

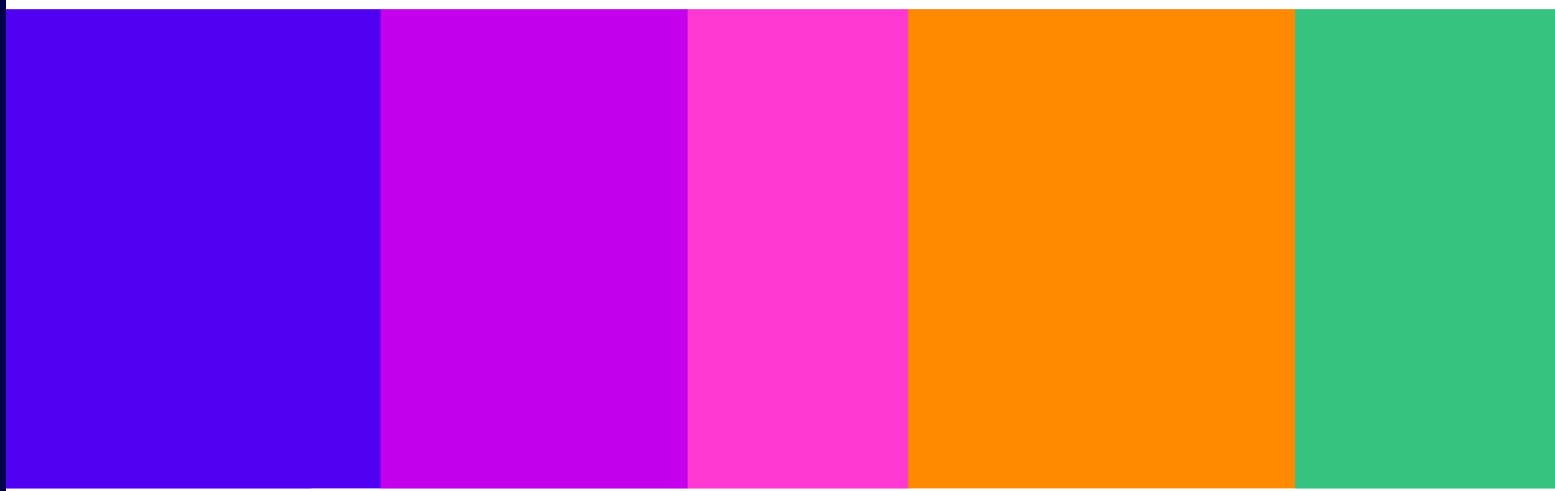
Statement of Programme Policy and Statement of Media Content Policy Guidance

Implementing the Media Act

Statement

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1. Overview

- 1.1 The public service broadcasters ('PSBs') hold a unique place in UK society. Their role includes providing a wide range of informative and entertaining programmes that reflect the diversity of the nations and regions of the UK which are freely available to all.
- 1.2 The regulatory framework underpinning public service broadcasting for the past two decades is set out in the [Communications Act 2003](#) ('the Communications Act'). Until now, it has focussed on the PSBs' live TV channels. This approach has served audiences well for a generation but risks falling out of step with UK viewers who, as they move online, increasingly expect greater control as to how they access news, information and entertainment.
- 1.3 The [Media Act 2024](#) ('the Media Act') has amended this framework, updating the public service remit and requirements on PSBs. The Media Act gives the PSBs more flexibility and freedom in the services they can use to meet their obligations in a way which serves audience interests, including for the first time on-demand and other online services. To ensure continued transparency and accountability, the changes introduced by the Media Act require PSBs to identify the contribution each service they plan to use will make to meeting their obligations.
- 1.4 One of the effects of these changes has been to broaden the role played by the Statements of Programme Policy ('SoPPs') through which the Channel 3 licensees, the Channel Four Television Corporation ('C4C') and Channel 5 (collectively the 'licensed PSBs'), each set out how they intend to fulfil their regulatory obligations. In particular, SoPPs will now play a key part in the process introduced by the Media Act to allow PSBs to make their content available, prominent, and easily accessible on a range of connected TV platforms.¹
- 1.5 These changes require us to update our guidance to the licensed PSBs about preparing their SoPPs. In this statement, we set out details of the changes we have made to our guidance.
- 1.6 Earlier this year, we published a consultation explaining our proposed approach alongside our draft guidance to PSBs about preparing their SoPPs. We received 10 responses to that consultation which we carefully considered before finalising the guidance. In this document, we explain the rationale for our decisions. The final guidance is available [here](#).
- 1.7 The remainder of this document is structured as follows:
 - a) Background
 - b) Consultation responses and our decisions
 - c) Annexes (legal framework regarding relevant duties and impact assessments)

What we have decided – in brief

As a result of the Media Act, PSBs now have greater flexibility as to how they deliver their remits. We are consequently updating our guidance to licensed PSBs about preparing their SoPPs – the documents through which they explain how they are fulfilling their remits – and have considered carefully the responses to our consultation on our draft guidance, published earlier in the year.

¹ Alongside this publication we have separately published our [statement](#) on the methods we will apply when making our designation decisions in respect of the PSBs' internet programme services.

Responses to our consultation were generally supportive of our proposed approach, although we have made some changes to take account of the comments we received. We have now issued our final guidance, which is available [here](#).

This guidance also covers how C4C can fulfil its SoPP and Statement of Media Content Policy ('SMCP') requirements through combined statements. It therefore will replace both our current SoPP guidance, and the combined SoPP and SMCP guidance for C4C.

The guidance will take effect upon the commencement of the relevant sections of the Media Act.

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 the full document, and the full final guidance is [here](#).

2. Background

The Media Act updates the remits for PSBs and includes online services for the first time

- 2.1 The past decade has been a period of radical change in the way we access news, information, and entertainment. Although live broadcast (“linear”) TV services continue to be widely used and valued, the expanded level of choice enabled by technological change and embraced by audiences has gone hand in hand with declines in linear viewing and listening.²
- 2.2 After several decades where their services were structured around linear distribution, broadcasters, including the UK’s PSBs,³ have been adapting to today’s audience expectations. The PSBs have each developed TV players offering original content, as well as some exclusive programming, which can be accessed on a range of devices including smartphones, tablets, laptops, and smart TVs.
- 2.3 However, while audience habits have changed, and adaptations have been made to broadcasters’ offerings, the regulatory framework for PSBs has not. The rules in place prior to the Media Act largely reflected the technology and usage patterns of the 1990s and early 2000s. With the exception of the BBC, the PSBs’ TV players have not to date been considered part of PSBs’ delivery of public service content.
- 2.4 For the first time, the licensed PSBs will be able to use portfolio TV channels, TV players and other online services in addition to their main TV channels to meet their requirements.
- 2.5 This statement forms part of our programme of work to implement the Media Act.⁴ In this statement, we set out the changes we are making to our guidance to licensed PSBs on preparing their SoPPs, and our guidance to C4C on preparing its combined SoPP and SMCP.

Implementation of the new regime

- 2.6 In this section we summarise key changes made by the Media Act to the regulatory framework in relation to SoPPs. In our [guidance](#), we discuss the new framework in more detail.⁵
- 2.7 The licensed PSBs each have individual public service remits⁶ (‘individual remits’), and together with the BBC and S4C, are collectively responsible for fulfilling the public service remit for UK television⁷ (‘the overall PSB remit’). The Media Act has changed the individual remits of the licensed PSBs to incorporate a requirement that each licensed PSB makes an ‘adequate contribution’ to the overall PSB remit.⁸

² Ofcom, 2024, [Review of public service media. Terms of reference](#); and Ofcom, 2024, [Media Nations UK 2024](#).

³ The PSBs are the BBC, the Channel 3 licensees, C4C, the Channel 5 licensee and S4C.

⁴ For a detailed timeline of our implementation process see: Ofcom, 2024, [Media Act Implementation](#).

⁵ See paragraph 2.3 and the legal annexes (Annexes 1 and 2) to our guidance.

⁶ [Section 265\(2\) - \(3\)](#) of the Communications Act.

⁷ [Section 264\(4\) - \(6\)](#) of the Communications Act.

⁸ [Section 265\(2\) – \(3\)](#) of the Communications Act.

- 2.8 The Media Act also updated the overall PSB remit with the aim of giving PSBs greater flexibility in how they choose to meet their obligations in a way which serves audience needs and interests.⁹ For example, as noted, the licensed PSBs may now use other TV channels and online services to fulfil their remits in addition to their main broadcast channel.

Statements of Programme Policy

- 2.9 The licensed PSBs are required to publish annual SoPPs,¹⁰ having regard to Ofcom guidance. S4C is also required to prepare a SoPP annually and to have regard to Ofcom guidance when doing so.¹¹ The BBC has separate annual planning and reporting requirements under the BBC Charter and Framework Agreement and is not required to produce a SoPP.
- 2.10 A SoPP must:
- a) set out the licensed PSB's proposals for how it will fulfil its remit and regulatory obligations;
 - b) state whether two or more relevant audiovisual services (which we refer to as 'relevant services') including the main broadcast channel, will be used to contribute to the fulfilment of the licensed PSB's remit;
 - c) if so, identify, in relation to each of the relevant services, their proposed contribution to the fulfilment of the licensed PSB's remit; and
 - d) include a report on the licensed PSB's performance in carrying out its proposals in its last SoPP.
- 2.11 Given the Media Act allows the licensed PSBs more flexibility in meeting their remit, SoPPs take on a renewed importance as a means by which licensed PSBs collate their plans and performance across all their relevant services.

Role of SoPPs in the availability and prominence regime

- 2.12 The Media Act has introduced a new online availability and prominence regime focused on connected TV platforms. This new regime will require certain connected TV platforms to ensure that designated PSB TV players, as well as their public service content, are available, prominent, and easily accessible.
- 2.13 In return for these new benefits, the licensed PSBs and S4C must ensure that their designated TV players make a '*significant contribution*' to the fulfilment of their individual remits, and that programmes included in the players for this purpose (referred to as 'public service remit content' or 'PSR content'¹²) are '*readily discoverable*' and '*promoted*' so audiences are able to easily find and watch this content on them. These conditions are set out in the Communications Act, and it is Ofcom's role to decide which PSB TV players – formally known as 'internet programme services' ('IPS') under the Communications Act – satisfy them and may be designated. In making that assessment, we must take account of

⁹ Section 264(4) of the Communications Act.

¹⁰ [Section 266](#) of the Communications Act.

¹¹ Paragraph 4, Part 2 of [Schedule 12](#) of the Communications Act. In contrast to the licensed PSBs, Ofcom does not have a role in enforcing S4C's individual remit. That role belongs to the Secretary of State, who is responsible for overseeing S4C's performance and the fulfilment of its individual remit (see section 339 of the Communications Act).

¹² Section 362AA(12) of the Communications Act.

the proposals in a PSB's SoPP, including the contribution that the IPS will make towards fulfilling the PSB's remit.

- 2.14 Our guidance sets out the information that PSBs could include in their SoPP for the purposes of our assessment and determination of whether the designation conditions are satisfied. Alongside this publication, we have separately published our [Statement of Methods for IPS designation](#) which sets out the methods we will apply in determining whether to designate an IPS.

C4C's Statements of Media Content Policy

- 2.15 In addition to the remit requirements for Channel 4, C4C must perform its media content duties as set out in the Communications Act.¹³ C4C is required to report on its delivery of these duties through an annual SMCP, which it must prepare at the same time as its SoPP. In preparing the SMCP, C4C must have regard to guidance given by Ofcom and must also consult Ofcom. The media content duties and SMCP reporting requirements were not amended by the Media Act. However, the new SoPP guidance includes how C4C can fulfil its SMCP requirements, and will replace the [current combined SoPP and SMCP guidance for C4C](#).¹⁴

Ofcom's role

- 2.16 We must give guidance to the licensed PSBs about the preparation of their SoPPs, and in preparing our guidance we must have particular regard to the matters which, in light of the overall PSB remit, we consider should be included in SoPPs.¹⁵ We have included conditions in the PSBs' licences requiring them to have regard to our guidance in preparing their SoPPs. In formulating our guidance, we have acted in accordance with the duties set out in Annex 1, including our general duties under section 3 of the Communications Act. Further detail on the regulatory provisions relating to SoPPs and SMCPs is set out in the legal annexes to the guidance.¹⁶

¹³ [Section 198A](#) of the Communications Act.

¹⁴ The Media Act also introduced a requirement for C4C to prepare an annual statement of commissioning policy. We have published a [consultation](#) on our guidance for C4C on preparing that statement.

¹⁵ Section 266(5) of the Communications Act.

¹⁶ The legal annexes to the guidance are: Annex 1 - Legal framework relevant to SoPPs; and Annex 2 - Legal framework relevant to SMCPs.

3. Consultation responses and Ofcom’s decisions

3.1 On 11 February 2025, we [published](#) our proposals for updating the SoPP and SMCP guidance for the licensed PSBs, together with a draft guidance document.

3.2 We received 10 responses to our consultation, as set out below:¹⁷

PSBs	Production sector	Other groups
ITV	International Broadcasting Trust ('IBT')	Voice of the Listener & Viewer ('VLV')
STV	Teledwyr Annibynnol Cymru ('TAC')	Sandford St. Martin Trust ('SSMT')
C4C	Directors UK	
S4C		
Paramount/Channel 5 ('Channel 5')		

3.3 When responding to our consultation, some stakeholders raised points about IPS designation, including the IPS section of the draft guidance. Those points are not addressed in this section and are considered and responded to as part of the [IPS designation statement](#).

Ofcom’s approach to the guidance

What we proposed

3.4 The Media Act provides the PSBs with greater flexibility in how they choose to meet their obligations in a way which serves audience needs and interests. Taking account of this, we decided not to adopt a prescriptive approach in our draft guidance as to how licensed PSBs should demonstrate remit fulfilment in their SoPPs.

3.5 The language used in our proposed guidance accordingly drew a distinction between information that licensed PSBs “must” or “should” provide under requirements set out in the Communications Act, and information that licensed PSBs “could” or “may” choose to provide in their SoPPs as part of meeting those requirements.

What respondents told us

3.6 In their consultation responses, some stakeholders were concerned by what they perceived as ambiguity in the draft guidance. In particular:

¹⁷ The consultation responses are published on our website [here](#).

- a) Directors UK and TAC said that a lack of specificity as to what PSBs should report on could lead to a lack of consistent information with which to assess or compare PSB performance.¹⁸ They considered that this could in turn make it more difficult for Ofcom to review whether or not the PSB system was achieving its statutory goals.
 - b) Directors UK and TAC also suggested that we replace language such as ‘may’ and ‘could’ in the draft guidance with stronger terminology such as ‘shall’ or ‘should’ to create consistent obligations on PSBs.¹⁹ They said that Ofcom should require PSBs to provide consistent quantitative data to demonstrate their contribution to the overall PSB remit, to ensure comparability in submissions over time.
 - c) Directors UK and TAC stated that placing more specific provisions within the guidance would not place any additional burden on PSBs, as this would involve the PSBs publishing information which they already hold.
 - d) VLV suggested Ofcom's guidance could eliminate areas of “vagueness and uncertainty”²⁰ by interpreting and defining requirements set in general terms in the Media Act. VLV was concerned that PSB reporting which was unspecific or unsupported by evidence, might lead PSBs to reduce their individual contribution to the overall PSB remit over time.
- 3.7 SSMT raised concerns that the draft guidance could allow PSBs the power to set their own individual benchmarks and evaluate their own performance without having to address their shared responsibility. SSMT called for Ofcom to create stronger obligations on PSBs to report on their contributions to the overall PSB remit and not just their individual remit.²¹
- 3.8 In contrast, the PSBs who responded to the consultation welcomed Ofcom’s proposals. In particular C4C considered that the draft guidance provided sufficient clarity about the mandatory requirements set out in the Communications Act, while allowing PSBs the flexibility to have regard to the guidance in a way that was consistent with how their business operates in practice. C4C stated this would mean the guidance was likely to stay relevant and fit for purpose over time.
- 3.9 STV suggested that the guidance should avoid setting out prescriptive quantitative targets to be included in SoPPs, as this could require the disclosure of commercially sensitive information. ITV similarly suggested it “would not be appropriate”²² to require SoPPs to contain specific details of plans which could be commercially sensitive. Instead, ITV suggested that Ofcom’s guidance should state that PSBs need only lay out their plans in broad terms in SoPPs, since commissioning activities may not take place until after publication. C4C agreed that the guidance should not require PSBs to provide commercially sensitive information about specific commissioning activities.

Our response

- 3.10 In response to requests for our guidance to be more specific and prescriptive, we note that the Media Act allows PSBs greater freedom and flexibility to determine how they discharge their obligations in light of changing viewing habits and the rise of online services. Since PSBs may adopt different approaches to meeting their respective remit obligations, they

¹⁸ Directors UK response, p. 2; TAC response, p. 2.

¹⁹ TAC response, p. 3; Directors UK response, p. 3.

²⁰ VLV response, p. 3.

²¹ SSMT response, p. 3.

²² ITV response, p. 1.

may also wish to demonstrate remit fulfilment through a variety of benchmarks and data sources. We consider that our approach to the guidance is proportionate and consistent with the changes introduced by the Media Act.

- 3.11 With respect to concerns that, without being more prescriptive in our guidance, it will be difficult for Ofcom to ascertain whether licensed PSBs are meeting their respective individual remit duties and to review whether the PSBs are collectively meeting the overall PSB remit, it is important to be clear that our assessments are not informed solely by SoPPs. In addition to SoPPs, Ofcom receives a range of information from the PSBs every year,²³ has a well-established programme of regular audience surveys and research, and carries out one-off projects to assess the effectiveness of the PSB system. We consider that, in combination, this will continue to provide us with sufficient information to enable us to exercise appropriate oversight of the framework.
- 3.12 In relation to ITV's and C4C's concerns about the potential publication of commercially sensitive information, the licensed PSBs should prepare their SoPPs having regard to our guidance. However, we note that the publication of commercially sensitive information is neither a requirement of the Communications Act nor of our draft guidance, which makes clear that, for commercial reasons, licensed PSBs may decide not to provide certain information in their SoPPs. We therefore do not consider that it is necessary to make any changes to the guidance to clarify this point.

Our decision

- 3.13 Having carefully considered the responses provided by stakeholders, we have decided to maintain our general approach in our final guidance.

Range of genres

What we proposed

- 3.14 One of the requirements of the overall PSB remit is that the PSBs, taken together, make available an appropriate range of genres. Our draft guidance said that, in setting out their overall plans for the coming year, PSBs "may wish to include" an explanation of how they will deliver a range of high-quality and diverse programmes, including the range of genres across each of their relevant services.

What respondents told us

- 3.15 VLV raised concerns about Ofcom's ability to determine whether the overall range of programme genres planned by the PSBs collectively was 'appropriate' if the provision of information in SoPPs about those genres was optional. VLV also suggested that we provide greater clarity around how we would interpret the 'appropriate range of genres' remit requirement.²⁴
- 3.16 SSMT highlighted the need for information about 'at risk' genres such as religion. SSMT said that if gaps in provision were to be identifiable and actionable, our guidance should ask

²³ For example, every year the PSBs must provide us with quantitative data on their performance against the range of programme and output quotas in place.

²⁴ VLV response, p. 5

PSBs to include “full diagnostic reports” of genres which they were not providing.²⁵ VLV proposed that Ofcom establish a mechanism to prevent PSBs from relying exclusively on the BBC to provide certain types of PSB content, and that we should explicitly enforce the provision of educational, scientific, and religious content, to avoid a decline in these areas.²⁶

Our response

- 3.17 As discussed in section 2 above, under changes introduced in the Media Act each licensed PSB is required to make an ‘adequate contribution’ to the overall PSB remit (which includes a requirement for programming to be made available in “an appropriate range of genres”)²⁷ as part of fulfilling their individual remit obligations.²⁸ At the same time, the Media Act also increases the flexibility that the PSBs have in determining how they deliver their remits; which includes the genres of programming that they each provide. We do not have powers either to “explicitly enforce” the provision of specific genres or to require licensed PSBs to include information in their SoPPs about the genres they are not providing.
- 3.18 Nevertheless, the regulatory framework contains a range of safeguards to ensure the overall PSB remit continues to be fulfilled. In addition to the annual and ad hoc reports that we produce, our periodic reviews of Public Service Media include detailed assessments of the levels of hours and spend in genres including ‘at risk’ genres such as specialist factual, arts, and children’s content. In the event we were to consider that the overall PSB remit was not being delivered, we would be able to make recommendations to the Secretary of State to amend the individual remit of a licensed PSB or the overall PSB remit to address the issue.²⁹
- 3.19 Given the above, we do not think it would be helpful to set out in detail what is likely to constitute an appropriate range of genres in our guidance. However, taking into account the comments made by stakeholders, in the interests of transparency, we consider that it would be helpful to state in the guidance that each PSB should set out in its SoPP Plan how it intends to use each of its relevant services to contribute to the overall PSB remit through the range of genres it provides.

Our decision

- 3.20 Having carefully considered the responses provided by stakeholders, we have decided to make a change to the final guidance³⁰ to clarify that PSBs should report on how they will use each of their services to contribute to the “range of genres” remit requirement, by outlining the range of genres which will be provided across all relevant services.

²⁵ SSMT response, p. 7.

²⁶ VLV response, p. 4.

²⁷ Section 264(6) of the Communications Act.

²⁸ [Section 265\(2\) - \(4\)](#) of the Communications Act.

²⁹ Section 278A of the Communications Act, introduced by the Media Act, gives the Secretary of State a power to make regulations to create additional quotas following a recommendation by us in a section 263 PSM review report (or a report under section 229 of the Communications Act).

³⁰ Paragraphs 2.43 – 2.44 of the final guidance.

Defining terms

What we proposed

- 3.21 Our draft guidance described the regulatory obligations on licensed PSBs in the context of their reporting requirements. In summary, those obligations are that licensed PSBs each have an individual remit which they are required to deliver, which includes making an “adequate contribution” to the overall PSB remit. Our guidance also sets out the various requirements of the overall PSB remit, including the ‘appropriate range of genres’ requirement.

What respondents told us

- 3.22 VLV suggested that our guidance could eliminate what they referred to as “areas of vagueness and uncertainty” in the overall PSB remit by more clearly defining terminology such as “adequate contribution” to ensure that the obligations that the PSBs must adhere to are transparent and enforceable.³¹
- 3.23 Channel 5 said that in assessing a PSB’s contribution to the overall PSB remit, Ofcom should factor in the unique role played by each PSB within the ecology of the whole PSB system.³²

Our response

- 3.24 In response to VLV’s comment that Ofcom could eliminate uncertainty by more clearly defining “adequate contribution”, we consider that providing a fixed definition of this term in the guidance would not be appropriate. This is because, in practice, any assessment of whether an individual PSB’s contribution to the overall PSB remit is ‘adequate’ will be made on the basis of a range of factors, including the contributions of other PSBs. Our guidance sets out several contextual factors that may be relevant to a PSB in setting out how it will make an adequate contribution to the overall PSB remit.³³
- 3.25 How each PSB chooses to fulfil its individual remit – which includes making an adequate contribution to the overall PSB remit – is therefore likely to be different for each PSB. In this respect, we agree with Channel 5 that when considering the contribution a PSB makes to the overall PSB remit, the different role played by each PSB within the PSB system should be taken into account. For this reason, our guidance notes that “what might be adequate for one PSB may not be adequate for another.”³⁴ Our consultation explained that this was due to the differences in PSBs’ individual remits as well as their respective sizes and intended audiences.³⁵

Our decision

- 3.26 Having carefully considered the responses provided by stakeholders, we have decided not to make any changes to the final guidance in this area.

³¹ VLV response, p.3.

³² Channel 5 response, p. 2.

³³ Paragraph 2.13(b) of the final guidance.

³⁴ Paragraph 2.13(b) of the final guidance.

³⁵ Paragraph 3.8 of the consultation.

Regional productions quotas

What we proposed

- 3.27 Our draft guidance said that SoPPs should contain information about PSBs' plans and performance in relation to fulfilling their various quota requirements. This includes the quotas relating to regional productions, such as Made Outside London productions and, for C4C, Made Outside England productions as well.

What respondents told us

- 3.28 TAC and Directors UK both raised concerns about how the guidance covers regional production quotas. They suggested that our guidance should require more detailed reporting, with PSBs setting out how regional productions meet the relevant criteria. TAC further suggested that PSBs report on the budgets of regional commissions ensuring financial transparency in their commissioning activities.³⁶
- 3.29 Directors UK argued that current regional production reporting (chiefly Ofcom's annual [Made Outside London programme titles register](#))³⁷ was inadequate because it does not report on productions prior to broadcast. This was echoed by TAC, who told us that the time delay in the publication of Ofcom's Made Outside London register does not allow for true transparency, because productions can be greenlit as much as two years before the register is published. TAC stated that SoPPs are therefore an opportunity to require PSBs to provide information about commissioned programmes qualifying as Made Outside London at an earlier stage.

Our response

- 3.30 Each year we publish a list of the programmes produced by the PSBs outside the M25 (the 'Made Outside London register'), as well as the criteria against which each programme qualifies as made outside London. We also publish an interactive version of this register within the PSB Annual Compliance Report, which enables users to explore trend data, and filter productions by which Made Outside London criteria they have met. In addition, licensed PSBs are required by conditions in their licences to set out in their SoPPs how they are fulfilling all of their quota obligations (including regional production quotas).³⁸ Given the range of reporting procedures that are already in place to ensure transparency, we do not think it is necessary to make further changes to the guidance.
- 3.31 Further, we do not consider it would be proportionate for the guidance to provide for licensed PSBs to publish in their SoPPs as part of their report on performance data relating to programmes which have not yet been made available. Programmes contribute to a quota at the point that they are made available to viewers rather than at the point of commission. In addition, verifiable and specific data (such as spend data) is unlikely to be consistently available at an early stage.

³⁶ TAC Response, p. 5.

³⁷ This is a list of the programmes produced by the PSBs outside the M25, and criteria against which each programme qualifies as Made Outside London. This data is provided by the PSBs and is spot-checked and published by Ofcom.

³⁸ Sections 266(2)(b) and 266(3) of the Communications Act for the licensed PSBs, and for S4C, paragraph 4(2)(b), Schedule 12 of the Communications Act.

Our decision

- 3.32 Having carefully considered the responses provided by stakeholders, we have decided not to make any changes to the final guidance in respect of regional productions.

Channel 3 networking arrangements

What we proposed

- 3.33 The draft guidance proposed that Channel 3 licensees confirm in their SoPPs that they have approved networking arrangements in place. We also proposed that Channel 3 licensees provide details in their SoPPs of any agreements to propose modifications to the networking arrangements.

What respondents told us

- 3.34 ITV and STV requested we provide clarification on Ofcom's rationale for including networking arrangements in our draft guidance, and further clarity on information that should be provided by the licensee, specifically in relation to changes to networking arrangements.³⁹

Our response

- 3.35 The networking arrangements section was included in our draft guidance because Channel 3 licensees are required by conditions in their licences set under the Communications Act⁴⁰ to confirm in their SoPPs that there are approved networking arrangements in place.
- 3.36 In relation to the provision of information about modifications to the networking arrangements, we accept that there is a statutory process for the Channel 3 licensees to submit modifications to Ofcom for approval. We therefore consider that it would be duplicative to include provisions in our guidance asking Channel 3 licensees to include such information in their SoPPs.

Our decision

- 3.37 We have retained the provision in our guidance that the Channel 3 licensees should confirm in their SoPPs that there are approved networking arrangements in place, since this is a requirement under the Communications Act. We have removed from the guidance the reference to including information about potential modifications to the networking arrangements, for the reasons outlined above.

Publication timings

What we proposed

- 3.38 We proposed that the two parts of SoPPs (the first part, the 'SoPP Plan', which sets out the licensed PSB's programme policy for the following year; the second part, the 'SoPP Review',

³⁹ ITV response, p.3; STV response, p.8.

⁴⁰ Sections 291 and 266(2)(b) of the Communications Act.

which is a review of the licensed PSB's performance) could be published at different times in the year.

- 3.39 Our draft guidance proposed that SoPP Plans be published prior to the start of the year to which they relate (i.e. by 31 December each year) and that SoPP Reviews be published no later than six months after the end of the year to which they relate (i.e. by 30 June). The draft guidance also stated that these would also apply to C4C's Combined Plan and Combined Review.⁴¹

What respondents told us

- 3.40 C4C requested further clarity on publication arrangements and asked whether it can publish its Combined Plan at a later stage in the year after the publication of its Combined Review (rather than alongside its Combined Review).⁴²
- 3.41 S4C asked Ofcom to accommodate flexibility for PSBs in the guidance with regard to publication timelines, enabling S4C to continue to publish its SoPPs according to its financial year instead of the calendar year.⁴³

Our response

- 3.42 Our draft guidance stated that the publication arrangements for SoPP Plans and SoPP Reviews apply to C4C's Combined Plan and Combined Review. In response to C4C's query, this means that C4C's Combined Plan can be published at a later stage in the year and after the publication of its Combined Review. As we explain in the guidance,⁴⁴ a Combined Review published in any given year relates to performance in the previous calendar year (e.g. a Combined Review published by 30 June 2028 should cover the calendar year 2027). A Combined Plan published later that same year will relate to C4C's proposals for the following calendar year (e.g. a Combined Plan published by 31 December 2028 should cover the calendar year 2029).
- 3.43 With regard to S4C's request for flexibility, we intentionally did not propose that SoPPs cover calendar years in order to allow PSBs the flexibility to have a different reporting cycle if they choose. Our draft guidance stated that SoPPs should ideally, but not necessarily, cover calendar years and we consider that this remains appropriate.

Our decision

- 3.44 We have decided to make minor changes to the final guidance to restate the suggested publication dates for C4C's Combined Plan and Review within the relevant section of the guidance to improve clarity.⁴⁵

⁴¹ 'Combined Plan' and 'Combined Review' refer to the fact that C4C can fulfil its SoPP and SMCP requirements through combined statements.

⁴² C4C response, p. 2.

⁴³ S4C response, p. 1.

⁴⁴ Paragraph 3.14 of the final guidance.

⁴⁵ Paragraph 3.14 of the final guidance.

Relevant services

What we proposed

- 3.45 The legal framework relevant to SoPPs, which is contained in Annex 1 to our draft guidance, included an explanation of ‘relevant services’. These are the services that PSBs may now use to contribute to their individual remits and to the overall PSB remit, in addition to their main TV channels, as introduced by the Media Act. We referred to these relevant services throughout the draft guidance.

What respondents told us

- 3.46 In its response S4C queried what services could be used to contribute to its individual remit and the overall PSB remit. Specifically, S4C asked whether social media channels and a news website/app would count as ‘relevant services’ under the Communications Act, and whether S4C’s SoPP should report on these services even if they are not ‘relevant services’.⁴⁶

Our response

- 3.47 The licensed PSBs are only required to report on ‘relevant services’ in their SoPPs.⁴⁷ This must include the main TV channel and should also include an IPS where this is being used to fulfil that PSB’s individual remit (this will be the case for a designated IPS). It is up to each PSB to determine whether other services which they wish to use to contribute towards the fulfilment of their remit are relevant services under the Communications Act.
- 3.48 In response to S4C’s specific query about social media channels and news websites and whether these are relevant services under the Communications Act, online services, including those providing short-form content, may only be classed as ‘relevant services’ if certain criteria are met.⁴⁸ This includes the criterion that the principal purpose of the online service must be the provision of ‘programmes’ over which a person has general control.⁴⁹

Our decision

- 3.49 Having carefully considered S4C’s comments, we have decided not to make changes to the explanation of ‘relevant services’ and ‘online services’ in the legal framework in Annex 1 of the guidance. However, we have decided that it would be helpful to amend the guidance to include clearer signposting to these explanations. We have done this by adding in a reference to the relevant legal annex paragraphs to the main guidance text.⁵⁰

⁴⁶ S4C response, p. 4.

⁴⁷ Section 266(2A) of the Act.

⁴⁸ Section 264(11A) of the Communications Act.

⁴⁹ The term ‘programme’ is used throughout the Communications Act and is defined in section 405(1) as including “an advertisement and, in relation to a service, anything included in that service which is an individual item (irrespective of length)”

⁵⁰ Paragraph 2.13(a) of the final guidance.

Other matters

- 3.50 Several consultation responses included points relating to the changes introduced by the Media Act. In particular, VLV and SSMT expressed concerns about how the Media Act has amended the overall PSB remit, by removing some specified programme genres. As these points relate to decisions made by Parliament, we have not responded to them within this statement.
- 3.51 We have also made some additional minor changes in the final guidance in respect of:
- a) **PSB quotas:** We have expanded the footnote at paragraph 2.60, and paragraph A1.10 of the guidance to clarify that, whilst all other PSB quotas have been amended by the Media Act to include programmes on a designated IPS, news and current affairs quotas remain linear-only. However, *any* relevant service may be used to contribute to the news and current affairs requirement of the overall PSB remit, which is a separate regulatory requirement to the PSB quota.
 - b) **Consistency of language:** We have amended the language used in the guidance in some places for the sake of consistency and in line with the distinction we outlined in paragraph 3.5 of this document between the reporting requirements set out in the Communications Act, and information that PSBs may choose to provide in their SoPPs as part of meeting those requirements.
 - a) **References to PSB TV players:** We have also updated the wording of the draft guidance to replace references to “PSB TV apps” with “PSB TV players”. The rationale for this change in language is set out in paragraphs 3.92 and 3.93 of our IPS Statement.
- 3.52 We explain in Annex 2 how our decisions are consistent with our legal duties and set out our final impact assessments, including on equality and the Welsh language.

4. Implementation timeline

This diagram sets out the implementation timings for the publication of SoPP Plans and Reviews, and how it relates to the IPS designation process:⁵¹



⁵¹ The same timings apply to C4C's Combined Plan and Combined Review.

A1. Legal framework: relevant duties

- A1.1 Ofcom has general duties in carrying out its functions, in particular to further the interests of citizens in relation to communications matters and consumers in relevant markets, where appropriate, by promoting competition. 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.
- A1.2 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.
- A1.3 Our specific duties relating to preparing guidance for PSBs on their SoPPs are set out in the legal annexes to the guidance.
- A1.4 In addition to Ofcom's general duties, the following statutory duties are relevant.

Economic growth duty

- A1.5 [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.⁵²
- A1.6 The government's statutory guidance on this duty recognises drivers of economic growth to include innovation and competition.

Public sector equality duty

- A1.7 [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.
- A1.8 [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

⁵² Section 108(2)(b) of the Deregulation Act 2015.

Northern Ireland Equality Scheme explains how we comply with our statutory duties under the 1998 Act.

Welsh language duty

- A1.9 [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 notice⁵³ effective from 25 January 2017.
- A1.10 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.

⁵³ Ofcom's [Compliance Notice](#), issued on 25 July 2016.

A2. Impact assessments

Impact assessment

- A2.1 [Section 7 of the Communications Act 2003](#) requires us to carry out and publish an impact assessment of 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.⁵⁴
- A2.2 We are required to update our guidance as part of our work to implement the Media Act. Whilst the requirement for the licensed PSBs to produce SoPPs (and a SMCP in the case of C4C) is not new, the changes to the remit and how it can be delivered will mean that there will be changes to the information which must be included within SoPPs, including information relating to new remit requirements and new remit-contributing relevant services.
- A2.3 The analysis presented throughout the consultation (in particular section 3) provided our assessment of the impact of our proposals and constituted an impact assessment, as defined by section 7 of the Act. Our consultation document set out our view that our proposals go no further than is necessary for the licensed PSBs to fulfil their regulatory obligations and for Ofcom to discharge its regulatory functions.⁵⁵
- A2.4 We have carefully considered all consultation responses in finalising the guidance and in section 3 of this document we have 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.⁵⁶
- A2.5 We also received some specific comments in response to our impact assessment. For example:
- a) Channel 5 noted that the new reporting deadlines for SoPP Plans and SoPP Reviews will result in some increased administrative burden on the PSBs. In the consultation, we said that the proposal to split the publication of the two SoPP documents should have a negligible administrative burden on the licensed PSBs, given they are already required to publish two separate documents.⁵⁷ Having considered Channel 5's comments, we remain of this view.
 - b) S4C's response to our impact assessment noted that any requirement for it to change its reporting cycles from an April to March basis to cover calendar years would place "a heavy administrative, planning and strategic burden upon S4C". However, as discussed at paragraph 3.43 of this statement, the guidance does not provide for S4C to change its reporting cycles.
- A2.6 We do not consider that any of the changes we have made to the guidance following the consultation change our impact assessment.

⁵⁴ Ofcom, [Impact assessment guidance](#), 2023.

⁵⁵ Paragraph A2.3 of Annex 2 to the consultation.

⁵⁶ These duties are set out in Annex 1 and in the legal framework to the guidance.

⁵⁷ Paragraph A2.5 of Annex 2 to the consultation.

Equality impact assessment

- A2.7 We have given careful consideration to whether the guidance will have a particular impact on persons sharing protected characteristics (including race, age, disability, sex, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnership, and religion or belief in the UK and also dependents and political opinion in Northern Ireland), and in particular whether they may discriminate against such persons or impact on equality of opportunity or good relations. This assessment helps us comply with our duties under the Equality Act 2010 and the Northern Ireland Act 1998.
- A2.8 The consultation explained⁵⁸ that we considered that some of our decisions are likely to have a positive impact on certain groups - specifically, groups with accessibility requirements - and a neutral impact in respect of persons sharing other protected characteristics.
- A2.9 We did not receive any consultation responses relating to our equality impact assessment, and there is no change in our equality impact assessment as a result of the changes we have made to the guidance following the consultation.

Welsh language impact assessment

- A2.10 The Welsh language has official status in Wales. To give effect to this, certain public bodies, including Ofcom, are required to comply with Welsh language standards.⁵⁹ Accordingly, we have considered:
- a) the potential impact of our decisions on opportunities for persons to use the Welsh language; and
 - b) the potential impact of our decisions on treating the Welsh language no less favourably than the English language; and how our decisions could be formulated so as to have, or increase, a positive impact; or not to have adverse effects or to decrease any adverse effects.
- A2.11 Ofcom's powers and duties in relation to the implementation of Part 1 of the Media Act are contained in the Media Act and in the Communications Act 2003 and must be exercised in accordance with our general duties under [section 3 of the Communications Act 2003](#). In the consultation,⁶⁰ we stated that we considered our proposals to have positive effects or increased positive effects on opportunities to use Welsh and treating Welsh no less favourably than English. We did not receive any consultation responses relating to our Welsh language impact assessment, and have not made any changes relating to the Welsh language in our final guidance. Our assessment of the impact of the guidance on the Welsh language is therefore unchanged.

⁵⁸ Paragraph A2.7 of Annex 2 to the consultation.

⁵⁹ The Welsh language standards with which Ofcom is required to comply are available [on our website](#).

⁶⁰ Paragraph A2.9 of Annex 2 to the consultation.