Ofcom Call for Input: Review of Broadcast Regulation

The Children's Media Foundation Response

The Children's Media Foundation welcomes Ofcom's review into its broadcasting regulatory practices.

However, we are concerned at the stated concept of "loosening" regulation and would prefer Ofcom to focus on "evolving regulation", because it is becoming clear that a new public service media ecosystem will require additional regulation to cover the new dominant players in the marketplace - the Video Sharing Platforms (VSPs).

Ofcom's own research indicates that the weekly reach for YouTube is now at 96% for 8 -14 year olds, and that the daily screen time spent on YouTube and Snapchat represents over half their daily viewing. The VSPs have for some years captured the attention of a huge number of younger viewers. Young people not only influence viewing preferences in the family home, but also become adults, resulting in the shift in adult viewing to VSPs now in evidence as YouTube has grown into the most watched source of television in the UK.

These changed viewing habits will define the future of public service media and adversely impact the delivery of professionally produced television in the UK. Consequently, broadcasting regulation in general needs to be updated to include the VSPs.

Although YouTube, TikTok and others are by their own definition not broadcasters, they now dominate the viewing time and the minds of a huge proportion of the audience, particularly amongst the young. This influence on the public is so great that the future of broadcast regulation is of significantly less importance than it was 10, or even 5 years ago. Regulating broadcasting is for the most part irrelevant if Ofcom doesn't also consider how to regulate the VSPs to bring them into line with prominence rules on other platforms, and to support public service media in the new landscape.

We believe the time has come for Ofcom to begin detailed work on how to regulate any platform that has significant audience reach – as this is now essentially "television". It is an urgent requirement as it will be a complex operation so far not undertaken in any other jurisdiction.

Reservations as to the review's scope should not prevent consideration of extending its terms of reference beyond "broadcast," as the current definition is out-dated. They should include all mainstream Video Distribution Services and mass internet "unicast" delivery. Platforms like YouTube can only argue they are exempt because current "broadcast" definitions - rooted in the 2003 Communications Act - rely on outdated concepts of simultaneous wireless delivery.

The Online Safety Act sets a precedent by regulating services differently based on the content they provide access to (e.g. age-gating for pornography) rather than the technology used to deliver it.

In light of the consistent statistics indicating young people's changed viewing preferences, we would argue for a similar formula to address how we govern where young people **access** most of their content today, rather than restrict regulation to the means of **delivery**. This would bring VSPs into scope.

The Children's Media Foundation would strongly urge Ofcom to use the opportunity afforded by the Broadcast Regulation Review to give serious consideration as to how that regulation might be formulated and carried out **in practice**. This will clearly require conversations with the VSP's, government and the providers of public service content.

Ofcom's recent Public Service Media Review was a comprehensive consideration of current and future media issues, including the problems faced by the migration of audience from linear TV to YouTube. The Children's Media Foundation urges Ofcom to act upon its own recommendations to government that the future of public service must inevitably be assessed in line with the audience's preference for viewing on VSPs. If the Review of Broadcasting Regulation is to be effective, then it must consider the role these platforms play in people's media lives. Because we represent children in this, we are a particularly concerned about the role VSP's play in young people's lives.

Currently, this is an unregulated media landscape, apart from safety considerations brought in through the Online Safety Act. However, these are not enough to regulate the platforms to provide "improved media experiences for children and young people" (to quote the Secretary of State for Culture, Media and Sport, in her consideration of the future of media for young people when she wrote to the video sharing platforms in December 2024.)

It is vitally important to ensure that everyone – but in particular children and young people – can more easily discover content of public value, personal nourishment, reliably and impartially promoting engagement with civil society and community, and protective of well-being.

Ensuring prominence on the Video Sharing Platforms for public service media was a major consideration in the recent Ofcom Public Service Media Review. The PSM Report contains clear references to the need to consider inducing collaboration from the VSP's to make changes to the way content is surfaced, and to explore options for regulation if collaboration is not forthcoming.

The Children's Media Foundation believes that as part of the current review, Ofcom should clearly indicate the need for new thinking beyond broadcast regulation and use the report as an opportunity to outline some of the key issues which will need to be addressed in the development of regulations for VSP's. In this way, Ofcom will align the Broadcast Regulation Report with the Public Service Media Report, while also taking initial steps to ensure that public service media from all providers, including potentially all media of public value, can be protected, promoted, and maintained.

Prevarication in the past and failure to act upon the shift in viewer preferences has led to the situation we are in today - with the majority of 6 to18 year-olds deserting linear television and the future dissolution of broadcast viewing on the horizon. There is a danger that the same mistakes are about to be made again – due to the consistent habit of considering young people as the exception. For example, consideration is given in the Broadcast Regulation Review consultation document to protections for "smaller production companies and those in the nations and regions." Children's content is not mentioned – despite the acknowledged shift in viewing, and all the implications for the continued viability of the children's production sector in the UK.

As we have in the past, CMF would emphasise that children's media preferences and the effects on the industry that serves them require not simply vigilance, but urgent action. Because it is the "petri dish" for the future of all media distribution.

The Children's Media Foundation is currently developing the concept of a value framework which featured in our submission to the Parliamentary Culture, Media and Sport Select Committee Inquiry on Children's Television and Video. Such a framework could be used to assess content for its public and personal value, and feed into ratings systems, content badging or other methods of algorithmic prominence. However, while technological solutions may be a way forward, they will need regulatory support to guarantee compliance from the media platforms.

In outlining the purposes of the review CMF was struck by the way in which Ofcom frames the challenge. Media is not an isolated subset within broader culture – and the children's audience exemplifies this more immediately than the broader population. It **is** their culture. What happens to them as a result of their consumption and screen time has been brought into stark relief by recent political developments – not least the call to restrict social media for the under-16s.

CMF is a signatory to the 5Rights co-ordinated response urging the use of effective current and future regulation to ensure not only safety, but the promotion of higher value in young people's online experiences. Regulation not only against harm but – as has so long been the case in broadcasting – **for good**. In the current climate we urge Ofcom to embrace **building better** as the alternative to a ban.

The Regulatory Review is the perfect opportunity to achieve a significant impact on the personal lives of the young, and as a result, on society as a whole.

It is time to acknowledge the facts Ofcom has itself laid out so clearly, embrace the difficulty and ignore the perceived restrictions, and take the next steps in the inevitably long-term process of redefining regulation for media consumption as it is, rather than as it once was.

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