

Your response

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Question 1: Do you have any comments on our approach and proposed draft guidance?	Confidential? – N Ofcom’s approach and proposed draft guidance are generally clear; however, below are three areas where we would appreciate further clarity. <u>Publication requirements</u> We note that in its draft guidance, Ofcom states: “2.68. SoPPs should ideally cover calendar years...” Having considered this paragraph, it is S4C’s intention to continue to publish its SoPPs according to its financial year (April-March), rather than covering calendar years. This means that under 2.68 of the draft guidance, S4C’s SoPP Plan would be published before 31 March of each year, and S4C’s SoPP Review would be published before 30 September of each year. The reason for this is that S4C’s commissioning budget and annual planning is based on an April-March financial year, and our annual report accounts for programmes broadcast and services provided within each financial year. Similarly to the BBC, who also produce their Annual Plan to cover years from April-March, S4C’s annual funding from the Licence Fee Settlement is awarded on an April-March basis. Any requirement to change our SoPPs to cover calendar years would entail a disproportionate administrative burden, and it would risk skewing our annual planning and strategic delivery. Moreover, our accounting systems and audit processes are based on financial years, and reporting on programme delivery part way through a financial year would involve manual calculations, which is burdensome, carries a higher risk of error and would be unaudited. Under Paragraph 4, Part 2 Schedule 12 of the Communications Act 2003, S4C must publish SoPPs “at annual intervals” and in preparing such

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	statements, S4C “must consider” Ofcom’s guidance. We therefore appreciate the degree of flexibility in Ofcom’s draft guidance, which would allow S4C to maintain our ability to produce SoPPs to cover April-March each year. However, an explicit exception under the new guidelines would be useful. <u>‘Condition 2’ and News/Current Affairs</u> Under 2.48(d) of its draft guidance, Ofcom notes that PSBs may provide evidence of how news and current affairs are made readily discoverable in high traffic areas of the IPS. Based upon the information provided by PSBs under paragraph 2.48 of the draft guidance, Ofcom may decide whether ‘Condition 2’ for IPS designation is satisfied. In our view, the Media Act 2024 does not place a greater emphasis on news/current affairs as PSR content over other elements of the new public service remit for television. Neither are news/current affairs provided with greater emphasis over other elements of S4C’s individual statutory remit. It is therefore currently unclear to us upon what statutory basis Ofcom is prioritising news/current affairs as a PSR genre under its draft guidelines. In S4C’s case, (barring perhaps occasional exceptions) all of its content on its IPS would be PSR content by virtue of the content being mostly in the Welsh language. This is informed by both the new public service remit for television, which now explicitly recognises minority language content as PSR content, and S4C’s individual remit. We note that under 2.13(b) of the draft guidance, Ofcom notes: <i>‘Factors that may be relevant in considering whether a PSB has made an adequate contribution to the overall PSB remit include the requirements of its individual remit as well as the respective size and intended audience of the PSB.’</i> In our view, this is a sensible approach and should also be borne in mind by Ofcom when it decides

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	whether Condition 2 is met prior to IPS designation. S4C's new individual public service remit will be provided under s.204A(2) of the Communications Act 2003 (once brought into force under the Media Act 2024), and it is to make available a broad range of high quality and diverse audiovisual content, a substantial proportion of which is in Welsh. Under 2.48 of Ofcom's draft guidance, we may therefore provide evidence of how content to promote the use of the Welsh language is positioned in high traffic areas: content such as programming to encourage Welsh learners, children's services, and programmes aimed at broadening the appeal of the Welsh language. Whilst S4C has a digital news service separate to the IPS, we do not currently have a policy to promote news and current affairs in high traffic areas of the IPS. Contributing factors to this are the following limitations of our current provision: - S4C's nightly news programmes, produced by BBC Cymru Wales, are only made available on the IPS for a maximum duration of 24 hours after broadcast. Due to technical delays in uploading live news broadcasts to the IPS, this means that there are significant periods without a news programme on the IPS. - S4C's digital news service is making increasing use of video content, but is currently mostly text based and sits outside our IPS on its own app and website and (through short form video) on social media platforms. - S4C's current affairs quota in peak hours is 30 hours per year. Whilst S4C has several current affairs series, including a weekly farming and rural affairs programme, we have a limited amount of current affairs programmes covering new stories and we do not feel that an obligation to constantly promote these in high traffic areas is appropriate.

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	A requirement to constantly promote news/current affairs on our IPS would come at the expense of other genres aimed at expanding the appeal of our programmes and promoting the use of the Welsh language, and would potentially lead to a more negative experience of the IPS in our view. Bearing in mind that S4C's public service remit is to make available a broad range of high quality and diverse audiovisual content, a substantial proportion of which is in Welsh, we believe our aim should be to showcase the range of content we offer, to ensure that everyone who visits our IPS finds content which appeals to them. We would therefore appreciate further clarity in the draft guidance that, although the PSBs' SoPPs may provide evidence of how news/current affairs is readily discoverable on the IPS, this is not an absolute pre-condition for IPS designation. <u>'Relevant services'</u> It would be helpful were Ofcom to further clarify how it requires SoPPs to deal with 'relevant services', as well as services which could be considered 'PSB' but are not provided on a 'relevant service'. We have assumed that, for S4C, 'relevant services' would mean the TV channel, S4C's own IPS S4C Clic, S4C's programmes on the BBC iPlayer, S4C's app for children Cyw Tiwb, and S4C's channels on YouTube (which we have registered as an ODPS). We have assumed it would not include S4C's digital news service (available on a website, an app and social media), nor S4C's other short-form content appearing on social media platforms. Of the above, S4C would only seek IPS designation for its own player S4C Clic. Ofcom's draft guidance is clear as to how it will use PSBs' SoPPs to designate IPS and, in that regard, the importance of outlining how the IPS will be used to contribute to the fulfilment of the public service remit for television. It is less clear whether S4C should provide details of its services – such as digital news and short-

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	form social media content – in its SoPPs, even if these services are not included on a ‘relevant service’. We would be grateful for further clarity here.
Question 2: Do you have any comments on our impact assessments underpinning our proposals, as set out in Annex 2?	Confidential? – N We would note that Ofcom states in its impact assessment that it expects any administration burden associated with changes to its publication requirements to be negligible. We would only agree insofar as S4C’s ability to publish SoPP documents on an April-March basis, rather than by calendar year, is maintained. Were this to change, it would place a heavy administrative, planning and strategic burden upon S4C.