



DCMS Consultation Response: Audience protection standards on Video-on-Demand Services

This is the CMF Response to the above consultation, which took the form of a questionnaire on the DCMS website.

Submitted 26.10.21

Q1. Should Video-on-Demand (VoD) services not currently regulated in the UK be brought within UK jurisdiction?

The Foundation is concerned at the potential harms to young people of services with significant reach, and frequent usage by children and teens, that cannot be made to comply with the perceived needs of young people within UK society. In other words, we are concerned that global standards (or perhaps more accurately other nations' standards) will be imposed upon UK viewers - particularly the younger audience with no powers of control or redress. These standards might apply to accuracy, truth, balance of opinion, respectful individuals and groups, care in consideration of content likely harm to the young, commercialisation, transparency of origin and purpose (e.g. preventing hidden commercial, political or other forms of messaging), clarity and effectiveness in methods of complaint and redress and more. All of which underlie the reasoning behind broadcast regulation. The content is essentially the same as in linear media, the purposes are also the same: to engage, inform and entertain in return for revenue, and the power of media which enters nearly every home is also the same. If broadcast needs to be regulated, so does VoD.

Q2. If non-UK VoD services are brought within UK jurisdiction, how should the parameters of capture be measured?

We believe that access in the UK should be the criterion for capturing services for regulation.

Q3. What type of regulatory system should be used? E.g. notification, licensing or another type of system?

Licensing should be investigated - particularly in relation to the potential to levy fees with could support other services such as public service content for younger audiences.

Please explain your reasoning.

We appreciate that licensing a diverse range of services could prove difficult. Equally we appreciate that the government does not consider it necessary or appropriate to levy charges on commercial providers. However, the Children's Media Foundation is strongly in support of the concept of levying these growing commercial services, as a method of raising funds for public service content for children and young people - through, for example, a body such as the Young Audiences Content Fund. If licensing could be the methodology for collection of a levy against advertising or subscription revenues, then two purposes would be served, and UK audiences will doubly benefit.

Q4. Should VoD services be brought under additional obligations?

Yes

What additional obligations should VoD services have? Please explain your reasoning

As far as possible the obligations should match those for broadcasters. Most of the larger platforms have deep pockets and the UK is a rich source of subscribers and revenue. It is not an imposition to suggest that the standards of the VoD platforms move, over time, to match those of broadcasters. The question surely should be: if the broadcasters need to be regulated because of their reach and power of influence, then why should the VoD providers not submit to the same regulatory regime?

Q5. Do you think that VoD services should be regulated under the Broadcasting? Code?

Yes

Please explain your reasoning.

Once again it is a question of reach and ubiquity. These are no longer "niche" platforms. They are mainstream and they influence large numbers of people - especially young people. Without regulation, only the market will manage the activities of the VoD providers. And that will be the international market.

Q6. Are there any specific elements of the Broadcasting Code (or standards set out in legislation) that should not apply to some or all VoD services?

No response

If so, which elements should not apply and to which VoD services?

No response

Q7. Do you think the current protections used by VoD services provide a sufficient level of protection for audiences?

No

Please explain your reasoning. In particular, if no, what additional measures should be provided?

No response

Q8. Should there be increased conformity on protection tools and warning systems across all VoD services to provide more consistency for UK audiences?

Yes

Please explain your reasoning.

Ease of use is essential.

Q9. Should a UK classifications/warnings system (such as the age classification system operated by the British Board of Film Classification) be mandatory?

Yes

Please explain your reasoning.

Parents need as much help as possible to support their children in navigating a huge range of content on a multiplicity of platforms.

What types of content would be most appropriate to require classifications/warnings?

No response

Please explain your reasoning.

No response

Q10. What impact could the proposals set out in the consultation document have on VoD providers and the delivery of services? What are the potential direct and indirect costs of additional regulatory requirements for VoD providers?

These would include (but are not restricted to) potential costs associated with standardising audience protection measures, updating library content to conform with the Broadcasting

Code and/or new standards of warnings/guidance like BBFC ratings. Please provide impact/cost for each proposal separately.

No response

Q.11 What impact could the proposals set out in the consultation document have on UK audiences and the services that UK audiences receive (this is in addition to the benefits of increased audience protection)? To what extent would additional costs be passed onto consumers, for example through higher subscription fees?

No response