



**The Sandford
St Martin Trust**

Response to the DCMS Committee re. the Draft Media Bill

May 2023

Submitted by

The Sandford St Martin Trust (Registered charity no. 277370)
Room 202 Church House
Great Smith Street
London SW1P 3AZ

Chair: Dr Tony Stoller CBE
Executive Director: Anna McNamee
Contact: anna.mcnamee@sandfordawards.org.uk

About the Sandford St Martin Trust

- i. The Sandford St Martin Trust promotes thought-provoking, distinctive broadcasting that engages with belief, ethics or morality and enhances the public understanding of religion. We believe a) the media have an increasingly important and challenging role to play in interpreting world events, b) this cannot be done without acknowledging the complex roles religions play in both contemporary and historical human experience and c) a religiously literate media can promote greater understanding, increase tolerance, and foster stronger communities at local, national and global levels.
- ii. The Trust advocates at industry, regulatory and government levels for the place of broadcasting about religion in a healthy and diverse media ecosystem. Our outreach work promotes religion as an important and rewarding subject for content-makers and audiences to engage with. In recent years, we have produced events in partnership with the Wales Screen Summit, the Bradford Literature Festival, the Commission for Belief in Public Life, the Edinburgh International Television Festival, the Media Society, NUJ Training, Sheffield Doc/Fest and many more. More details can be found on our website: www.sandfordawards.org.uk
- iii. Since 1978 the Trust has made annual awards for the best broadcast and more recently online content about belief, religion, ethics and spirituality. The Sandford St Martin Awards are the UK's most prestigious prize for religious broadcasting and are open to a wide range of genres – news, current affairs factual, arts, music, drama and comedy - as well as to 'traditional' religious broadcasting. Winners are decided by panels of media professionals. Radio Times readers also vote in their thousands for their favourite TV or radio programme exploring religion from a list published in that magazine.
- iv. The Trust is politically independent and is not affiliated with any media company or organisation. It does not proselytise on behalf of or promote any particular religion or faith, nor does it engage in religious activities itself. Our Trustees include people with many years' experience of broadcasting and representing a wide variety of perspectives and faith backgrounds.
- v. In keeping with our area of expertise, our response to this consultation focuses on how the proposed legislation will affect the provision of core public service broadcast content in general, while focussing on religious and ethical content more specifically. Our recommendations will concern how the Bill might be improved to safeguard these.
- vi. While we welcome the ambition of the Bill to reform the legal framework for the regulation of broadcasting in the UK so that the UK's public service broadcasters (PSBs) are fit to meet audience needs in a current digital age, we are concerned that the draft is missing key protections for core PSB genres.
- vii. Most noticeable by their absence in the draft Bill, are protections for core PSB genres such as: education, sport, science, **religion and other beliefs**, social issues, matters of international significance of interest. We note that these were included in the 2003 Communications Act and would suggest the failure to include them in a new framework would be a glaring omission and a blow to societally valuable content valued by audiences across all demographics.

Public Service Broadcasting

Are proposals allowing a Public Service Broadcaster to meet its remit by online programming as well as linear appropriate?

- viii. The Sandford St Martin Trust (SSMT) recognises the increasingly prominent role digital and other online services now play in reaching audiences and we welcome the draft Bill's ambition to address both the delivery of PSB content online and via linear channels. However, the Bill proposes to allow PSBs flexibility to deliver their remits either online or via traditional linear channels.¹ We believe this proposal is flawed.
- ix. Our concerns are mainly focussed on how this service-neutral framework for content provision will impact the quantity, quality and accessibility of core PSB genres such as news and current affairs, regional news, arts, children's and religious broadcasting - content which Ofcom says is 'generally considered to be core public service broadcastings territory'².
- x. In its current form, the Bill has not provided an adequate or clear remit for PSBs and that core PSB genres are put at significant risk through this omission. We will address these specifically in our response to the 'General issues' questions posed by the Committee, later in this submission.³

Quantity and quality of core PSB genres

- xi. Across all genres online and digital platforms such as the BBC iPlayer, BBC Sounds, ITVX or All4/4oD now provide audiences with access to an immense archive of content. While this is no doubt a good thing and provides value for audiences, it is critical that the vastness of this resource does not become an excuse to minimise the quantity and quality of new PSB content being made. While a library filled with classic literature is a valuable thing, no one would ever argue that the fact that great libraries exist means new books no longer should be written – and yet there is a real danger that the existence of this archive of the old will be counted in the same way as the creation of new content.
- xii. PSB content provision has traditionally been counted by the number of hours 'broadcast'. In a service-neutral framework guidelines or targets regarding what would be a 'sufficient quantity' of new and original commissions - as opposed to archive or repeats - must be clearly outlined.
- xiii. To illustrate the importance of setting targets for a good quantity of first run original PSB content, we would like to draw the Committee's attention to a particular example. In their *Faith and Hope Spring 2021* press release the BBC boasted 'more content than ever before to mark Easter'.⁴ When this claim was queried by SSMT in the Feedback section of the *Radio Times*⁵, a list of content including 'specially curated short films from the new BBC One series Being...', which will be shared across BBC social platforms', 'a collection of special recipes tied to faith festivals', audio programming that would be broadcast across multiple local radio stations from a main hub, and an afternoon broadcast of the 1975 film *The Man Who Would Be King* were all cited by the BBC Media Centre as contributing to the 'more

¹ Draft Media Bill, Section 12, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1146008/1285-HH-Media_Bill_Standard_font_with_covers_accessible.pdf.

² Ofcom Review of Public Service Television Broadcasting: Phase 1: Is television special (2006), para 1,6 https://www.ofcom.org.uk/_data/assets/pdf_file/0023/25655/psb.pdf.

³ Please refer to section beginning xlviii.

⁴ BBC Media Centre, Faith and Hope for Spring 2021, <https://www.bbc.com/mediacentre/2021/easter>.

⁵ Radio Times, 17-23 April, 2021, "Feedback" section.

content than ever before’ with no distinction between repeated content, reformatted content, or content which would appear on multiple platforms.⁶

- xiv. It is important to note that, since the removal of religious programming quotas, the BBC has led among PSBs when it comes to religious and ethical content delivery. We applaud the BBC for the excellent work it has done in this genre. However, not all content is equal. Without a clear metric through which PSBs will indicate how many hours of **new** content is being commissioned and **what proportion of their overall budget** is dedicated to these commissions, ‘quantity’ alone is not an adequate measure. In 2022, BBC executives pointed to figures showing that ‘it exceeded many of its own targets for religion’⁷ – licence fee payers deserve clarity regarding what this means. The Bill should provide a framework for performance measures across PSBs.
- xv. There is urgency around a proper assessment religious programming provision. Ofcom’s own findings have described this genre as being of concern: ‘There are some immediate issues emerging from our review: news consumption and the provision of news for young people, drama that reflects and portrays British society back to a British audience, content tailored to the specific needs of the UK Nations and their regions, **religious programming**, children’s programming and investment in other areas such as music and arts.’⁸
- xvi. In 2004, following the introduction of the 2003 Communications Act, ITV used the framework therein to successfully lobby Ofcom for its quotas for arts and religious output to be removed as this programming was failing to get good ratings. Ofcom agreed because it felt ‘changes to ITV’s public service obligations would be necessary as the UK’s leading commercial broadcaster faced increased competition from multichannel services and that ‘trade-offs’ had to be made’.⁹
- xvii. Following the removal of ITV’s quotas, arts and religious output at ITV dropped drastically. By 2015 Ofcom noted ‘ITV’s provision of religion and ethics has all but ceased’.¹⁰
- xviii. There are parallels between what were perceived as threats to ITV’s business in 2004, and what the Bill identifies as new competition on UK broadcasters from multinational Video on Demand (VOD) platforms in 2023. We would suggest that there are also parallels in how any loopholes in forthcoming legislation regarding the protection of less populist or commercial genres would contribute to its further decline.
- xix. While this decline in religious and ethical content at ITV is alarming on its own, in the period between 1998 and 2014, spending on first run, UK-originated religion and ethics content across PSBs dropped 58%.¹¹
- xx. Ofcom’s report on PSB provision went on to say ‘given the multichannel sector’s focus on a small number of key genres, it is unclear whether the wider market would fill any future gaps in provision left by the PSBs. There are already genres where PSB provision is relatively low, such as education and religion, where there has not been notable multichannel provision. For example, in children’s

⁶ Sandford St Martin archive.

⁷ The Times: BBC’s arts and religion shows at risk in plan to loosen strict quotas, 24 February 2022: <https://www.thetimes.co.uk/article/bbcs-arts-and-religion-shows-at-risk-in-plan-to-loosen-strict-quotas-pl6lrnvq7>.

⁸ Ofcom: Public Service Broadcasting in the Internet Age (2015), para 2.4: http://stakeholders.ofcom.org.uk/binaries/consultations/psb-review-3/statement/PSB_Review_3_Statement.pdf.

⁹ The Guardian: ‘ITV may be allowed to drop arts and religion’, 21 April 2004: <https://www.theguardian.com/media/2004/apr/21/raceandreligion.broadcasting>.

¹⁰ Ofcom, Public Service Broadcasting in the Internet Age (2015): https://www.ofcom.org.uk/data/assets/pdf_file/0025/63475/PSB-statement.pdf.

¹¹ Ibid.

programming the multi-channel sector has grown through animation and imports rather than through UK non-animation... our understanding is that the potential for international revenue is an increasingly important consideration in commissioning.’¹²

- xxi. The critical situation for non-commercial genres like religion is emphasised again in research across PSBs conducted by Mediatique between 2016 and 2019. Their report says ‘This (decline) is in effect a ‘best case’ scenario, particularly in the context of distressed PSB type genres: as revenues decline, and broadcasters seek to shave costs in line, they will continue to be incentivised to spend disproportionately on popular genres (drama; entertainment; factual entertainment) to maintain audiences, reducing to a bare minimum their expenditure on specialist genres... There will be no incentive to make more than the regulatorily imposed number of hours in “pure” PSB genres where quotas exist or to spend more than the bare minimum per hour.’¹³
- xxii. Over the three-year period of their research, Mediatique identified a decline of 2.2% without inflation in Religious and Ethical content expenditure – a larger drop than in any of the other twelve PSB genres considered.¹⁴
- xxiii. The authors of the report note that this drop was neither a reflection of a dip in audience demand or because religion was not a concern for UK audiences. Covering a period when Islamic extremism, Pope Francis’ reshaping of the Roman Catholic Church, mounting tensions in the Israeli-Palestinian conflict particularly with regard the status of Jerusalem’s Temple Mount, and a surge in Orthodox Christianity in Russian led by the religiously devoted president Vladimir Putin, the authors observed ‘this (decline) is happening at a time when matters of religious belief are prominent in public debate’ and that ‘religion and education were issues raised’ by stakeholders participated in the research.
- xxiv. The research also found that around a fifth (19%) of all PSB viewers felt that people with religious beliefs were under-represented on television. While around 16% of Christians felt this way, a far higher proportion (39%) of those with beliefs other than Christianity felt this to be the case. Twenty-three per cent of all PSB viewers felt that people with religious beliefs were negatively portrayed.
- xxv. Given this research and findings that show a continued dramatic decline in hours and PSB investment in religious programming – accelerated at Channel 4 and ITV since this element of the PSB requirement was removed – we question why the draft Bill does not include measures such as the re-introduction of targets and measures to reverse this trend.
- xxvi. We would like to draw the Committee’s attention to the words of the award-winning writer Frank Cottrell-Boyce who directly addressed the dangers that would result if PSBs failed to provide religiously literate content in a multiplatform age: ‘When young people engage with questions like immigration, sexuality, and their own mortality and morality, they’re not puzzling over intellectual questions, they’re building their own identities. And in so doing that they are building the future identity of this nation...And if our cultural arbiters vacate the field on which our young people wrestle with the great questions, then other forces will step in. And if we don’t help young people grapple with the complexity of those questions, then there are other people who will cheerfully come along with murderously simple answers.’¹⁵

¹² Ibid section 3.16.

¹³ Mediatique, Future models for the delivery of public service broadcasting, December 2020, pg. 35.

¹⁴ Ibid, pg. 23.

¹⁵ Frank Cottrell Boyce, <https://sandfordawards.org.uk/4950-2/>.

Accessibility

- xxvii. We are concerned the draft Bill does not adequately address key issues around digital poverty, or prominence for less populist genres and content in an increasingly crowded digital space.
- xxviii. For significant proportions of the UK population digital broadcasting services are not viable either because they cannot pay for subscription services or because they are living in areas without adequate broadband. Research conducted in 2022 by the Digital Poverty Alliance (DPA) charity found that among people living on an annual household income of £25,000 or less, one in five never use the internet.¹⁶
- xxix. Elizabeth Anderson, COO of the DPA said ‘There are at least 6% of the population, probably more, who are permanently offline. That rises to nearly three million when you just look at people who’ve not used the internet in the last three months.’¹⁷
- xxx. In 2019 Ofcom’s Media Nations report found that homes with only free-to-air digital terrestrial television amounted to 40% of all households. While surveys suggest lockdown conditions during the pandemic resulted in a growth in migration to online-only services, we note also that the number of homes with access to SVOD services now appears to be in decline.¹⁸
- xxxi. The DPA’s data goes on to show that low-income inner-city areas and low-income coastal communities are the most adversely affected by limited internet and digital access, as the financial barrier for entry is too much.¹⁹ And new analysis by *Which?* has found that nearly six million homes are struggling to afford essential telecoms services.²⁰ In the current cost of living crisis, it seems inevitable that the number of households with access to digital services will decline making the continued availability of core content such as religious programming on traditional platforms more important.
- xxxii. We appreciate that the draft Bill has been written with the aim of outlining a legal framework for the regulation of broadcasting over the long-term. Nevertheless, if PSBs are to live up to their name, they must indeed fully serve the entire public - not just some of the public, some of the time.
- xxxiii. We are further concerned that the Bill is imprecise over what it means by ‘prominence’ for PSB content online. We understand that it is being proposed that Ofcom will set expectations on the PSBs regarding the prominence of core PSB content such as religion or children’s programming. However, there is no indication of what ‘prominent’ in an increasingly crowded digital space means.
- xxxiv. In response, the Sandford St Martin Trust strongly urges that a definition or guidelines for what is intended by ‘prominence’ for PSB content - and which addresses accessibility and discoverability - should be included in the Bill. We also urge that Ofcom should publish the methodology or metric it will use to assess the accessibility and discoverability of PSB content, and to make this available for further consultation before the Bill is debated in Parliament.

¹⁶ Institute of Development Studies, Issue 202, August 2022: https://www.ids.ac.uk/download.php?file=wp-content/uploads/2022/08/Digital_Poverty_in_the_UK_August_2022.pdf

¹⁷ UK Tech News 11 August 2022, <https://www.uktech.news/news/government-and-policy/digital-poverty-alliance-digital-skills-gap-20220811> .

¹⁸ Broadband TV News, 20 February 2023 <https://www.broadbandtvnews.com/2023/02/20/quarterly-fall-in-uk-svod-take-up/> .

¹⁹ Institute of Development Studies, Issue 202, August 2022: https://www.ids.ac.uk/download.php?file=wp-content/uploads/2022/08/Digital_Poverty_in_the_UK_August_2022.pdf

²⁰ Which? Press Office 4 August 2022: <https://press.which.co.uk/whichpressreleases/millions-struggling-to-afford-essential-telecoms-says-which/>

Are the proposals in the draft Bill adequate for securing the future of Channel 4 and supporting independent content producers?

- xxxv. The Sandford St Martin Trust welcomed the Government’s decision that Channel 4 will remain in public ownership. This decision was a necessary first step towards an improved framework for Channel 4 which will ensure the long-term sustainability of public service broadcasting genres exploring religion or belief, and of the many independent UK content makers who specialise in this genre and number among our key stakeholders.
- xxxvi. Having consulted with these stakeholders, we acknowledge their concerns that removing of the prohibition on Channel 4 from making in-house programmes which is proposed by the Bill will undermine their business. We believe the risk to smaller regional production companies is particularly acute.
- xxxvii. Channel 4 commissions more programmes from small production companies than any of the other PSBs.²¹ The importance of the ‘indie’ contribution to Channel 4’s religious programming is evidenced by the entries in the TV/Video category of this year’s Sandford St Martin (SSM) Awards competition where more than 90% were made by UK indies.²² The quality and popularity of this content is demonstrated by the Channel 4 programmes represented among the finalists including *Good Grief with the Rev Richard Coles* (Bowled Over Media), *David Baddiel: Jews Don’t Count* (Mindhouse Productions) and *Disability & Abortion: The Hardest Choice* (Hey Sonny Productions).²³
- xxxviii. In addition to data from the SSM Awards, analysis by Pact, the UK sector screen sector trade body for independent production and distribution companies, which found that primary commissions from the UK public service broadcasters represented 70% of all out of London commissioning revenue during 2020.²⁴ And further, Channel 4’s own report that in 2021, 47% of its spend on first-run originations came from the Nations and Regions.²⁵
- xxxix. SSMT asked entrants to this year’s awards competition ‘how will your business be affected by the removal of C4’s publisher-broadcaster restriction in the context of the trends of the market?’ Among the responses received was this from Barry Ryan, Joint MD and Creative Director of The Format Factory based in Brixham: ‘What? Another competitor – but this time, exactly like the BBC’s in-house division, another competitor that is connected to our commissioning workflow in a higher level and that has inside knowledge of trends and schedule demands ahead of us. This is spectacularly in conflict with the relationship that true independents have with Channel 4 – and completely contra why Channel 4 was established in the first place. We the true indies are still here. Why does this need to change and who benefits?’²⁶
- xl. Other producers echoed this sentiment: ‘Independent production companies must be protected at all costs’, said Leo Pearlman of Fullwell 73 Productions. ‘Young talent, in particular from the regions, must be given every chance to grow and new voices from all sectors of society must be encouraged and supported.’²⁷

²¹ Channel 4’s impact on the UK’s International Competitiveness and Global Profile, O&O Associates (2021), p18.

²² 90% includes SSM 2023 entrants from all PSBs and non PSB digital platforms. Of the entries representing Channel 4, 100% were made by indies.

²³ <https://sandfordawards.org.uk/the-awards/>.

²⁴ Oliver & Ohlbaum Associates Limited, Pact Census Independent Production Sector Financial Census and Survey, N&R Annex 2021.

²⁵ Channel 4 Television Corporation Report 2020 and Financial Statements.

²⁶ Sandford St Martin Trust, Written submission in response to proposals to remove C4C’s publisher-broadcaster restriction, April 2023: https://sandfordawards.org.uk/wp-content/uploads/SSMT-submission_DCMS-Changes-to-C4-publisher-broadcaster-restriction_2023.pdf.

²⁷ Deadline, Channel 4’s Scrapped Sale Sparks Widespread Relief, But Producers Fear Sting In Tale, 4 January 2023: <https://deadline.com/2023/01/channel-4-privatisation-scrapped-tv-industry-reaction-1235211135/>.

- xli. Research by Pact estimated that ‘£80 million of content spend will be lost to a Channel 4 in-house production arm in the first year after an initial push to move content in-house. After five years ... that this would rise to £1billion. This would not only damage the UK production sector, which is beginning to recover slowly from the economic impacts of COVID, but also close the door on future generations of entrepreneurs and new businesses who use their self-sufficiency and self-motivation to break into a highly competitive market.’²⁸
- xlii. Based on this evidence, we believe that any changes to Channel 4’s remit must include effective protections for the UK’s indie sector with particular focus on small, medium, diverse and regional production companies.
- xliii. We also urge that Channel 4’s current remit and public obligations should be updated and strengthened to protect genres such as religious broadcasting.

General Issues

Are there any issues missing from the draft Bill within the scope of public service broadcasting, video-on-demand or radio?

- xliv. The media landscape has evolved considerably since the 2003 Communications Act was introduced and the Sandford St Martin Trust supports the overall ambition to update the legal framework for the regulation of broadcasting now. However, we are extremely concerned that the Bill’s revision of the current PSB remit is wholly inadequate and will result in a steep decline – if not the overall extinction – of socially valuable and valued but already endangered PSB genres including content exploring religion and belief.
- xlv. The failure by the 2003 Communications Act to adequately protect these key genres in its framework has already had a considerable and negative impact on the provision of core PSB content. Ofcom has often not been equipped to effectively regulate this provision.
- xlvi. We are alarmed to have noted that the new draft Bill proposes loosening the existing PSB remit even further, so that the current obligations to provide a range of programming which includes ‘science, religion and other beliefs, social issues, matters of international significance or interest and matters of specialist interest’²⁹ will be replaced with the much less specific ‘what appears to Ofcom to be a sufficient quantity of audio-visual content that... reflects the lives and concerns of different communities and cultural interests and traditions within the United Kingdom’³⁰.
- xlvii. This qualification is not only too vague to be enforceable but abjectly fails to indicate what a ‘sufficient’ quantity of this sort of audio-visual content is or what matrix Ofcom is expected to apply when making its assessment.
- xlviii. We strongly urge that any new legislation should include a clear definition of what constitutes public service broadcasting with a remit defining both its purpose and what kind of content should be

²⁸ O&O Associates, Pact with Channel 4’s impact on the UK’s International Competitiveness and Global Profile (2001) p60: <https://britishscreenforum.co.uk/wp-content/uploads/2022/10/Annex-1-Pact-submission-to-DDCMS-OO-report-on-Channel-4-change-of-ownership-150921.pdf>.

²⁹ Communications Act 2003, 6(f) <https://www.legislation.gov.uk/ukpga/2003/21/section/264/enacted>.

³⁰ Draft Media Bill https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1146008/1285-HH-Media_Bill_Standard_font_with_covers_accessible.pdf.

represented, **including content that explores and reflects the different religions or beliefs within the United Kingdom.**

- xlix. We are further concerned that while the draft Bill proposes the Secretary of State will have the power to introduce quotas if certain content is not being made by providers of licenced public service channels or where Ofcom have made a recommendation³¹, as we noted earlier, it is not clear what content is being referred to, nor does there appear to be a workable framework by which any shortcoming can be identified.
- l. We have already summarised in sections xvi-xxii of this submission the decline of core PSB content, and why, in an increasingly competitive and pluralistic media ecosystem, it is necessary to take affirmative action to safeguard its future. We believe the new Bill and the introduction of an updated framework provides a critical opportunity to update the regulations in a way that will ensure future audiences will have access to a good quantity and quality of religious content they want and that they believe will be beneficial to society.
- li. To support this aim: the Bill has proposed that the obligation to regulate this sort of content will be delegated to Ofcom. We urge that when Ofcom is given this responsibility it is also provided with a clear 'vision' or 'remit' for what Parliament and the public agree is socially beneficial audio-visual content.

Do you have any recommendations for additional or amended drafting to the draft Bill?

- lii. As outlined in our answers above, while the Sandford St Martin Trust recognises the need to modernise the legal framework for the regulation of broadcasting in the UK so that it reflects technological changes, the evolution in how some people access the services, and the PSBs own pressurised resources, we believe the current proposals pose significant danger to core PSB content and the obligations to provide such content that make the UK broadcasting unique and uniquely respected around the world.
- liii. Without amendment we believe the omissions we have outlined in the report above would critically jeopardise 'at risk' PSB content exploring religion or belief.
- liv. It follows we recommend:
 - a. the PSB remit should be amended to reinstate obligations to ensure access to high quality, informative content about a range of issues reflecting the lives and concerns of different communities and cultural interests and traditions within the United Kingdom **including religion and other beliefs, science, social issues and matters of international significance**
 - b. robust targets or quotas for core PSB content exploring religion and other beliefs, science, social issues and matters of international significance should be set for all PSBs
 - c. Ofcom should be afforded suitable powers to measure and ensure delivery of core PSB content including religion and other beliefs, science, social issues and matters of international significance

³¹ Ibid, clauses 10-11.

- d. Ofcom should publish the methodology or metric it will use to assess the accessibility and discoverability of PSB content, and to make this available for further consultation before the Bill is debated in Parliament.