

Written evidence submitted by the Campaign for Broadcasting Equality CIO

Digital, Culture, Media and Sport Select Committee on The Future of Public Service Broadcasting

Black Lives Matter

On 8 June 2020, in the “Prime Minister message on Black Lives Matter”, Boris Johnson said:

“I truly believe that we are a much, much less racist society than we were, in many ways far happier and better.

But we must also frankly acknowledge that there is so much more to do – in eradicating prejudice, and creating opportunity, and the government I lead is committed to that effort”.¹

That same evening, BBC One showed “Sitting In Limbo” at 20.40 and at 22.45, the first episode of “I May Destroy You. On-Screen, this was a sign of unprecedented progress.

Yet, on 6 June 2020, one woman had decided she could no longer tolerate the working environment in which she found herself and quit the BBC. Her valedictory message to all BBC World News Staff started:

“As a woman of colour I already know what it’s like to live in a world of systemic sexism and racism. Being a freelancer at the BBC brought another layer of discrimination, culminating in the current neglect of freelancers during a global pandemic. I don’t want to continue at the BBC in this undignified capacity; undignified because management has undermined mine and PAYE freelancer’s dignity. We feel our concerns over furlough, our livelihoods, our health and financial security, have not mattered”.²

To its credit, the BBC sponsors “BBC Embrace”, a forum for BAME staff, which provided a safe space for employees to discuss their concerns, thoughts and feelings following the killing of George Floyd. From that forum BBC management knows that the sentiments in the valedictory message are widely shared among its staff.

On 12th June 2020, The Guardian reported “BBC women’s group calls for action to tackle racism and sexism”.³ The issues persist.

On 11 June 2019, I gave oral evidence to the Lords Communications Committee with Sir Lenny Henry and Marcus Ryder.⁴ In that evidence I explained how the BBC’s mechanism for addressing racism and discrimination were inadequate. In Supplementary Written evidence⁵ BBC responded re “Culture and Grievances” with a range of measures it had put in place and concluded:

“We recognise we have further to go, and we believe our ambitious range of plans will continue to make a real difference.”

It is clear that, over the past year, the BBC has failed to make a real difference on changing the aspects of racism and sexism in its culture.

The Equalities and Human Rights Commission has launched an investigation into suspected past pay discrimination against women at the British Broadcasting Corporation. This investigation should be extended to include racial discrimination as well.

We regret there is no data available to us on:

- the amount spent by the BBC on fighting gender and discrimination cases (which we understand to be significant)
- the number people who have suffered and the number of hours lost to "work related stress"
- the number of outstanding disputes relating to pay or racial discrimination

The Campaign for Broadcasting Equality CIO (CBE) is a charity which addresses issues of inequality in broadcasting and film with particular reference to BAME people.

This following evidence is about equality, fairness and opportunity in publicly funded public service media.

1 Public Funding

Public service broadcasting is supported by a range of sources of funding. This evidence is focussed only on public funding. At present public funding is overwhelmingly devoted to the BBC but some non-BBC programmes have also benefited from Contestable Funding.

Given the uncertainty of the impact of the coronavirus pandemic on the future of the UK economy and the broadcasting sector, this evidence will focus on some principles which should apply to the public funding of public service broadcasting and public service media, irrespective of possible structural or institutional changes in how the public services are delivered.

2 Equality and Fairness

“The fundamental principle here should be that public money should be spent for the benefit of everybody, and the products of that public money - programming, arts events, whatever they happen to be - should draw on all the talents of the country, not only to reflect the country but to bring forward those people for their personal fulfilment as well”.⁶

This was how the fundamental principle was stated by Sir Peter Bazalgette in oral evidence to the Lords Communications Committee on 21st July 2015. Sir Peter was speaking as Chairman of Arts Council England. He is now, inter alia, Chairman of ITV plc.

CBE has not found a better expression of this principle in the intervening period. CBE says:

“Publicly funded organisations shouldn’t get the money if they don’t have the mix and if they do get the money, they must get the mix.”

3 Representation – Diversity Data Deficit

“On-screen representation which is not matched by off-screen employment is a hollow, deceptive and superficial gesture. Editorial power and influence lie behind the screen not on it”.⁷

Thus, the great parliamentarian John Nicolson MP quoted the Campaign for Broadcasting Equality in David Lammy’s landmark debate “BBC: Diversity” on 14 April 2016. He went on to cite evidence that other broadcasters were doing better than the BBC. This still remains the case today.

The chart, “Figure 4: Summary table for the six characteristics –UK based TV industry” from Ofcom’s most recent Report on Diversity⁸ shows, that the BBC alone made no year on year progress at all on BAME employment, remaining stuck at 13%. The BBC lagged behind:

Viacom/Channel 5	20%
Channel 4	19%
Sky	16%
BBC	13%

Where public money is spent there needs to be rigorous accountability.

Within the limitations of the data available, Ofcom’s Report on Diversity was useful and the Ofcom Annual Report on the BBC (2019) may prove to be effective in addressing BBC failures in representation and portrayal.

In a letter dated 24 October 2019, Ofcom CEO Sharon White wrote to the BBC DG Tony Hall telling him:

“...we have an overall concern with how the BBC is delivering against its requirements on diversity, and the transparency with which it reports to us, as set out in a number of areas in the report. Given that this is a critical area for success, it needs a robust plan in place to track how improvements are delivered. The merger of BBC Studios and BBC Worldwide has led to a reduction in visibility of diversity in production. We will be looking at how we can bring more clarity to this”.⁹

Ofcom's view echoed CBE's which both in August¹⁰ and September 2019¹¹ demonstrated that BBC evidence on diversity to the Lords Communications Committee had been "littered with half-truths, misrepresentation and denial of incontrovertible facts".¹²

CBE proposes that Ofcom should be given additional statutory powers to obtain diversity data, including data on freelance employment and representation in editorial roles.

History

There is more than a year's relevant history on the issue of Ofcom requiring greater statutory powers.

In evidence to the Lords Communications Committee,¹³ CBE explained:

On 23 January 2019, CBE wrote a joint open letter to the DCMS Minister for Digital and the Creative Industries Margot James and the Ofcom CEO Sharon White about the diversity data deficit.

On 16 May 2019, the Minister replied saying, inter alia "when the numbers are laid bare for all to see there is no defence for the lack of diversity we continue to see" and concluded:

"Ofcom's review of BBC representation and portrayal set challenges for the BBC in this area and I expect the BBC to take this seriously. Further, I will raise the issue of what changes might be needed to enable Ofcom to obtain comprehensive diversity data in my next meeting with Sharon White. If necessary, we will consider secondary legislation to ensure that Ofcom have the proper powers."

There is now a clear path for Ofcom to be given greater powers. Parliament should ensure that the powers Ofcom seeks are adequate to measure if the public funds the BBC receives are being spent for the benefit of everybody, including BAME people, and if the BBC is drawing "on all the talents of the country, not only to reflect the country but to bring forward those people for their personal fulfilment as well".¹⁴

In its own report, published on 5 November 2019, the renamed Lords Select Committee on Communications and Digital accepted this proposal saying:

"we recommend that Ofcom should be empowered to gather data on the diversity of commissioners and production crews making programmes for PSBs to promote transparency".¹⁵

On 31 October 2019, the then Ofcom CEO Sharon White replied to a letter from CBE and concluded:

*“...we will be working alongside the industry and Government officials in order to evaluate our next steps, **which will hopefully involve the introduction of new Government legislation**”.*¹⁶ (my bold)

Freelancers

The inadequacy of the data on the diversity of freelancers was highlighted in the Ofcom Report “Diversity in UK television: freelancers” published on 18 September 2019. It said:

“5.1 Freelancers make up a significant part of the television industry, and yet monitoring of this workforce is inadequate. There is insufficient information on the diversity of specific freelance roles, with information only available due to the work of Directors UK and the Writers’ Guild. This incomplete picture limits the industry’s ability to identify continuing areas of under-representation and to fully understand where meaningful steps can be taken to address them.

*5.2 Without complete and accurate data, it is difficult to hold broadcasters to account for the diversity of their freelance workforce. In turn, ongoing concerns around representation are hard to evidence”.*¹⁷

Ofcom's current powers do not allow them to collect freelance data, Project Diamond is an existing mechanism supported by the broadcasters which does allow for the capture of some diversity data from freelancers but it is deficient.

The most recent Ofcom Annual Report on the BBC, published on 24 October 2019, pointed to the deficiencies of the Diamond data (on page 16)

“this data only captures 38% of all network hours, and only 29% of those asked to participate in the survey actually responded”.

¹⁸

Ofcom has confirmed to me that it has:

“mainly been seeking an extension to the list of protected characteristics set out in the Communication Act”

which implies it is not, at this point, seeking power to obtain and publish data on freelance diversity of employment. This despite freelancers making up a significant part of the broadcasting industry.

In a recent post, “If you want to know the truth about diversity - follow the money” Marcus Ryder, a former BBC Executive and Visiting Professor of Media Diversity at Birmingham City University, has argued that BAME programme makers are significantly disadvantaged in terms of resource allocation. Ryder says “Simple head count diversity reports do not pick this up but financial diversity reports would”.¹⁹

CBE hope the Digital, Culture, Media and Sport Select Committee will recommend that Ofcom be provided with statutory powers to obtain comprehensive diversity data including data on freelancers, editorial roles and resource allocation from the BBC, from any future publicly funded public service media and also from commercially funded public service media.

4 Contestable Funding

CBE does not favour a reduction in public funding for public service broadcasting or public funded media.

If such a reduction in public funding is required, priorities and criteria for the expenditure of public funds should be better defined and directed.

There is no shortage of free to air broadcasting and digital content. In any one hour there are at least 100 free to air channels available. The priority for public funding should be devoted to content which is not supplied by other means – that is, for addressing market failure.

Contestable Funding has been established as a mechanism to address market failure in the provision of children’s programming and regional radio content. It should be developed as a mechanism for targeting other areas of under provision.

Funding Priorities

Among the funding priorities should be:

- a) BAME representation

In view of the BBC’s failure to fulfil the Charter requirements and its Public Purposes with regard to BAME people, contestable funding should be applied to remedy the systemic under representation of BAME people in broadcasting production and other under-represented groups.

- b) New talent

Last summer BBC DG Lord Hall told the Lords Communication Committee:

“what you want from the PSBs is consistent investment, finding new talent and giving a voice to people who have not been heard so far and helping them building their careers”.²⁰

The BBC has said that the SVODs, Netflix, Amazon etc, have driven up the cost of established talent. The appropriate response would be for the BBC to focus on finding and developing new or less expensive talent, on-screen and off-screen as Lord Hall suggested.

- c) Local Democracy Reporting Service (LDRS)

Recent year has seen the decimation of local paper and local reporting. The Local Democracy Reporting Service (LDRS) is a public service news agency: funded by the BBC, provided by the local news sector, and used by qualifying partners.

The core purpose of the LDRS is to provide impartial coverage of the regular business and workings of local authorities in the UK, and other relevant democratic institutions such as mayoralities, combined authority areas, P&CCs, quangos, etc.

The Local Democracy Reporters' (LDRs) brief is to report on the decision-making process: what decisions are made in the public's name and how they are arrived at, what evidence is presented to the council, etc.

The coronavirus pandemic is placing increasing pressure on local media. Local public service media should be among the priorities for public funding.

Mass audience media may more easily pass a more vigorous public impact and value/cost test but such criteria should not dominate the future allocation of public funding for public service media.

d) National, Local and International News

Funding for trusted news from a full range of representative perspectives should also be a priority.

5 Regulation and Representation

CBE welcomes the comprehensive scope of this inquiry and the opportunity to present this limited evidence on public funding, the need for better data for regulation and targeted funding for better representation, equality and fairness.

Simon Albury MBE
Chair, Campaign for Broadcasting Equality CIO

16 June 2020

APPENDIX 1

TO BBC World News Staff

As a woman of colour I already know what it's like to live in a world of systemic sexism and racism. Being a freelancer at the BBC brought another layer of discrimination, culminating in the current neglect of freelancers during a global pandemic.

I don't want to continue at the BBC in this undignified capacity; undignified because management has undermined mine and PAYE freelancer's dignity. We feel our concerns over furlough, our livelihoods, our health and financial security, have not mattered. Hiding behind feigned sympathy for our plight and tossing us a few shifts - that could only be acquired through a humiliating process given the Machiavellian antics of our scheduler - and knowing full well we were struggling to make ends meet is not how a caring employer behaves.

Having experienced the language services who did not offer their producers much better than a glorified translator's role while also subjecting them to different social rules than the country they're working and living in, I was hoping my time in the world newsroom would be more fulfilling.

But it came with its own hypocrisies; the need to balance some stories and not others, covering the government's furlough scheme for the self-employed while ignoring the needs of the organisation's own freelancers, covering #BlackLivesMatter with barely any black producers in the newsroom or in front of the camera, watching a workstation in the middle of the newsroom be cartoonishly taped off because someone working there just tested positive for COVID-19 while we carry on working and reporting exclusively on the horrific number of deaths from the virus, the disproportionate coverage given to a few killings in a western country as opposed to hundreds in a brown country, etc.

It always struck me that support was offered to those of New Zealand heritage after the March 2019 Christchurch mosque shootings, yet the almost daily deluge of violent deaths of black and brown people did not seem to prompt the same specific offers of support to those coming from that background. I wonder if that's because there are not many people of colour in World TV or is it due to a different bias. At this stage I have little faith in the 'embrace listening session' that has just been introduced; I hope it's the start of something substantive.

After working random patterns of overnight shifts for one and a half years I alerted my scheduler of the toll that was taking on my physical and mental health. I was then moved to dayside; but every time the services of WTV freelancers were reduced (like in October last year and now again due to COVID-19) I have mostly been offered the very overnight shifts that proved detrimental to me. Sometimes I could say no, but recently with rent and other expenses I had to accept what was offered - and the way it was offered which often made me feel belittled.

No doubt the BBC is a prestigious organisation but for too long I have let the superficiality of that be the reason that I continue freelancing here. But I can now no longer make that compromise within myself.

Endnotes

¹ Prime Minister message on Black Lives Matter, 8 June 2020, Prime Minister's Office
<https://www.gov.uk/government/speeches/prime-minister-message-on-black-lives-matter>

² The writer has said "I prefer anonymity in this matter; I want to move on from my toxic BBC experiences, and while I consider the points I made meaningful and worthy of further attention I want to also protect my mental health by staying away from any publicity." The full text of the message is in the Appendix 1.

³ "BBC women's group calls for action to tackle racism and sexism", PA Media, Guardian, 12 June 2020:
<https://www.theguardian.com/media/2020/jun/12/bbc-womens-group-calls-for-action-to-tackle-racism-and-sexism>

⁴ Lords Communications Committee, Evidence Session No. 14, Tuesday 11 June 2019:
<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/communications-and-digital-committee/public-service-broadcasting-in-the-age-of-video-on-demand/oral/103093.html>

⁵ Lord Hall of Birkenhead, Director-General, BBC – further supplementary written evidence (PSB0066), 25 July 2019. Lords Communications Committee:
<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/communications-and-digital-committee/public-service-broadcasting-in-the-age-of-video-on-demand/written/103976.html>

⁶ Lords Communication Committee, Evidence Session No. 3 Tuesday 21 July 2015

⁷ John Nicolson MP, BBC: Diversity, 14 April 2016, House of Commons Hansard, Volume 508. Column 566

⁸ Diversity and equal opportunities in television – UK television industry charts and tables. Ofcom, Fieldwork; May – July 2019

⁹ Letter from Sharon White to Tony Hall, 24 October 2019:
https://www.ofcom.org.uk/__data/assets/pdf_file/0032/174299/letter-24-oct-sharon-white-tony-hall.pdf

¹⁰ Simon Albury, “Diversity: the BBC may fool itself but it won’t fool the Lords”, Open Democracy 20 August 2019 <https://www.opendemocracy.net/en/ourbeeb/diversity-the-bbc-may-fool-itself-but-it-wont-fool-the-lords/>

¹¹ Campaign for Broadcasting Equality CIO – further supplementary written evidence, Lords Communications Committee, 4 September 2019

¹² Simon Albury, “Diversity: the BBC may fool itself but it won’t fool the Lords”, Open Democracy 20 August 2019 <https://www.opendemocracy.net/en/ourbeeb/diversity-the-bbc-may-fool-itself-but-it-wont-fool-the-lords/>; Campaign for Broadcasting Equality CIO – further supplementary written evidence, Lords Communications Committee, 4 September 2019
<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/communications-and-digital-committee/public-service-broadcasting-in-the-age-of-video-on-demand/written/103855.pdf>

¹³ Campaign for Broadcasting Equality CIO – further supplementary written evidence, Lords Communications Committee, 4 September 2019
<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/communications-and-digital-committee/public-service-broadcasting-in-the-age-of-video-on-demand/written/103855.pdf>

¹⁴ Letter is included in Appendix 2

¹⁵ Select Committee on Communications and Digital Public service broadcasting: as vital as ever, 1st Report of Session 2019 - published 5 November 2019 - HL Paper 16:
<https://publications.parliament.uk/pa/ld201919/ldselect/ldcomuni/16/1603.htm>

¹⁶ Letter is included in Appendix 3

¹⁷ Ofcom Report “Diversity in UK television: freelancers” published on 18 September 2019:
https://www.ofcom.org.uk/__data/assets/pdf_file/0025/166804/diversity-in-tv-2019-freelancers.pdf

¹⁸ Ofcom Annual Report on the BBC, published on 24 October 2019:
https://www.ofcom.org.uk/__data/assets/pdf_file/0026/173735/second-bbc-annual-report.pdf

¹⁹ Marcus Ryder, “If you want to know the truth about diversity - follow the money” Black on White TV, 20 April 2020 <https://blackonwhitetv.blogspot.com/2020/04/for-true-diversity-always-count-money.html>

²⁰ Lord Hall of Birkenhead CBE, Director-General, BBC questioned by House of Lords Select Committee on Communications and Digital, Tuesday 18 June, Committee Room 2, Palace of Westminster at 3.30pm:
<https://parliamentlive.tv/Event/Index/99c5a439-9293-428a-89de-ad042c3e29a8>