

Consultation response form

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Ofcom Consultation on the Children's Content Review 2018.

Submission from the Children's Media Foundation (31.01.18)

1. Introduction

- 1.1. The purpose of the Children's Media Foundation (CMF) is to advocate for the best possible range and quality of services for UK children and young people. We bring together academic research institutions, the children's media industries and concerned individuals who recognise that media, particularly television, is not only a powerful force in children's lives, but a valuable one.
- 1.2. This submission was drafted in consultation with the CMF non-exec advisory team who comprise industry leaders from children's media and digital content production and academic researchers. It is based on their knowledge of the children's media industry and their experience of developing best-practice products and policies for organisations in the UK and internationally. Insights gained at a [public event organized by CMF](#) on 24 January 2018 also inform this response.

2. Research

- 2.1. The principle purpose of the current consultation would seem to be to expand the range of research information available to Ofcom in the completion of the 2018 Children's Content Review. The insights in the Review will lead to better informed decision-making on the extent to which regulation is needed to bring the commercial Public Service Broadcasters back into meaningful engagement with the children's media sector and the children's and youth audience in the UK, and potentially how that regulation should be formulated to best effect.
- 2.2. The Children's Media Foundation welcomes Ofcom's research-based approach to this issue, which is complex and will require subtle balancing of the commercial interests of the broadcasters, the aspirations of producers for a more stable and favourable market for their work and the needs of the children's and youth audience in the UK (and their parents) for provision of content of range and quality, which addresses their life-stage needs and connects them to the cultures and society in which they live.
- 2.3. The CMF applauds Ofcom's aim to learn more about audience habits and opinions, and about industry statistics, from additional research not currently available within its remit as regulator. At the recent Ofcom Children's Media Lives Research event¹ it was salutary to learn how little is known about the viewing habits of older children, and that despite awareness they are using YouTube and other VoD platforms extensively, there is little insight on what they are watching there. Equally, the lack of information on the spending of non-PSB channels and more recently VoD providers in the children's eco-system does not help Ofcom take an informed view of what has been called 'market failure' in the commissioning of original UK-based content for children and young people.

¹ Ofcom: Children's Media Literacy Event 23.1.18

- 2.4. The CMF does not have access to research that will add to this body of knowledge. We have encouraged members of our [Academic Advisory Board](#) to contribute from their research as appropriate. We would also recommend the comprehensive work carried out for CMF by Professor Jeanette Steemers into [Regulatory and Funding initiatives in various territories across the world](#) as it provides valuable perspectives on other countries' experience.
- 2.5. We would encourage Ofcom to make every possible connection with the bodies that do have access to information. In particular to encourage pay-TV channel operators to be as transparent as possible about their spend and the hours of originated content they produce in the UK. And to bring new platforms such as Sky Kids, Netflix, Amazon and YouTube into the consultation and impress upon them their public duty (especially in light of recent criticism) to share what they know about children's use of their services and the content being accessed. At a time when parents are increasingly concerned about their lack of knowledge of what their older children are watching – as evidenced by recent press and political interventions – the new platforms would serve their shareholders well by placing themselves firmly on the side of transparency and care for the younger elements of the audience. We appreciate this is not easy. The COPPA 13 year-old restriction creates an artificial barrier to transparency. But where platforms now operate children's services (e.g. YouTube Kids, Netflix Kids) they should be able to go some way to addressing parental concerns and Ofcom's need for clarity.
- 2.6. In terms of Ofcom extending its own understanding of children's media habits and parental concerns about their media diet, we believe more detailed research is needed.
- 2.7. Current Ofcom research amongst parents indicates broad satisfaction as to the choices on offer to their children. However, this was conducted before the recent opening up of public concern about social media and its delivery of inappropriate content and misinformation to children. We would contend this has long been a concern amongst parents of older children, expressed anecdotally and with a strong sense of frustration that there seemed to be no means of control or redress. The recent press stories and growing pressure on the social media platforms to re-consider policies and re-engineer algorithms has served to focus existing parental concern rather than stimulate something that was not there previously.
- 2.8. Ofcom's research into the purposes of public service media for children needs to take into account these concerns. Questions about satisfaction with "television viewing" need to be nuanced to create clarity about the meaning of "viewing" in the modern context. The research questions should help respondents understand that the traditional view of TV needs to be updated to include a wide variety of content accessed on all platforms. It is essential to gain clarity as to parental concerns around all forms of viewing – especially for children over the age of 8.
- 2.9. Ofcom has identified² a significant minority of children and young teens who feel that what they watch does not reflect people like them or the place where they live. This is an area that warrants further exploration amongst young people and their parents in the context of their migration to new and "uncharted" platforms – particularly in light of the parental concerns and press coverage mentioned in 2.5 above.

² Ofcom 2017, Children and Parents: Media Use and Attitudes Report, section 8

- 2.10. Research amongst young people, and in some cases their parents, will inevitably show general satisfaction that their media diet is extensive. However it should be taken into account that this will be in the context of significant decline in the amount of UK-based content available to them, as UK originations have been in decline for over 10 years. During the same period the huge rise in content on YouTube channels has been dominated by U.S.-based material. Research needs to take into account that the audience are already used to seeing less of themselves, not hearing their own voices and not experiencing their own stories.
- 2.11. On the principle of “what you don’t know, you don’t miss”, research alone cannot provide all the answers in this Review. The Children’s Media Foundation is adamant that Ofcom has a societal role to play in this process. The spirit of the amendment to the Digital Economy Act was to produce greater range, relevance, choice and originality in the media diet of Britain’s children and young people, and to require commercial public broadcasters to reflect the children and teenagers of the UK back at themselves. This may require an important cultural intervention that goes beyond the operation of ‘market forces’ and is surely the essence of ‘public service television’.
- 2.12. American TV producer and campaigner for greater inclusivity on-screen, Shonda Rhimes, recently used the phrase: “You cannot be what you cannot see”. We would similarly contend that the diversity of British kids needs to be represented to them to a greater extent than it currently is, or can be, if the market is left to its own devices.

3. Regulation

- 3.1. The outcomes of the current Children’s Content Review notwithstanding, there is little doubt that regulation is needed.
- 3.2. Market failure was identified in the 2007 Review and in annual reports since then. Originated UK content has decreased in hours and spend by significant amounts in the last 10 years from a low base in 2007. The statistics are Ofcom’s. We will not recite them here.
- 3.3. Industry sources now make it clear that funding for children’s content is at an all-time low – despite the entry of new players.
- 3.4. Drama for children, for example, is impossible to finance without complex, time-consuming negotiations to secure multiple sources of funding. To quote one producer at our public event: “we are only a step away from there being no dramas featuring children with UK accents...”
- 3.5. The above statement articulates the underlying problem. New content for children will continue to be made. But that content will increasingly feature “international” casts, settings and storylines.
- 3.6. This content will also be far less likely to be factual or feature current events or issues, as these are genres which do not travel.
- 3.7. Content is increasingly targeted at the pre-school end of the market, as this is where commercial collaborations are possible. There is very little content for over 10s in the UK market.
- 3.8. It is important to distinguish between content made specifically for children’s and youth demographics, and programmes they also watch. The fact that young people enjoy a wide range of family programming is not relevant. That has long been the case, but it should not affect their right to content which addresses their needs at key times in their development.

- 3.9. First run originations are important. While younger children enjoy repeats of their favourite shows up to a point, this should not be used as an excuse amongst the older age-ranges. Innovation, relevance and engagement are all driven by development of new content.
- 3.10. Regulation of the three PSBs, if used in conjunction with tax incentives and the Contestable Fund, could have a major affect on the UK children's media industry, and significantly extend the range of content available to the children's and youth audience in the UK.
- 3.11. For that regulation to be effective it will need to be in the form of quotas for originated content.
- 3.12. The quotas should cover hours of programming and programme spend, and there should be criteria ensuring relevance to the UK audience and the age-ranges to be served. As has been shown in failed interventions in other territories, anything else will not produce the results needed.
- 3.13. The quotas recently imposed on the BBC for its children's output should act as a bench-mark for this regulation. It might be reasonable to consider stipulating an overall figure of 500 hours of originated programming across all three operators, and spend in excess of 25% of budget to ensure that the content is commissioned rather than acquired.
- 3.14. We recognise the complexity of the situation for each of the commercial PSBs. Neither ITV nor Channel 4 wants to see programming on their regulated channels that fails to produce sufficient advertising revenues. It will be important to make arrangements with the operators to allow them to play out the public service content on channels which may not be regulated – CITV Channel, and in the case of Channel 4 potentially on their online platform. For Channel 5, additional live-action pre-school content on their Milkshake block could enhance their competitiveness. In all cases existing content which falls within the established criteria should be counted – e.g. new episodes of returning series.
- 3.15. It will be important to formulate the regulation so that the PSBs can also place the new content where children are watching, such as on YouTube. Equally it should not restrict the potential for other investors from other platforms, such as SVoD operators, to take an interest in the content and further extend its reach.
- 3.16. While the PSB operators may believe regulation to be onerous, they need to recognise the value to their brands of developing a relationship with the younger audience and building loyalty for the long term. The regulated content will represent a service to their family viewers that large-scale commercial competitors such as Sky and Netflix readily understand and offer.
- 3.17. Allying the qualification criteria for this public service content with the requirements of the Contestable Fund will ensure both initiatives' success.
- 3.18. It is possible to envisage a scenario in which any one of the PSBs could put up only 25% of the funding required, and through use of the tax incentives and the Fund to produce a further 65% of financing, bring the project within 10% of its budget – a figure which could be financed through a distribution deal or regional funding.
- 3.19. At this stage CMF will not propose any detailed criteria for regulation – e.g. definitions of British content or of relevance to the audience. However we hope that Ofcom will consult in detail on how the regulation should operate once the Children's Content Review is completed.

- 3.20. Suffice it to say that for us there is a clear definition of what constitutes public service content for children and young people. It should stimulate emotional responses, feed the imagination, encourage intellectual curiosity and reflect the UK audience in all its diversity. It should also be original and innovative, take risks and challenge the audience. It should provide a UK-based sensibility that can attract their attention but should not have to compete commercially. And it should be made available on platforms where children and teenagers are watching.
- 3.21. To achieve these aims, the thinking behind the regulation of public service content for ITV, Channel 4 and Chanel 5 will need to be creative and innovative in itself, with an eye to a successful collaboration that will create more content for a greater range of UK kids than are currently served.

4. Conclusion

- 4.1. Government and Parliamentary support for the amendment to the Digital Economy Act has brought about this opportunity for Ofcom to regulate. It addresses an area of concern that Ofcom has highlighted for the last ten years.
- 4.2. The spirit of the amendment is clear. It is intended to address market failure and produce more public service content for young people.
- 4.3. It is equally clear that this goes hand-in-hand with the tax incentive and the planned Contestable Fund.
- 4.4. It will address wider issues such as the migration of British kids to US content on new platforms by offering them relevant content that reflects their lives (which a significant minority have expressed as “missing” from their viewing).
- 4.5. Ofcom cannot pass up this opportunity to make a significant difference to the public service landscape, and to recapture a generation of children with content of relevance, range and quality. It is clear that regulation is needed, and while implementation may be complex and difficult, it is the regulator’s responsibility to follow the legislators’ lead and bring this about.

Greg Childs
31.1.18