

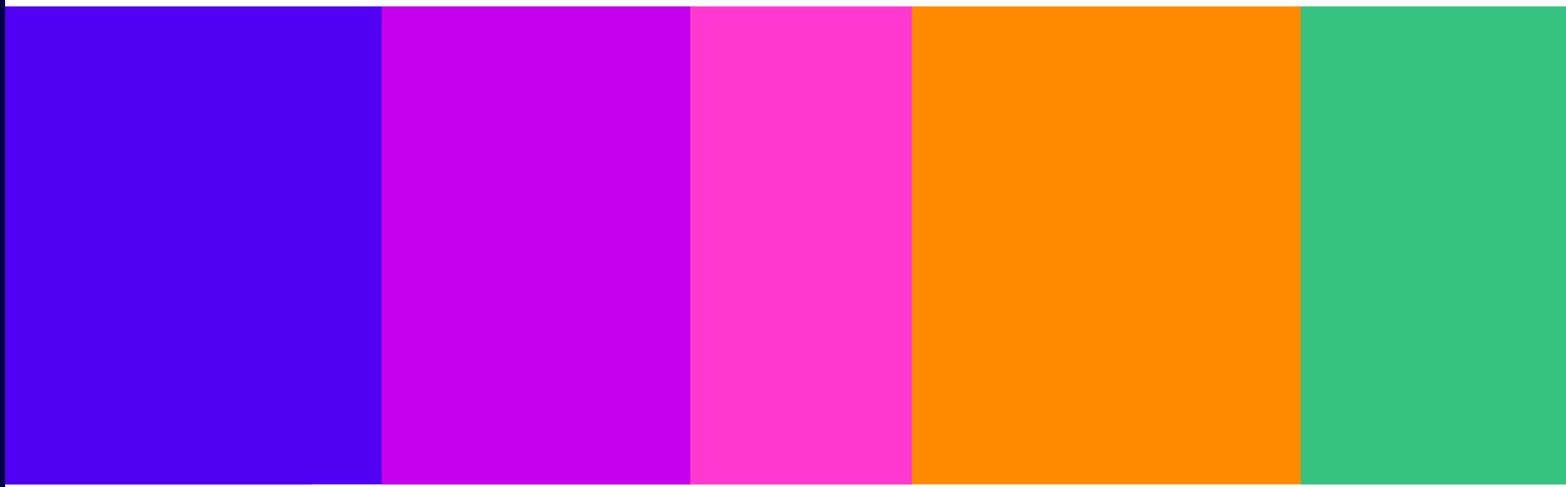
General procedures for investigating breaches of broadcast licences

Consultation on revising the procedures

Consultation

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1. Overview

- 1.1 Ofcom’s General procedures for investigating breaches of broadcast licences (“General Procedures”) set out the process we follow when assessing and investigating possible breaches of most licence conditions, unless other specific procedures apply.
- 1.2 This consultation seeks views on our proposals to revise the General Procedures.

What we are proposing – in brief

We are proposing to revise the General Procedures to make the following substantive changes:

- publish a new and more detailed administrative priorities framework;
- clarify our position on sharing information about complaints with the broadcaster;
- no longer inform complainants directly of the outcome of our assessments; and
- set a time limit for making complaints.

We are also taking this opportunity to:

- restructure the procedures to make them easier to follow; and
- simplify, update and clarify some of the text.

- 1.3 Ofcom has a general duty to secure the availability throughout the United Kingdom of a wide range of television and radio services, as well as more specific duties relating to broadcasting. We carry out our duties by granting broadcast licences which include licence conditions we think are appropriate to help us carry out our duties. The enforcement of most of these licence conditions are governed by the General Procedures.
- 1.4 The General Procedures were last updated in April 2017. Since then, there have been developments in the types of broadcasters we regulate, changes in our approach to regulation and a general increase in activity under the General Procedures. In the context of these developments, we consider it appropriate to review and update our General Procedures to ensure they remain fit for purpose and that we are making the best use of our resources.

Next steps

- 1.5 We are now seeking views on our proposals. Following the closing date of this consultation, we will evaluate the responses before deciding whether to adopt our proposed new General Procedures, with or without amendments. We shall then publish a statement of our decision alongside any new version.
- 1.6 The closing date for this consultation is 25 February 2025.

The overview section in this document is a simplified high-level summary only. The proposals we are consulting on and our reasoning are set out in the full document.

2. Introduction

- 2.1 Ofcom is the independent regulator for the UK communications sector, which includes the broadcasting sector. We have a range of powers that enable us to carry out our functions relating to this sector including powers in the Broadcasting Acts 1990 and 1996 and the Communications Act 2003.
- 2.2 Ofcom has a general duty to secure the availability throughout the United Kingdom of a wide range of television and radio services which (taken as a whole) are both of high quality and calculated to appeal to a variety of tastes and interests. Ofcom also has more specific duties regarding requirements included in broadcasting licences, the provision of television access services and applying rules restricting those who may hold broadcasting licences.
- 2.3 We carry out our duties by granting licences to certain radio and television broadcasters which include licence conditions we think are appropriate to help us carry out our duties.
- 2.4 When carrying out our duties, we are also required to have regard to
 - a) the relevant needs and interests of specific groups of persons identified in section 3(4) of the Communications Act; and
 - b) our public sector equality duties, including advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

The purpose of the General Procedures

- 2.5 The General procedures for investigating breaches of broadcast licences (“General Procedures”) set out the process we follow when assessing and investigating possible breaches of most licence conditions, unless other specific procedures apply. There are other specific procedures for assessing and investigating content standards, fairness and privacy, and competition issues. The General Procedures apply to all broadcasters that hold an Ofcom licence and S4C (which does not require a licence from Ofcom). The General Procedures do not apply to public service BBC channels, but they do apply to BBC commercial channels which hold an Ofcom licence.
- 2.6 The procedures apply to assessments and investigations of potential breaches of certain licence conditions that are referred to in the General Procedures as “relevant requirements”. These include requirements to:
 - a) broadcast certain types of content and fulfil certain production and programming quotas usually set out in the licence;
 - b) provide Ofcom with information and/or recordings it has requested;
 - c) pay annual licence fees; and
 - d) comply with Ofcom’s codes and rules and have adequate compliance procedures in place to achieve this.
- 2.7 These General Procedures are intended to ensure that our enforcement action is proportionate, consistent, and targeted only where action is needed.
- 2.8 They are also intended to ensure our enforcement action is fair and transparent, that the broadcaster has a fair opportunity to respond to Ofcom’s case, and that cases are completed efficiently and as promptly as possible.

The changes we are proposing

- 2.9 We are proposing to revise the General Procedures to make the following substantive changes:
- i) publish a new and more detailed administrative priorities framework;
 - ii) clarify our position on sharing information about complaints with the broadcaster;
 - iii) no longer inform complainants directly of the outcome of our assessments; and
 - iv) set a time limit for making complaints.
- 2.10 We are also taking this opportunity to:
- i) restructure the procedures to make them easier to follow; and
 - ii) simplify, update and clarify some of the text to make it easier to read and refer to, to reflect our day-to-day experience of enforcement activity, and clarify the procedural steps we intend to follow in each case.
- 2.11 The proposed changes are described in more detail in Section 3. We have also published a proposed revised version of our General Procedures alongside this consultation.

Why we are reviewing the General Procedures now

- 2.12 The General Procedures were last updated in April 2017. Since 2017, there have been developments in the types of broadcasters we regulate, changes in our approach to regulation and a general increase in activity under the General Procedures. In the context of these developments, described in more detail below, we consider it appropriate to review and update our General Procedures to achieve the following aims.

Making the General Procedures more user-friendly to reflect a change in the broadcasters we regulate

- 2.13 We have introduced small-scale DAB and community digital sound programme licences. We have also made changes to how we license restricted radio services. These new licence types and changes to restricted radio services mean we now regulate a greater number of smaller broadcasters, many of which are run by volunteers. The majority of complaints we receive each year under the General Procedures relate to radio services and particularly those run by smaller broadcasters.
- 2.14 All licences contain a requirement for broadcasters to have adequate compliance procedures in place, including having people involved in the service who are aware of, and ensure that the broadcaster complies with, Ofcom's codes and rules. However, the way that a broadcaster manages its compliance will differ depending on its operating model. For larger broadcasters, they are likely to have a paid member of staff or team to handle compliance matters. For smaller and/or volunteer-led broadcasters, the compliance function may be carried out by staff or volunteers who may be responsible for multiple aspects of the operation of the service. They may also have limited practical experience of broadcasting compliance and/or the General Procedures.
- 2.15 We acknowledge that smaller or inexperienced broadcasters who are new to the market may find the General Procedures difficult to understand and/or navigate. Taking into account this change in the type of broadcasters we regulate, we therefore see particular value in amending the procedures to make them more user-friendly.

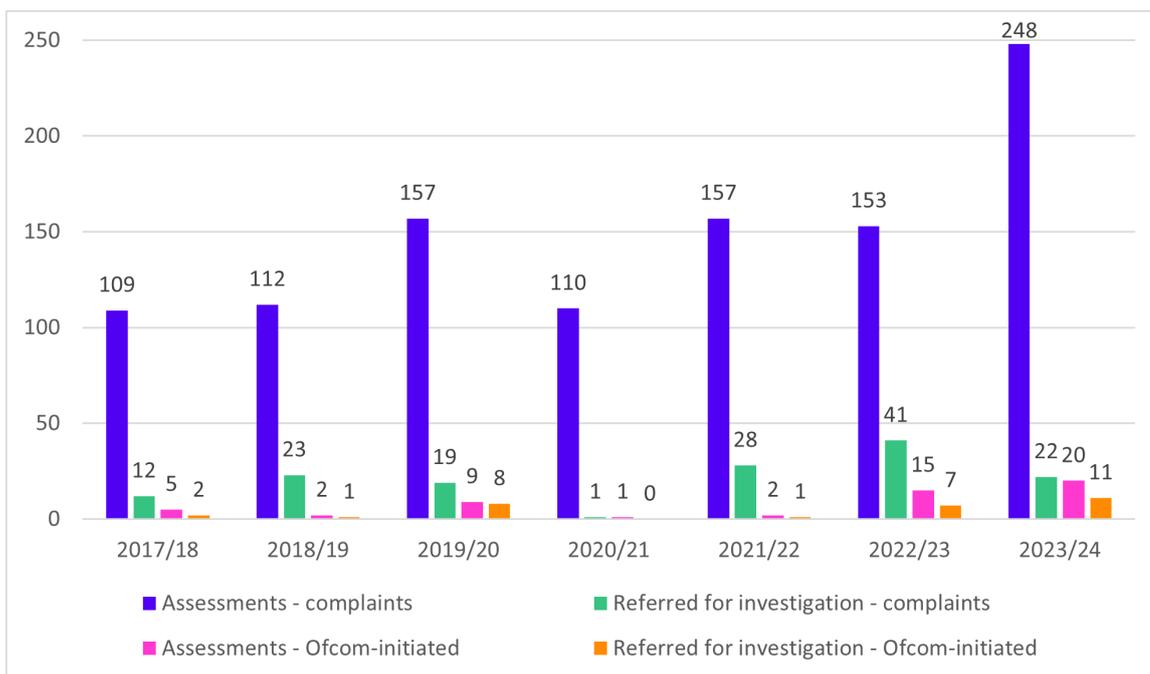
Achieving proportionality and flexibility following streamlining our approach to Key Commitments

- 2.16 The majority of the assessments we carry out under the General Procedures relate to the programming commitments set out in community radio licences, known as “Key Commitments”. We have published our [statement on our future approach to Key Commitments](#), which sets out that we will be simplifying and streamlining analogue community radio licences (those broadcasting on AM and FM) by removing certain quotas and requirements from the Key Commitments. We also published compliance principles relating to Key Commitments alongside that statement. These changes are likely to result in a significant change to the type of complaints we receive, and it is therefore an appropriate time to review our approach to assessing complaints received under these procedures.
- 2.17 Once implemented, the removal of quotas and requirements within these licences will mean that we will no longer be assessing complaints, or opening investigations, about these output requirements on community radio services. This means there will be a significant change in the type of complaints we receive. It may also mean an increase in more general and qualitative complaints regarding a community radio broadcaster’s compliance with either its character of service or social gain requirements.
- 2.18 While we already have experience in dealing with such complaints, it is appropriate to ensure that the General Procedures remain fit for purpose as the kinds of cases we deal with evolve. It will therefore be particularly important to ensure our General Procedures remain proportionate and flexible, while providing clarity and transparency to stakeholders about how we assess complaints. This should help stakeholders understand the type of cases where we consider our resources are best used and that we are likely to pursue (although we may pursue any suspected breach of licence conditions or statutory requirements).

Targeting our resources as complaints and enforcement activity increase

- 2.19 There has been an increase in complaints and associated enforcement of the relevant requirements under the General Procedures and we want to ensure that we target our resources at the cases where we think our enforcement of the requirements is most likely to produce good outcomes for citizens and consumers.
- 2.20 We generally have a two-stage enforcement process: during the assessment stage we consider whether there is an issue under any of the relevant requirements that broadcasters must comply with. In cases that involve content (but do not involve content standards issues, consideration of which fall under separate procedures), we usually ask the broadcaster for recordings of content and information to assist us in our assessment. If, as a result of our assessment, we consider that the matter raises issues that warrant further consideration, we open an investigation. We may launch investigations following the assessment of complaints made to us by others or on our own initiative, for example, where the potential breach relates to a failure to provide recordings or pay fees. In own-initiative cases we may not carry out an assessment and instead go straight to opening an investigation.
- 2.21 We have seen an increase in the numbers of complaints received under the General Procedures since they were last updated in 2017. The chart below sets out the number of assessments opened during each financial year to 2023/24, split by whether they were

opened as a result of a complaint or initiated by Ofcom, and the number of cases referred for investigation.¹



2.22 The number of complaints we received in 2023/24 is over twice the number received in 2017/18. There was a slight reduction in the number of complaints received during the Covid-19 pandemic, but complaint levels under these procedures in 2023/24 were 125% higher than in 2020/21. All of these complaints require some form of assessment to decide whether the case warrants referral to an investigation. There is a similar pattern in relation to assessments we carry out as a result of our own monitoring, which significantly increased in 2022/23, and in 2023/24 they were four times higher than they were in 2017/18.

2.23 The increase in cases dealt with under these procedures has in turn created an increased regulatory burden for broadcasters in providing Ofcom with recordings of content and information during the assessment process, and providing formal representations during the investigation process.

2.24 This regulatory burden impacts community radio broadcasters in particular as they are generally run by volunteers. The majority of complaints received under the General Procedures relate to analogue community radio licences. We have also seen a slow growth in the number of complaints about digital community radio licences since these were introduced. Since 2021/22, over a third of our assessments have related to Key Commitments. Investigations into compliance with Key Commitments are also at least three times higher in 2023/24 than the years between 2017/18 and 2021/22.

2.25 Out of the cases we assess, we have continued to generally refer a similar proportion to investigation (at least 12% of all assessments apart from in 2020/21). As the number of cases we assess has increased (both as a result of complaints and monitoring by Ofcom), we are opening more investigations. While the number of cases referred to investigation since

¹ There may be multiple cases that led to one investigation, so the number of cases referred to investigation does not match the number of investigations opened. The chart also does not reflect any Ofcom-initiated investigations which did not follow an assessment (including investigations relating to non-payment of fees and a failure to comply with a request to provide recordings).

2017/18 has fluctuated, we referred more than double the number of cases in 2023/24 than we did in 2017/18. The presence of a larger number of investigations in itself is not a reason for change, but we consider that in this context it would be appropriate to review our procedures and ensure we are making the best use of our resources.

3. Proposed changes to the General Procedures

- 3.1 In this section, we set out in detail the proposed changes to the General Procedures. For each proposal, we set out the:
- a) current position including how the current wording can be interpreted;
 - b) proposed change to the procedures;
 - c) justification for the proposed changes; and
 - d) likely impacts of the proposed change.
- 3.2 For each proposal we have assessed the likely impact of our proposals taking into account our legal obligations in:
- a) section 7 of the Communications Act 2003 (“the Communications Act”) which requires us to carry out and publish an assessment of the likely impact of implementing proposals in certain circumstances;
 - b) section 8 of the Communications Act which requires Ofcom to publish a statement setting out the promptness standards that Ofcom is proposing to meet and have regard to it in carrying out its duties;
 - c) section 149 of the Equality Act 2010 and section 75 of the Northern Ireland Act 1998 which require us to take into account potential equality impacts on those with protected characteristics;
 - d) section 3(4) of the Communications Act which requires us to take into account the needs and interests of specific groups of persons; and
 - e) the Welsh Language Measure 2011 which requires us to consider the impact of our proposals on the Welsh language.
- 3.3 We license broadcasters that serve a range of protected characteristics and other specific groups of people. In particular, we consider that the below groups are served by broadcasters we license:
- a) people of different ages, and vulnerable persons, including children;
 - b) people with a disability;
 - c) people of different races and ethnic groups;
 - d) people who have a religion or belief;
 - e) people who identify as LGBT+;
 - f) people of different socio-economic groups; and
 - g) people in different nations, regions and communities, and people in urban and rural areas.
- 3.4 Our legal obligations relating to impact assessments are set out more fully in Annex 1 as well as a summary of our impact assessment.

Proposal 1: Administrative priorities

Current position

- 3.5 The current procedures set out that: “When deciding whether to open an investigation, Ofcom will first consider whether, on its face, there are potentially substantive issues in relation to a relevant requirement which warrant investigation by Ofcom. It will do so by reference to the gravity and/or extent of the matter at issue.”
- 3.6 This sets out how we consider our administrative priorities in deciding whether to investigate a broadcaster’s compliance.
- 3.7 The current wording is generic and may not enable broadcasters or complainants to fully understand how we make administrative priority decisions.

Proposed change to the procedures

- 3.8 We propose to publish a new and more detailed administrative priorities framework to provide more transparency and clarity about how we carry out an initial assessment of complaints and how we consider these priorities throughout our enforcement work. This should help broadcasters and complainants understand the type of cases where we consider our resources are best used and that we are likely to target.
- 3.9 We propose to set out three main administrative priority factors that we will generally consider in deciding whether to continue beyond an initial assessment and, if relevant, launch an investigation into a broadcaster’s compliance with relevant requirements. We consider that this will provide additional transparency and clarity around the factors we consider when deciding whether to launch an investigation.
- 3.10 The three factors are as follows:
- a) The risk of harm or seriousness of the alleged conduct. For example:
 - i) the risk to the interests of citizens or consumers, e.g. audiences and, in some cases, volunteers and the target community, resulting from the alleged breach(es), (including whether: that risk is immediate or not and whether it is direct or indirect); and the direct and indirect benefit to citizens and consumers of our taking action (e.g. to deter similar conduct by others);
 - ii) whether the conduct is on-going;
 - iii) whether the allegation concerns conduct that appears to be a repeated, reckless and/or a deliberate breach²;
 - iv) whether the broadcaster in question has a history of breaches of the same licence condition, or a demonstrated record of poor compliance more generally. We may also consider previous decisions made under our administrative priorities framework where we decided not to launch an investigation; and
 - v) the risk that the conduct could significantly lessen citizen and consumer trust in the regulatory regime.

² We would, for example, consider whether there is evidence that the alleged breach occurred as a result of matters outside of the broadcaster’s control or whether the broadcaster notified us of an issue in advance of any complaint being made.

- b) The likely impact of addressing the alleged conduct and whether alternative actions are likely to achieve the same ends. For example:
 - i) whether an investigation would help clarify the regulatory or legal framework for stakeholders;
 - ii) the extent of any impact on equality groups including how an investigation may help advance equality of opportunity for audiences, volunteers and the target community where applicable;
 - iii) whether the issue directly relates to Ofcom’s broader strategic goals or priorities (including those within Ofcom’s Annual Plan of Work); and/or
 - iv) whether there are other alternative actions that are likely to achieve the same ends or deal with the same issues as continuing the assessment and, if relevant, conducting an investigation.
 - c) The resource implications of continuing the assessment and, if relevant, conducting an investigation. For example, what resources (particularly specialist resources) are required, given the need to serve the interests of all parties likely to be affected.
- 3.11 Where appropriate, we will consider any relevant additional factors.
- 3.12 We will consider our administrative priorities throughout the assessment and investigation process and may decide at a later stage not to pursue a case based on the above factors.
- 3.13 The above administrative priorities will also be taken into account when launching an assessment on our own initiative.

Justification for the proposed changes

- 3.14 Ofcom has to make the best use of its resources. We do this by weighing up the likely benefits of continuing beyond an initial assessment and, if relevant, launching an investigation and the comparative benefits of using our resources in another way. In other words, we decide whether continuing an assessment and, if relevant, launching an investigation would be consistent with our administrative priorities. It is also important, and consistent with our general statutory duties, that we take action:
- a) in an efficient and effective way;
 - b) that is evidence-based, proportionate, consistent, accountable and transparent; and
 - c) that is targeted only at cases where action is needed.
- 3.15 The number of assessments and investigations conducted under our General Procedures has increased and the type of complaints about community radio stations in particular will change to more general and qualitative complaints following the removal of quota-based requirements for analogue community radio services. We therefore want to ensure that we can continue to target our resources at the cases where we think our enforcement of the relevant requirements is most likely to produce good outcomes for audiences and, in addition, in some cases, volunteers and the target community. We also recognise that the increase in cases dealt with under the General Procedures has created an increased regulatory burden for broadcasters in providing information and recordings during the assessment process and representations during the investigation process.
- 3.16 Where a case relates to a matter which is not an administrative priority for Ofcom, the benefits of an investigation are likely to be limited. This is particularly likely to be the case where a broadcaster is otherwise complying with the relevant requirements in its licence and providing value to its audience. In this instance, assessing a complaint, and any

subsequent investigation may consume significant resources from both Ofcom and the broadcaster and provides limited benefits for the audience, and, in some cases, volunteers and the target community.

- 3.17 Our proposal to set out the three main administrative priority factors we will consider will ensure we prioritise cases which relate to the greatest potential of harm to audiences. It will also provide additional clarity and transparency for complainants and broadcasters in our decisions relating to these matters and will aid consistency of decision-making.
- 3.18 As set out in Section 2 above, we receive most complaints about community radio services' Key Commitments. Complaints most commonly relate to a station not complying with its Key Commitments leading to the broadcast output not serving the target community and/or members of the community being unable to contribute to the operation and management of the service. Clarifying our administrative priorities will enable us to more easily prioritise those cases where we consider that a community is not being served or where members of a target community, which may be a protected group, are unable to get involved in the service (with potential adverse impacts on equality of opportunity for that community). We consider that these are significant issues where taking action would have benefit to those groups in incentivising the broadcaster back into compliance.
- 3.19 We consider the introduction of this framework will be particularly useful where we need to use our regulatory judgment to make qualitative decisions based on our assessment of the evidence, rather than based on measurable facts, particularly as the number of qualitative decisions that we need to make may increase as quota-based requirements for analogue community radio services are removed.
- 3.20 Within the administrative priorities framework, we propose to consider whether a broadcaster has a "demonstrated record of poor compliance." By this, we mean previous repeated breaches of a relevant requirement or general poor compliance. We may also take into account previous decisions made under our administrative priorities framework where we decided not to launch an investigation, while bearing in mind that broadcasters may not have had the opportunity to make representations as to their compliance where we decided not to launch an investigation. While some broadcasters may consider that their compliance history has been impacted by large numbers of complaints, our decisions are based on our own assessments of potential non-compliance rather than the number of complaints received and we therefore consider that compliance history should remain a part of the administrative priorities that we consider.

Likely impacts of the proposed change

- 3.21 We expect the overall impact of this change to be positive.
- 3.22 As explained above, our current assessment of whether to refer a case for an investigation involves considering whether there are potentially substantive issues which warrant investigation, taking into account the gravity and/or extent of the issue. Our proposal is focused on ensuring that we can continue to target our resources at cases which concern the greatest potential of harm to audiences and in some cases, volunteers and the target community. This should have a positive impact on those citizen/consumer groups.
- 3.23 We expect that the proposed changes will enable us to use our discretion to a greater extent and allow us to more effectively and transparently rely on the above factors when deciding whether or not to launch an investigation. This change will also further clarify that we will

not launch an investigation into every potential breach. Cases that are not referred for investigation would be ones in which the benefits of an investigation, and any consumer harm, are more limited.

- 3.24 Our proposal is also intended to provide clarity and transparency in our decisions relating to our assessment and investigation of cases. This is likely to have a positive impact on complainants and broadcasters. A result of our proposal may also be that some cases are not pursued at an earlier stage which may reduce the burden on broadcasters having to provide us with additional information and cooperate with our assessment and investigation processes. This should have an additional positive impact for broadcasters. Our proposal will also aid consistency in our decision-making process.

**Question 1: Do you agree with our proposed administrative priorities framework?
Please provide further information and/or evidence in support of your response.**

Proposal 2: Sharing information about complaints with the broadcaster

Current position

- 3.25 The current procedures state that:
- Ofcom will share a non-confidential version of the complaint with the broadcaster, and
 - a complainant's identity may be disclosed to the broadcaster unless Ofcom has been asked not to do so.
- 3.26 It should be noted that Ofcom has a [separate process for handling complaints from a whistleblower](#) (i.e. an individual who has concerns about certain types of wrongdoing, risk or malpractice carried out by their employer). The changes we are proposing do not affect whistleblower complaints.
- 3.27 Broadcasters have previously interpreted this aspect of the procedures as providing the actual wording of the complaint along with the complainant's name. Broadcasters have therefore requested this information from us following receipt of a request for recordings and/or information from Ofcom relating to a complaint. However, in most circumstances we provide to the broadcaster a summary of the complaint highlighting the relevant requirements we are assessing.
- 3.28 In practice, the circumstances in which we may disclose the complainant's identity or the actual wording of a complaint to the broadcaster where a complainant has asked us not to do so are likely to be rare.³ In most cases, we do not consider it necessary for the broadcaster to be provided with the actual wording of a complaint or know the identity of the complainant.

³ We also note that where a complaint contains information relating to a business, section 393 of the Communications Act 2003 prohibits Ofcom from disclosing that information without the consent of the person carrying on that business, unless this is permitted for one of the purposes identified in section 393(2), including where we consider disclosure necessary for the purpose of facilitating the exercise of our relevant functions.

Proposed change to the procedures

- 3.29 We propose to clarify that, as a general rule, Ofcom will:
- a) only share a summary of the issues raised with the broadcaster; and
 - b) not share the complainant's name.
- 3.30 We recognise that even where we do not disclose the name of the complainant, disclosing actual wording from a complaint could reveal to the broadcaster the identity of the complainant if, for example, the complaint includes references to their gender or age. We intend to take this into account when deciding what information to include in the summary of the issues raised.
- 3.31 There may however be some circumstances where we consider it necessary to share the actual wording of the complaint or the name of a complainant. We expect these circumstances to be rare, but they could include where we consider having access to the actual wording of a complaint or the name of a complainant to be necessary for:
- a) the broadcaster to properly exercise their right of defence (including to fully understand the nature of the complaint and relevant context that we consider necessary to provide us with any relevant information or representations); or
 - b) for Ofcom to properly assess a complaint and carry out our functions.
- 3.32 This is more likely to be the case where a complaint relates to the treatment of an individual. We may also be required by law to share the actual wording of a complaint or the name of a complainant, for example, where required by a Court or Tribunal in relation to civil or criminal proceedings.
- 3.33 In the rare circumstances where we consider it necessary to disclose the actual wording of a complaint or the complainant's name, we will decide what information we consider is necessary to disclose and will carefully consider the need to disclose against any concerns or objections the complainant may have. If we consider it necessary to disclose information the complainant considers to be confidential, including their name, we would first explain to the complainant our intention to disclose this information and seek the complainant's consent and/or any objections they may have to our justification for disclosing the information. Where the information is not confidential, we will not seek consent to share this.
- 3.34 In cases where there is a disagreement as to whether the information should be disclosed, we will generally try and resolve the issue with the complainant to agree what can be disclosed. However, if the complainant continues to object, the complaint (or relevant part of the complaint) would not normally form part of any assessment or investigation except in rare cases where we need to share the information to carry out our functions properly.

Justification for the proposed changes

- 3.35 We use complaints to help us determine which relevant requirements we should consider in a particular case. Any aspects of a complaint which do not relate to the relevant requirements will not form part of any assessment. This means parts of a complaint may not be relevant. As explained above, the identity of the complainant will also rarely be relevant to any assessment.
- 3.36 Our assessment is usually based on recordings and/or information provided by the broadcaster, therefore we will rarely consider it necessary to share the actual wording of the complaint or the name of a complainant. There may be some limited circumstances where

we consider this necessary to enable the broadcaster to properly exercise their rights of defence. However, these would be rare.

- 3.37 Our proposal is intended to clarify our position on sharing the actual wording of the complaint and the name of the complainant. It is also intended to remove any inference that this information is a key part of our assessment and sets clear expectations for both complainants and broadcasters.
- 3.38 Issues of complainants' credibility and motives are not relevant to our assessment of whether a broadcaster has complied with relevant requirement(s), particularly where the matter complained about is a measurable fact. As explained above, our assessment is based on information provided by the broadcaster.
- 3.39 We understand that some broadcasters may be concerned that this proposal would lead to an increase in vexatious complaints by complainants who wish to hide behind anonymity. As set out above, the identity of the complainant is not a factor we consider in deciding whether to open an investigation following our assessment. The exception to this is where we have decided to manage contact with an individual/stakeholder under our [External Contact Policy](#), for instance where we consider there to be persistent submission of vexatious complaints, in which case we may take their identity into account in line with a decision under that policy.
- 3.40 Some broadcasters have previously suggested we implement a broadcaster-first complaints process, where complaints must be considered by the broadcaster before the complainant can approach Ofcom. We currently license around 2,000 broadcast services ranging from large commercial public service broadcasters to volunteer-led community radio services. We are not of the view that introducing a broadcaster-first approach would enable us to best carry out these duties across the broadcasting sector or be of benefit to broadcasters or audiences and, in addition, in some cases, the volunteers and target communities that they serve. We have considered the following factors:
- a) **Impact on complainants:** The majority of the complaints we receive under the General Procedures are about the community radio broadcasters where a complainant is likely to be a member of the local community or a current or previous volunteer at a community radio station. Complaints about whether any type of broadcaster is fit and proper to hold a broadcasting licence can also be made under the General Procedures. It is reasonable that such complainants may be concerned that complaining to the broadcaster could lead to some form of detriment to them and so under a broadcaster-first complaints process, such individuals would be unable to complain to Ofcom about the most harmful conduct by broadcasters.
 - b) **Burden on licensees:** We require broadcasters to have compliance processes in place and be able to deal with content standards and fairness complaints and would expect responsible broadcasters to do the same in respect of the relevant requirements covered by the General Procedures. However, there is no specific requirement in licences for broadcasters to handle and resolve complaints about relevant requirements or to keep records of these complaints and any responses, and we consider that imposing such a requirement would unnecessarily increase the regulatory burden on broadcasters, particularly those that are smaller and/or run by volunteers. Requiring broadcasters to deal with complaints that would previously have been made directly to Ofcom could increase the number of complaints that a broadcaster has to deal with and

divert attention from compliance with other regulatory requirements, particularly for smaller broadcasters.⁴

- c) **Recording retention:** Ofcom has set time limits for broadcasters to retain recordings of their output, which means that any complaint relating to broadcast content would need to be received by Ofcom before the end of that retention period. We could require broadcasters to retain copies of recordings on receipt of any complaint made to them directly but consider that this would impose additional costs on broadcasters to retain and store more content for longer and would not guarantee that broadcasters would retain the same content that would be requested by Ofcom. This is particularly relevant for complaints relating to the General Procedures because we assess a week of content rather than just requiring the retention of a specific programme or series of programmes, and complaints can sometimes span a longer period.

- 3.41 We therefore consider that enabling complaints both directly to Ofcom as well as with the broadcaster is the most effective and proportionate way of ensuring that broadcasters comply with the relevant requirements in their licences.

Likely impacts of the proposed change

- 3.42 We expect this change to have a positive impact in clarifying our existing practice.
- 3.43 We note that our proposal to not generally provide the full text of the complaint or complainant details may encourage vulnerable complainants who may share one or more protected characteristics to complain to Ofcom. This is because it should be clear to them that we will seek their consent before disclosing their identity to the broadcaster and they can therefore be open in complaining about the most harmful conduct by a broadcaster. If they do so, the broadcaster may be incentivised or required to ensure compliance. Where this conduct relates to practices which have excluded individuals from participating in a service, this assurance for complainants could make it easier for them to become involved.
- 3.44 There is a risk that we may receive more vexatious complaints if complainants know their name will not be shared with the broadcaster without their consent. However, this is an existing risk under our current procedures. As noted above, we can also manage contact with an individual/stakeholder under our [External Contact Policy](#).

Question 2: Do you agree with our proposal to share a summary of the issues raised with the broadcaster rather than the full text of the complaint apart from in exceptional circumstances? Please provide further information and/or evidence in support of your response.

Question 3: Do you agree with our proposal to not share the name of the complainant with the broadcaster, apart from in exceptional circumstances? Please provide further information and/or evidence in support of your response.

⁴ It should be noted that community radio broadcasters are required by their licence to be accountable to their target community which would include the handling of complaints and feedback from the target community.

Proposal 3: Communication with complainants

Current position

- 3.45 The current procedures state that following the assessment of their complaint, Ofcom will inform the complainant of the decision, whether this is to open an investigation or not to investigate further.
- 3.46 Currently, when responding to complaints, we do not usually give the complainant any more detail about the outcome than they would find in the [Broadcast and On Demand Bulletin](#) (the “Bulletin”), other than the fact that we have asked for information where relevant.
- 3.47 In some cases, the majority of a complaint may not be relevant to Ofcom’s assessment of the broadcaster’s compliance with the relevant requirement(s), for example, it may raise issues which are outside of Ofcom’s remit or provide details of the broadcaster’s conduct that do not relate to the relevant requirements (such as comments about scheduling of content). Corresponding with such complainants on all the elements of their complaint does not align with Ofcom’s focus on assessing compliance with relevant requirements.

Proposed change to the procedures

- 3.48 We propose to remove this aspect of the procedures and no longer notify the complainant of the outcome of their complaint, given that the outcomes of complaints are available online in our Bulletin.
- 3.49 We also propose to amend our automatic email response to complainants who have submitted their complaint using our online form to inform them of this and explain how to find the outcome of their complaint.
- 3.50 Where complaints are made by phone, text relay (for deaf or speech impaired complainants) or video relay (for complaints made in British Sign Language), we will consider how we can replicate the provision of this information, such as asking call handlers to provide it verbally, or sending an automated email where the complainant provides an email address.
- 3.51 We will make clear in the procedures that where complainants cannot access the internet, they can contact Ofcom via a range of methods to request the outcome of their complaint. We will also make clear in the procedures that complainants who require the Bulletin to be provided in alternative format can contact Ofcom via the same methods, by [contacting our Digital Team using an online form](#), or by emailing accessibilityrequests@ofcom.org.uk.
- 3.52 In rare cases we do not publish the outcome of a complaint in the Bulletin because we consider it would be inappropriate to publicise the matter complained of, for example because the issues raised are particularly sensitive and/or publicity could have a detrimental impact on third parties. In such cases, we will notify the complainant of the outcome directly.

Justification for the proposed changes

- 3.53 We are proposing this change to ensure we continue to make the best use of our resources and because there are already other means for complainants to find out the outcome of their complaint.

- 3.54 As explained in Section 2 above, the number of complaints we received in 2023/24 was over double the amount received in 2017/18. We welcome complaints about broadcasters and the valuable information complainants provide in relation to potential breaches of relevant requirements. However, notifying a greater number of complainants of the outcome of their complaint, and associated correspondence with complainants, uses an increasing amount of resource.
- 3.55 More generally, we do not consider complaints in order to determine the grievances and rights of individual complainants and consider that complainants have no further role under these procedures following making their complaint, unless further information is required from them.
- 3.56 We also consider complainants are easily able to find out the outcome of their complaint on our website and we have made this easier since we last updated these procedures in 2017. In particular, we publish the outcome of our assessments and investigations under the General Procedures in the Bulletin. In 2020, we introduced a Bulletin format which has made it easier for complainants to find the outcome of their complaint. The Bulletin includes features to search for: cases that we have assessed and not pursued any further; cases where we have launched an investigation; and the outcome of investigations.
- 3.57 In this context, we think that our resources are better used in assessing complaints and taking forward those that warrant investigation rather than responding to individual complainants.
- 3.58 Our online complaint form is the most popular route for complaints about relevant requirements, with 221 complaints out of 248 being made via this method in 2023/24. Therefore, our proposal to amend our automatic email response to these complainants to inform them that we will not contact them directly about their complaint and to explain how to find the outcome of their complaint should increase the likelihood of complainants being able to find the outcome of their complaint without being informed directly by Ofcom.
- 3.59 We would expect complainants to check the Bulletin after at least 15 to 25 working days after their complaint was made to find out the outcome.⁵ Where a complainant cannot determine if their complaint has been pursued based on the Bulletin, for example due to a disability or because they do not have access to the internet, we would accept queries via email, post, phone, text or video relay and respond to confirm that either the case is still being assessed or has been closed and what the outcome was, e.g. we are not pursuing the case further or we have launched an investigation.
- 3.60 This proposed change would also bring the General Procedures in line with other enforcement procedures within Ofcom, including the [procedures for investigating breaches of content standards for television and radio](#) (the “Standards Procedures”), where complainants are not notified of the outcome of their complaint.

⁵ The Bulletin is generally published every two weeks, although this is sometimes delayed due to bank holidays and over the Christmas period. Each Bulletin reports on the cases closed between one and three weeks before the Bulletin publication, so it could take up to 25 working days for a case to show in the Bulletin that was closed within the target of 15 working days. Where a complaint is more complex, it would not be unreasonable for the complainant to expect the assessment of their complaint to take longer than this and therefore be shown in the Bulletin after a longer period.

Likely impacts of the proposed change

- 3.61 As explained above, our proposed change should ensure we make the best use of our resources. The time currently spent corresponding with complainants would be better directed in ensuring broadcasters are complying with their relevant requirements that may cause the most harm. This change should have a positive impact for audiences, and in some cases, volunteers and target communities.
- 3.62 We recognise that this change may have an adverse impact on some groups of complainants, particularly those groups that are unable to use, or are not confident in using, the internet. This may include: older individuals; disabled people; people on low incomes; and those in rural areas (who may share one or more protected characteristics under equality legislation) with limited access to the internet (and therefore our Bulletin). We note that the majority of complaints we receive are made via our online form or by email i.e. by people who use the internet. This means that any potential adverse impact is likely to be limited – indeed, in 2023/24, we only received 12 complaints by phone and no complaints by post.⁶
- 3.63 For those individuals who cannot find the outcome of their complaint by accessing the internet we consider it appropriate to put mitigations in place. We are therefore proposing to provide the outcome of complaints to those complainants who request this. As is already the case, complainants can contact Ofcom to ask for the outcome to be provided in an alternative format by calling 020 7981 3040 or [contacting our Digital team using an online form](#), however, we will add this information to the procedures and include an alternative email address.
- 3.64 Where a complainant contacts us before our assessment has been concluded, we would be able to explain how to find the outcome online or agree to provide information about the outcome once this has been decided and the broadcaster has been informed.
- 3.65 An alternative approach could be to depart from our procedures and write by post to complainants where a complaint is received by phone or post. However, this is not our preferred approach because of the challenge of implementing a different process for certain complaint methods.
- 3.66 In the rare cases we do not publish the outcome of a complaint in the Bulletin because we consider it would be inappropriate to publicise the matter complained of, we will notify the complainant of the outcome directly and therefore there would be no negative impact of the change on complainants in such cases.

Question 4: Do you agree with our proposal to no longer notify the complainant of the outcome of their complaint? Please provide further information and/or evidence in support of your response.

⁶ We record the source of every complaint using our case management system.

Proposal 4: Time limits for making a complaint

Current position

- 3.67 The current procedures state that complaints relating to broadcast content should be made “as soon as possible after the relevant broadcast or occurrence due to time limits for broadcasters retaining recordings of their output”.
- 3.68 Broadcasters are required to keep recordings for between 42 and 90 calendar days, depending on the type of licence held. As set out above, the majority of complaints about broadcast content handled under the General Procedures relate to radio broadcasters, who are required to keep recordings for 42 days.
- 3.69 The current timeframe “as soon as possible” is open to interpretation and presents a risk that complaints relating to broadcast content are made too close to the end of the retention period and can therefore not be assessed.

Proposed change to the procedures

- 3.70 We propose that, where complaints relate to broadcast content, complaints should be made within 20 working days of the broadcast of the relevant content. Where complaints solely relate to off-air matters, we would continue to request these to be made as soon as possible.
- 3.71 We propose to state in the General Procedures that we may consider it appropriate (in the interests of fairness and/or properly to carry out an investigation) to amend or adapt the 20 working-day deadline in a specific case. In any case, we propose that any complainant seeking an extension to the deadline should explain to Ofcom why they believe it is appropriate in their complaint submission.

Justification for the proposed changes

- 3.72 When assessing compliance with programming-related requirements, broadcasters are asked to provide recordings and information to Ofcom relating to the relevant week. If a complaint is received after the end of the retention period for the broadcaster to retain recordings, there is a high risk we cannot obtain the evidence we need to assess the complaint (which we may have otherwise considered a priority due to the nature of the potential harm).
- 3.73 In our experience, even where a complaint is received before the end of the retention period, the sooner we can request information from the broadcaster, the better-quality accompanying evidence and information we receive. This includes information about what content was scheduled and broadcast during the week under assessment and any issues the broadcaster faced during that week. This also benefits the broadcaster, by making it easier to respond to Ofcom’s questions, and benefits Ofcom in enabling us to make a more informed decision about the broadcaster’s compliance.
- 3.74 The later a complaint is received, the greater risk that Ofcom is focusing its resources on assessing complaints about issues that have already been resolved in the time between the content being broadcast and the complaint being made, for example, where there is a temporary lack of content broadcast specifically for a community radio station’s target community due to staff or volunteer illness. There is also a risk that we are currently

prioritising assessing complaints submitted nearer the end of the 42-day retention period (and before any relevant recordings may be deleted), rather than considering where our resources are best used first.⁷ This proposal should therefore allow us to apply our new proposed administrative priorities framework (see Proposal 1) in a clear and consistent manner to a wider set of cases.

- 3.75 For the reasons set out above, we believe it is appropriate to require complainants to submit a complaint relating to broadcast content as soon as possible after the broadcast of the relevant content and before the end of the retention period for recordings. We consider that a timeframe of 20 working days is appropriate and in the best interests of complainants and broadcasters and makes the best use of our resources.
- 3.76 Twenty working days generally amounts to 28 calendar days, apart from where the period coincides with bank holidays. This would therefore allow approximately two weeks between a complaint about a radio station being made and the end of the retention period (currently 42 days) for Ofcom to obtain the relevant content from the broadcaster.
- 3.77 In our view, considering complaints received after 20 working days is not the best use of our resources, which could instead be used to focus on assessing and investigating cases that may cause the most consumer harm. Indeed, of the 17 complaints that were submitted after 20 working days in 2023/24, 16 were not pursued and the remaining one was about an issue that was ongoing at the time the complaint was made.
- 3.78 We expect there to be limited cases where we decide (in the interests of fairness and/or properly to carry out an investigation) to amend or adapt the 20 working-day deadline in a specific case. Such cases may include:
- a) delays to postal complaints being received (in this case, we would not always expect the complainant to explain why they believe it is appropriate to extend the deadline);
 - b) where we consider that a complaint raises issues likely to cause significant harm; or
 - c) where the complaint, at its heart, relates to issues taking place over a prolonged period of time.
- 3.79 This proposed change would also bring the time limit in line with Ofcom’s [Standards Procedures](#) and [procedures for the consideration and adjudication of Fairness and Privacy complaints](#), which already require complainants to submit complaints within 20 working days. While these are separate procedures, we see benefit in aligning our approach to complaints about broadcasters where the procedures have the same impact. This would make the process simpler to understand for both complainants and broadcasters.

Likely impacts of the proposed change

- 3.80 Given the small numbers of complaints received more than 20 working days after the broadcast of relevant content, we anticipate that the impact of this change will be minimal. However, it should benefit broadcasters as we generally expect to be able to request recordings and information from them no later than 20 working days after the broadcast of relevant content, where a complaint is made at the end of the time limit, and usually much sooner. While we may decide to amend or adapt the 20 working-day deadline in a specific

⁷ In this context, we note that while the number of complaints received within 20 working days has been increasing in recent years (from 83% in 2021/22, 91% in 2022/23 to 93% in 2023/24), there were still 17 complaints received after 20 working days in 2023/24.

case, this would relate to particular circumstances and apply to a small subset of complaints, so would be of limited impact.

- 3.81 We also expect that this change will benefit complainants as we should always be in a position to obtain any relevant recording and assess complaints. Complainants may also find the direct and clear language of a specific time limit easier to understand than a vague “as soon as possible”, particularly those that are neurodiverse.
- 3.82 As explained above, our proposal should also allow us to apply our administrative priorities framework in a clear and consistent manner to a wider set of cases. This should allow us to target our resources at assessing and investigating cases that are likely to cause the most consumer harm, which should benefit audiences and the target community.
- 3.83 We recognise that there will be some complainants that may not be able to submit a complaint about broadcast content within 20 working days. As explained above, we will retain discretion to amend or adapt the 20 working-day deadline in a specific case.

Question 5: Do you agree with our proposal that complaints should be made within 20 working days of the broadcast of the relevant content? Please provide further information and/or evidence in support of your response.

Additional changes: restructuring the procedures, and simplifying, clarifying and updating text

- 3.84 In addition to the proposed changes outlined above, we have taken this opportunity to amend the General Procedures to make them easier to follow by restructuring the document to make it easier to navigate and simplifying the text where appropriate. We have also considered how the procedures reflect our practical day-to-day experience of assessments and investigations, and the experience of both broadcasters and complainants.
- 3.85 While we are proposing to modify some of the text in the procedures, our general approach to these matters has not substantively changed. Ofcom will continue to ensure that: any enforcement action is conducted fairly and transparently; broadcasters have an opportunity to respond to Ofcom during assessments and investigations; and cases are completed efficiently and as promptly as possible.
- 3.86 Below we set out key proposed changes to the text and structure of the General Procedures document, compared with the location of the same information in the existing General Procedures. In addition to the changes set out in the table below, we also propose to translate the procedures into Welsh and confirm that complaints can be made in Welsh in both the English and Welsh versions of the online complaint form.

Proposed revised General Procedures

Location in existing General Procedures (if applicable)

Introducing sections and additional headings and a contents page to enable users to easily navigate to the most appropriate section of the procedures.

The existing General Procedures are set out in one section, split by sub-headings with no contents page.

Adding an 'Overview' section to provide a high-level plain English summary of the procedures, and a flowchart to provide a visual summary of the process we follow.

The 'Introduction' section sets out Ofcom's duties (previously under 'Statutory framework') and then sets out: what the General Procedures cover; who they apply to; and their status. The content within this section has also been simplified where the language was unnecessarily complex.

Paragraphs 1.1 to 1.13, the content of which has been re-ordered under new sub-headings in the proposed revised procedures to keep similar information together.

The 'Submitting a complaint' section sets out how to make a complaint, and how Ofcom handles complainants' personal information (not previously included in the procedures).

Paragraphs 1.15 to 1.23. Much of the content is unchanged, other than the additional information about making a complaint in Welsh and expanding paragraph 1.23 to make each area of interest clear.

The 'Assessments' section includes information about own-initiative assessments (which was previously referred to at the end of the document), the assessment process (including a more structured explanation of the process we follow) and our administrative priorities.

Paragraph 1.14, 1.24 to 1.27, which was referred to as 'Initial assessment'. The revised procedures clarify that 'initial assessment' is the first stage of the wider assessment process.

The 'Investigations' section sets out how we: open investigations and request representations; prepare our Preliminary View; and make our final Decision. It also sets out information about disclosure of information.

Paragraph 1.14, 1.28 to 1.47. We have clarified the information about disclosure of information to reflect how this works in practice.

The 'Further action following an investigation' section includes new information about monitoring and compliance meetings, as well as including existing information about directions and sanctions.

Paragraphs 1.49 to 1.53. We have clarified the existing information about directions and sanctions.

Moving information on time limits from the end of the document to the relevant sections about assessments (paragraph 4.11) and investigations (paragraph 5.5 and 5.15).

Paragraph 1.48.

Adding information about potential outcomes for both assessments (paragraph 4.13) and investigations (paragraph 5.21).

Not present in existing procedures.

- 3.87 Our proposed revised General Procedures are set out in Annex 6, published alongside this document. We have also published the existing General Procedures in the same template in Annex 7.

Likely impacts of the proposed changes

- 3.88 We have had feedback from broadcasters that the current procedures are difficult to understand. We expect that making the procedures easier to understand and follow will particularly benefit broadcasters, complainants and Ofcom colleagues that may struggle to read or understand the current procedures such as: older people; those who are neurodiverse; and those for whom English (or Welsh) is not a first language.
- 3.89 We consider that these proposals will have an overall positive effect on broadcasters, by making our enforcement activity under these procedures easier to understand and providing clarity on the decisions Ofcom makes regarding compliance with relevant requirements. While the General Procedures apply to all broadcasters, we receive most complaints about community radio services, which are small entities and often run by volunteers. These broadcasters are both more likely to serve one or more of the groups set out at the start of this section and more likely to involve members of these groups in the operation of the service, due to the nature of community radio. Therefore, these changes will also benefit those groups indirectly or directly if they wish to complain to Ofcom about a broadcaster.
- 3.90 Translating the procedures into Welsh and confirming within the procedures that complaints can be made in Welsh in both the English and Welsh versions of the complaint form will have a positive impact on opportunities for persons to use the Welsh language. We already have a Welsh online form for submitting complaints but do not explicitly invite complaints in Welsh or reference this within the procedures. It is therefore feasible that currently complainants wishing to complain in Welsh may not be aware of the Welsh online form, or the ability to complain in Welsh more generally.
- 3.91 We also consider that translating the procedures into Welsh will have a positive impact in treating the Welsh language no less favourably than the English language.

Question 6: Do you have any comments on our proposed additional changes to the General Procedures?

Question 7: Do you agree with Ofcom’s assessment of the impacts of its proposed changes, set out in the sub-sections above (including potential impacts on specific groups of persons including equality impacts)? Please provide further information and/or evidence in support of your response.

Question 8: Are there any impacts of these proposals which Ofcom has not recognised in this document?

Question 9: Do you agree with our assessment of the potential impact of our proposals on the Welsh language? Please provide further information and/or evidence in support of your response.

Question 10: Do you think our proposal could be formulated or revised to ensure, or increase, positive effects, or reduce/eliminate any negative effects, on opportunities to use the Welsh language and treating the Welsh language no less favourably than English?

4. Proposed next steps

- 4.1 This consultation will be open for 12 weeks. We invite stakeholders to respond any time before the consultation closes, answering any or all of the consultation questions.
- 4.2 Ofcom can provide information in a variety of formats on request, e.g. accessible PDF, large print, easy read, audio recording, or braille. If you let us know what information you require and in what format, we will consider the request and respond within 21 days.
- 4.3 During the consultation period and ahead of the publication of the statement, the current General Procedures will continue to apply.
- 4.4 Once the consultation closes, we will consider the responses received, and will then publish a statement summarising these responses and setting out our final decision. We will consider whether any of the responses and/or evidence received should change our proposals.
- 4.5 If, after considering the responses to this consultation, we decide to implement a new version of the General Procedures, Ofcom will publish these alongside the statement. As the changes proposed will not require broadcasters to change their processes, the new version of the General Procedures would come into force on the day of publication. However, any cases already open would be dealt with under the version of the General Procedures that was in force at the time the case was opened.

A1. Impact assessments

Impact Assessment

- A1.1 Section 7 of the Communications Act requires us to carry out and publish an assessment of the likely impact of implementing proposals 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.
- A1.2 More generally, impact assessments form part of good policy making and we therefore expect to carry them out in relation to a large majority of our proposals. We use impact assessments to help us understand and assess the potential impact of our policy decisions before we make them. They also help us explain 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. Our [impact assessment guidance](#) sets out our general approach to how we assess and present the impact of our proposed decisions.
- A1.3 The relevant duties in relation to the proposals on which we are consulting are set out in Section 2 of this consultation.
- A1.4 Details of the impact assessment we have undertaken is available in Section 3 of this consultation under the sub-heading 'Likely impacts of the proposed changes' for each of the four proposals and the additional changes section.
- A1.5 In summary, we expect our proposals will have an overall positive impact on broadcasters, citizens and consumers. In particular, we expect our proposals to:
- a) provide clarity and transparency and aid consistency in our decisions relating to assessments and investigations under the General Procedures;
 - b) ensure that we can continue to target our resources at cases which concern the greatest potential harm; and
 - c) advance equality of opportunity where complaints are made about participation in a licensed service (see equality impact assessment below).

Equality impact assessment

- A1.6 Section 149 of the Equality Act 2010 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. We refer to groups of people with these protected characteristics as "equality groups". 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.
- A1.7 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.

- A1.8 To help us comply with our duties under the 2010 Act and the 1998 Act, we assess the impact of our proposals on persons sharing protected characteristics and in particular whether they may discriminate against such persons or impact on equality of opportunity or good relations.
- A1.9 When thinking about equality we think more broadly than persons that share protected characteristics identified in equalities legislation and think about potential impacts on various groups of persons (see paragraph 4.7 of our [impact assessment guidance](#)).
- A1.10 In particular, section 3(4) of the Communications Act also requires us to have regard to the needs and interests of specific groups of persons when performing our duties, as appear to us to be relevant in the circumstances. These include:
- a) the vulnerability of children and of others whose circumstances appear to us to put them in need of special protection;
 - b) the needs of persons with disabilities, older persons and persons on low incomes; and
 - c) the different interests of persons in the different parts of the UK, of the different ethnic communities within the UK and of persons living in rural and in urban areas.
- A1.11 We examine the potential impact our policy is likely to have on people, depending on their personal circumstances. This also assists us in making sure that we are meeting our principal duty of furthering the interests of citizens and consumers, regardless of their background and identity.
- A1.12 We license broadcasters that serve a range of protected characteristics and other specific groups of people. In particular, we consider that the below groups are served by broadcasters we license and will therefore be impacted by our proposals where they impact on both broadcasters and complainants:
- a) people of different ages, and vulnerable persons, including children;
 - b) people with a disability;
 - c) people of different races and ethnic groups;
 - d) people who have a religion or belief;
 - e) people who identify as LGBT+;
 - f) people of different socio-economic groups; and
 - g) people in different nations, regions and communities, and people in urban and rural areas.
- A1.13 We have explained potential impacts of our proposals on different equality groups in section 3 of this consultation, under the sub-heading 'Likely impacts of the proposed changes' for each of the four proposals and the additional changes section. In summary, we consider that our proposals are likely to have a particularly positive impact on the following groups of persons compared to the general population and help advance equality of opportunity:
- a) Vulnerable complainants who may share one or more protected characteristics may feel more able to complain about the most harmful conduct by a broadcaster and, if they do so, this may incentivise compliance with requirements including participation in the licensed service.
 - b) Broadcasters, complainants and Ofcom colleagues who may struggle to read or understand the current procedures may benefit from procedures that are easier to

understand and follow. These groups could include older people, those who are neurodiverse, and those for whom English (or Welsh) is not a first language.

- A1.14 We consider that our proposals may have an adverse impact on some groups of complainants, particularly those groups that are unable to use, or are not confident in using, the internet. This may include: older individuals; disabled people; people on low incomes; and those in rural areas (who may share one or more protected characteristics under equality legislation) with limited access to the internet. These groups are likely to be affected in a different way to the general population, given that we are proposing to no longer notify complainants about the outcome of their complaints because this information is available online in our Broadcast and On Demand Bulletin.
- A1.15 We have considered ways to mitigate the potential impacts and have proposed to provide the outcome of complaints to those complainants who request this. We already offer to provide the Broadcast and On Demand Bulletin in an alternative format. We would also welcome responses to our consultation on the potential impact on the above groups and other ways in which we may be able to further mitigate or eliminate these potential impacts.

Welsh language impact assessment

- A1.16 The Welsh Language (Wales) Measure 2011 made the Welsh language an officially recognised language in Wales. This legislation also led to the establishment of the office of the Welsh Language Commissioner who regulates and monitors our work. Ofcom is required to take Welsh language considerations into account when formulating, reviewing or revising policies which are relevant to Wales (including proposals which are not targeted at Wales specifically but are of interest across the UK).
- A1.17 Where the Welsh Language Standards are engaged, we consider the potential impact of a policy proposal on (i) opportunities for persons to use the Welsh language; and (ii) treating the Welsh language no less favourably than the English language. We also consider how a proposal could be formulated so as to have, or increase, a positive impact, or not to have adverse effects or to decrease any adverse effects.
- A1.18 We have explained potential impacts of our proposals on the Welsh language in section 3 of this consultation, in particular paragraphs 3.88 to 3.91 relating to our proposed additional changes to the General Procedures. In summary, we consider that our proposals may have an impact on the Welsh language by ensuring that our procedures are available in Welsh as well as English and explicitly inviting complaints in Welsh. This will have both a positive impact on opportunities for persons to use the Welsh language and ensure the Welsh language is treated no less favourably than the English language. We would also welcome responses to our consultation on the potential impact on the Welsh language and other ways in which we can increase the positive effects on this.

A2. Responding to this consultation

How to respond

- A2.1 Ofcom would like to receive views and comments on the issues raised in this document, by 5pm on 25 February 2025.
- A2.2 You can download a response form from <https://www.ofcom.org.uk/tv-radio-and-on-demand/broadcast-standards/consultation-general-procedures-for-investigating-breaches-of-broadcast-licences-consultation-on-revising-the-procedures/>. You can return this by email or post to the address provided in the response form.
- A2.3 If your response is a large file, or has supporting charts, tables or other data, please email it to broadcast.licensing@ofcom.org.uk, as an attachment in Microsoft Word format, together with the cover sheet.
- A2.4 Responses may alternatively be posted to the address below, marked with the title of the consultation:
- General Procedures Review
c/o Broadcast Licensing Team
Ofcom
Riverside House
2A Southwark Bridge Road
London SE1 9HA
- A2.5 We welcome responses in formats other than print, for example an audio recording or a British Sign Language video. To respond in BSL:
- send us a recording of you signing your response. This should be no longer than 5 minutes. Suitable file formats are DVDs, wmv or QuickTime files; or
 - upload a video of you signing your response directly to YouTube (or another hosting site) and send us the link.
- A2.6 We will publish a transcript of any audio or video responses we receive (unless your response is confidential)
- A2.7 We do not need a paper copy of your response as well as an electronic version. We will acknowledge receipt of a response submitted to us by email.
- A2.8 You do not have to answer all the questions in the consultation if you do not have a view; a short response on just one point is fine. We also welcome joint responses.
- A2.9 It would be helpful if your response could include direct answers to the questions asked in the consultation document. The questions are listed at Annex X. It would also help if you could explain why you hold your views, and what you think the effect of Ofcom's proposals would be.
- A2.10 If you want to discuss the issues and questions raised in this consultation, please email broadcast.licensing@ofcom.org.uk.

Confidentiality

- A2.11 Consultations are more effective if we publish the responses before the consultation period closes. This can help people and organisations with limited resources or familiarity with the issues to respond in a more informed way. So, in the interests of transparency and good regulatory practice, and because we believe it is important that everyone who is interested in an issue can see other respondents' views, we usually publish responses on the Ofcom website at regular intervals during and after the consultation period.
- A2.12 If you think your response should be kept confidential, please specify which part(s) this applies to and explain why. Please send any confidential sections as a separate annex. If you want your name, address, other contact details or job title to remain confidential, please provide them only in the cover sheet, so that we don't have to edit your response.
- A2.13 If someone asks us to keep part or all of a response confidential, we will treat this request seriously and try to respect it. But sometimes we will need to publish all responses, including those that are marked as confidential, in order to meet legal obligations.
- A2.14 To fulfil our pre-disclosure duty, we may share a copy of your response with the relevant government department before we publish it on our website.
- A2.15 Please also note that copyright and all other intellectual property in responses will be assumed to be licensed to Ofcom to use. Ofcom's intellectual property rights are explained further in our Terms of Use.

Next steps

- A2.16 Following this consultation period, Ofcom plans to publish a statement in summer 2025.
- A2.17 If you wish, you can register to receive mail updates alerting you to new Ofcom publications.

Ofcom's consultation processes

- A2.18 Ofcom aims to make responding to a consultation as easy as possible. For more information, please see our consultation principles in Annex 3.
- A2.19 If you have any comments or suggestions on how we manage our consultations, please email us at consult@ofcom.org.uk. We particularly welcome ideas on how Ofcom could more effectively seek the views of groups or individuals, such as small businesses and residential consumers, who are less likely to give their opinions through a formal consultation.
- A2.20 If you would like to discuss these issues, or Ofcom's consultation processes more generally, please contact the corporation secretary:
- A2.21 Corporation Secretary
Ofcom
Riverside House
2a Southwark Bridge Road
London SE1 9HA
Email: corporationsecretary@ofcom.org.uk

A3. Ofcom's consultation principles

Ofcom has seven principles that it follows for every public written consultation:

Before the consultation

A3.1 Wherever possible, we will hold informal talks with people and organisations before announcing a big consultation, to find out whether we are thinking along the right lines. If we do not have enough time to do this, we will hold an open meeting to explain our proposals, shortly after announcing the consultation.

During the consultation

A3.2 We will be clear about whom we are consulting, why, on what questions and for how long.

A3.3 We will make the consultation document as short and simple as possible, with an overview of no more than two pages. We will try to make it as easy as possible for people to give us a written response.

A3.4 When setting the length of the consultation period, we will consider the nature of our proposals and their potential impact. We will always make clear the closing date for responses.

A3.5 A person within Ofcom will be in charge of making sure we follow our own guidelines and aim to reach the largest possible number of people and organisations who may be interested in the outcome of our decisions. Ofcom's Consultation Champion is the main person to contact if you have views on the way we run our consultations.

A3.6 If we are not able to follow any of these principles, we will explain why.

After the consultation

A3.7 We think it is important that everyone who is interested in an issue can see other people's views, so we usually publish the responses on our website at regular intervals during and after the consultation period. After the consultation we will make our decisions and publish a statement explaining what we are going to do, and why, showing how respondents' views helped to shape these decisions.

A4. Consultation coversheet

Basic details

Consultation title:

To (Ofcom contact):

Name of respondent:

Representing (self or organisation/s):

Address (if not received by email):

Confidentiality

Please tick below what part of your response you consider is confidential, giving your reasons why

- Nothing
- Name/contact details/job title
- Whole response
- Organisation
- Part of the response

If you selected 'Part of the response', please specify which parts:

If you want part of your response, your name or your organisation not to be published, can Ofcom still publish a reference to the contents of your response (including, for any confidential parts, a general summary that does not disclose the specific information or enable you to be identified)?

Yes No

Declaration

I confirm that the correspondence supplied with this cover sheet is a formal consultation response that Ofcom can publish. However, in supplying this response, I understand that Ofcom may need to publish all responses, including those which are marked as confidential, in order to meet legal obligations. If I have sent my response by email, Ofcom can disregard any standard e-mail text about not disclosing email contents and attachments.

Ofcom aims to publish responses at regular intervals during and after the consultation period. If your response is non-confidential (in whole or in part), and you would prefer us to publish your response only once the consultation has ended, please tick here.

Name

Signed (if hard copy)

A5. Consultation questions

Question 1: Do you agree with our proposed administrative priorities framework? Please provide further information and/or evidence in support of your response.

Question 2: Do you agree with our proposal to share a summary of the issues raised with the broadcaster rather than the full text of the complaint apart from in exceptional circumstances? Please provide further information and/or evidence in support of your response.

Question 3: Do you agree with our proposal to not share the name of the complainant with the broadcaster, apart from in exceptional circumstances? Please provide further information and/or evidence in support of your response.

Question 4: Do you agree with our proposal to no longer notify the complainant of the outcome of their complaint? Please provide further information and/or evidence in support of your response.

Question 5: Do you agree with our proposal that complaints should be made within 20 working days of the broadcast of the relevant content? Please provide further information and/or evidence in support of your response.

Question 6: Do you have any comments on our proposed additional changes to the General Procedures?

Question 7: Do you agree with Ofcom's assessment of the impacts of its proposed changes, set out in the sub-sections above (including potential impacts on specific groups of persons including equality impacts)? Please provide further information and/or evidence in support of your response.

Question 8: Are there any impacts of these proposals which Ofcom has not recognised in this document?

Question 9: Do you agree with our assessment of the potential impact of our proposals on the Welsh language? Please provide further information and/or evidence in support of your response.

Question 10: Do you think our proposal could be formulated or revised to ensure, or increase, positive effects, or reduce/eliminate any negative effects, on opportunities to use the Welsh language and treating the Welsh language no less favourably than English?

Question 11: Please tell us how you came across this consultation.

- Email from Ofcom
- Saw it on social media
- Found it on Ofcom's website
- Found it on another website
- Heard about it on TV or radio
- Read about it in a newspaper or magazine

- Heard about it at an event
- Somebody told me or shared it with me
- Other (please specify)

A6. Proposed revised General Procedures

[This annex is published as a separate document.](#)

A7. Existing General Procedures

[This annex is published as a separate document.](#)