. We are not clear what "details" Ofcom believes should be provided in the event of different arrangements being approved by Ofcom, and would be concerned if this were commercially sensitive scheduling / release information, for instance.
- 3.10 - we welcome the approach to avoid duplication of information across services
- 3.11 / 3.17 - judging whether the overall 'character' of a service will have changed in light of specific year-on-year variations is a sensible benchmark for "significant change." Taking account of cumulative changes over a three year period also seems reasonable.
- 3.12 - we welcome Ofcom's recognition that not all PSBs can contribute to all aspects of the remit for the PSB system as a whole, and therefore that SoPPs should focus only on those areas where the PSB proposes to make a contribution
- 3.19 - we have already separately set out ITV's position in relation to Media Literacy in our response to Ofcom's consultation on its media literacy strategy. We will not repeat that here but our position remains the same.
- 3.21-3.23 - we welcome Ofcom's recognition that data will vary by PSB, and the steps to reduce the need to report the same data in multiple ways. There will be limits to what PSBs will be able to report publicly given commercial sensitivities, though we recognise that reporting will need to be sufficiently transparent too
- 3.27 - we welcome Ofcom's decision to separate the 'forward look' element of SoPPs from the historic review in terms of timing