

<b>Institution:</b> University of Glasgow (UofG)		
<b>Unit of Assessment:</b> 34 Communication, Cultural and Media Studies, Library and Information Management		
<b>Title of case study:</b> Inside Ofcom: Influencing the Connections between the Regulator, Broadcasting, and the Public		
<b>Period when the underpinning research was undertaken:</b> 2007–2018		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI:</b>
Philip Schlesinger	Professor in Cultural Theory	2007–present
<b>Period when the claimed impact occurred:</b> 2014–2018		
<b>Is this case study continued from a case study submitted in 2014?</b> N		
<b>1. Summary of the impact</b>		
<p>Through his non-executive roles in the UK's communications regulator, Ofcom, Philip Schlesinger, a leading expert in cultural policy, influenced its decision-making. His research helped Ofcom adapt to major changes in the sector. As Member for Scotland of the Content Board (2014–2018), he regulated UK-licensed broadcast and video on-demand content, in line with the Broadcasting Code. Countering London-centricity, he influenced policy on 'Made Out of London' content. Arguing at that time that Ofcom had underestimated the challenge to public service broadcasting of unregulated streamed content, he contributed to the regulator's revised public position. He also influenced Scottish Government policy on the BBC during the BBC Charter Review, as well as Ofcom's approach to BBC regulation.</p>		
<b>2. Underpinning research</b>		
<p>During the assessment period, Schlesinger was engaged in externally-funded research on: creative economy policy in the UK [3.4, 3.5]; the development of the Digital Single Market and the audiovisual industries in the European Union [3.2]; the impact of digitisation on media organisations and their business models and strategies [3.3]; and media and the constitutional question in Scotland [3.1]. Each fed in different ways into his dual role: to advise Ofcom on Scotland; and to discuss the development of UK regulatory policy, while also assessing broadcasters' conformity with the Broadcasting Code.</p> <p>Schlesinger's longstanding research on media and communications policy in Scotland was essential to his work as Chair of the Ofcom Advisory Committee for Scotland (ACS, 2009–2014). This directly preceded his appointment to the Content Board in 2014. His detailed, research-informed knowledge of Scotland's broadcast media issues and communications connectivity, along with press performance and new platform-based media entrants to the market, was crucial to advice given not only to Ofcom but also to the UK Government's Scotland Office and the Scottish Government, as well as evidence provided to the Scottish Parliament (reflected in e.g., [3.1]). His research and active public presence greatly assisted Ofcom during the BBC Charter Review process, which concluded early in 2016. His research-based knowledge also informed Ofcom's preparations to take over BBC regulation in April 2017.</p> <p>His AHRC project on multi-platform media [3.3] addressed how in the digital creative economy companies were reshaping their content and workforces, as well as using data analytics. This directly fed into his discussion of changing broadcast TV strategies and business models, a returning focus of Ofcom's research into the transforming broadcasting ecology and the future</p>		

robustness of public service broadcasters (PSBs) just as tech/media companies were increasingly dominating internet-based content distribution and programme commissioning. As streaming of audiovisual content and production of long-form drama series became increasingly important, his AHRC-funded research on UK film policy [3.5], which addressed government support for nationally-produced content, became highly relevant for an emerging issue.

Schlesinger's AHRC-funded research on UK creative industry policy, including how cultural enterprise was supported in Scotland [3.4], with his leading role as deputy director of CREATE, the UK Copyright and Creative Economy Centre, meant that he could readily bring knowledge to bear on national and international trends regarding policy, regulation, and content production. His EC-funded research on audiovisual policy developments in the EU in the evolving Digital Single Market [3.2] made him uniquely well-placed among Content Board members to engage in recurrent expert discussion about the wide-ranging implications of Brexit for EU regulation of UK TV content under the Audiovisual Media Services Directive (AVMSD) and the replacement measures envisaged by the UK Government.

### 3. References to the research

- 3.1 Schlesinger, P. (2020). [Scotland's dual public sphere and the media](#). In Keating, M. and McAndrew, C. (eds.) *Oxford Handbook of Scottish Politics*, Chapter 9. Oxford: Oxford University Press. ISBN: 9780198825098.
- 3.2 Schlesinger, P. (2018). [Whither the creative economy? Reflections on the European case](#). In: Brown, A. E.L. and Waelde, C. (eds.) *Research Handbook on Intellectual Property and Creative Industries*, Chapter 1. Edward Elgar: Cheltenham, pp. 11–25. ISBN: 9781786431165; DOI:[10.4337/9781786431172.00009](#).
- 3.3 Schlesinger, P. and Doyle, G. (2015). [From organizational crisis to multi-platform salvation? Creative destruction and the recomposition of news media](#). *Journalism: Theory, Practice and Criticism* 16(3): 305-323. DOI:[10.1177/1464884914530223](#).
- 3.4 Schlesinger, P., Selfe, M. and Munro, E. (2015). [Curators of Cultural Enterprise: a Critical Analysis of a Creative Business Intermediary](#). Basingstoke: Palgrave Macmillan, pp.134. ISBN: 978-1-137-47887-0. [available on request from HEI]
- 3.5 Doyle, G., Schlesinger, P., Boyle, R. and Kelly, L.W. (2015). [The Rise and Fall of the UK Film Council](#), Edinburgh: Edinburgh University Press, pp.213. ISBN: 978-0-7486-9823-3. DOI:[10.3366/edinburgh/9780748698233.001.0001](#)
- 3.6 Schlesinger, P. (2016) [UK public service media in transition: some brief reflections](#). In: Tremblay, G. (ed.) *Governance and Public Service Media in Knowledge Societies*. Montreal: CRICIS, pp.94–99. ISBN 978-2-920752-19-1.

**Quality:** All publications underpinning this case study are peer-reviewed, and four externally funded. 3.3, 3.4 and 3.5 derive from AHRC- and ESRC-funded research projects, and 3.2 was EC-funded. The body of work is expected to meet or exceed the 2\* threshold.

### 4. Details of the impact

Ofcom is the UK's communication regulator. By statute, the UK's nations are represented in Ofcom by territorial committees and Board-level appointments. Schlesinger was an ex officio member of the Advisory Committee for Scotland (ACS). His key impact, however, came through membership of Ofcom's Content Board, which advises the Main Board on strategic matters relating to broadcasting policy and regulation and also upholds broadcasting and online standards, with a particular focus on public service broadcasting (PSB) [5.1–5.2]. The Content

Board's work impacts on most of the UK's population: according to Ofcom, in 2018–2019, 95% of households in the UK had a TV set receiving broadcast programmes, and on average, viewers watched over three hours of broadcast television daily.

#### 4.1 Influencing Ofcom's adaptation to challenges and decision-making

Schlesinger's non-executive roles in Ofcom (2004–2018) drew on his research into European, UK and Scottish media, creative industries, and public policy. Between 2014–2018, his impact on UK communications regulation was effected through committee work on the Content Board, representing Scotland's interest. [5.2]

The Content Board held eight London meetings annually. Requiring meticulous preparation, its sessions covered complex regulatory policy issues, including editorial standards, impartiality, the 9pm watershed for minors, diversity, 'fake news', public service broadcasters' performance, audience harm and well-being, EU Directives, and the growing impact of subscription video-on-demand (SVOD) on the media ecology.

Schlesinger regularly evaluated cases of possible infringement of the Broadcasting Code. Breaches included privacy intrusions, misuse of advertising, and failure to meet standards. The Content Board's decisions impacted directly on every UK-regulated broadcasting organisation. Adjudications were published in Ofcom's *Broadcast and On-Demand Bulletin* and had to be sufficiently robust for judicial review.

Content Board Chair and Main Board Member (2011–2017), Dame Lynne Brindley, commented that Schlesinger, whose *'contribution of expertise, research and knowledge was absolutely seminal to Ofcom's agenda in several ways ... contributed expert advice and judgement to enforcing Ofcom editorial standards work and contributed to specific, complex investigations of complaints and breaches of the code. These collective decisions affected a wide range of broadcasters and agencies.'* [5.7]

In respect of wider policy, using his research into multi-platform media (3.3) and public service media in transition (3.6), Schlesinger argued that Ofcom had underestimated the challenge to PSB posed by new SVOD market entrants. The value of his *'long-term view of the challenges facing regulation'* was noted by Ofcom's Chairman, Dame Patricia Hodgson (2014–2017) [5.6]. In February 2018, he contributed directly to revisions of Ofcom's public position, reflected in CEO Sharon White's speech (8 March 2018), which newly proposed that PSBs collaborate to contest global SVOD challengers [5.3-5.4].

In 2017, the BBC's Royal Charter was renewed for 11 years. During the Charter Review, Schlesinger helped Ofcom prepare for full-scale regulation of the BBC. Lynn Brindley noted that *'his research and thinking ... contributed significantly to discussions of Ofcom's role as regulator of the BBC at a time leading up to Ofcom being given that additional responsibility'*. Liz Leonard, Chair, Advisory Committee for Scotland (2018-20), added that Schlesinger *'consistently challenged Ofcom to recognise that taking on BBC regulation was of a different order altogether.'* [5.9]

At this time, Schlesinger also advised the Scottish Government's BBC Charter Renewal Policy team on impending change. Its Head, David Fleetwood, stated that *'Schlesinger provided insight, technical expertise and analysis to support the Scottish Government's development of a policy statement for ... the BBC's Charter renewal. ... These briefings were influential on the*

*development of policy and ... also provided a highly credible voice in an at times quite existential debate about the future of public sector broadcasting in Scotland.’ [5.10]*

#### **4.2 Informing and improving Ofcom’s approach to serving the UK’s nations and regions**

Schlesinger’s research (3.1, 3.4) analysed how Scotland as a devolved nation operated within the UK’s media environment. Content Board Chair, Dame Lynn Brindley, considered that his *‘deep understanding and articulation of the differing and distinctive needs of Scotland, its devolved government and its broadcasting environment was a critical influence in ... changing the culture of decision-making at Ofcom.’ [5.7]* Her successor as Content Board Chair, Nick Pollard (2017-18), found that Schlesinger *‘played a central role in ... the important debate about the BBC’s wider responsibilities to society and to the nations of the UK as a whole’ [5.5]*

Using his research and first-hand knowledge of Scotland’s cultural and creative economy, Schlesinger joined the Content Board Working Group that developed Ofcom’s approach to the BBC’s [Public Purpose 4](#): *‘To reflect, represent and serve the diverse communities of all of the United Kingdom’s nations and regions and, in doing so, support the creative economy across the United Kingdom’.* Glenn Preston, Ofcom Director Scotland, (2016- ) noted that across the range of regulatory issues – the BBC, Gaelic broadcasting, competition, consumer research, radio and TV licensing – Schlesinger’s *‘input demonstrated analytical rigour ... focusing on the practical outcomes’* and that he *‘ensured the Scottish dimension was being heard ... at the most important decision-making levels’.* [5.8]

Schlesinger consistently argued that Made Out of London (MOOL) TV production quotas needed to contribute to the Scottish creative economy, influencing Ofcom’s decision in 2018 to ensure greater transparency in policing quotas. From Ofcom’s apex, its Chairman, Dame Patricia Hodgson, observed that Schlesinger *‘ensured that issues of key interest to the nations – such as ... out of London production quotas for the creative economy in Scotland – were kept firmly on the agenda’.* [5.6] Liz Leonard concurred, noting how Schlesinger *‘supported ACS colleagues in challenging the protocol by which Ofcom used to classify productions as “Out of London”. This protocol has now been rewritten, addressing most of the concerns expressed by Scotland’s independent production sector.’* [5.9]

#### **5. Sources to corroborate the impact**

- 5.1 Examples of ACS meeting minutes showing Schlesinger’s contribution bridging this committee and the Content Board [PDF, dated 08/02/2017 and 05/11/2018].
- 5.2 Example of input from Content Board to ACS, showing Schlesinger’s involvement in BBC Charter Review and other major PSB-related issues [PDF, dated 22/06/2016]
- 5.3 Email [PDF, dated 25/02/2018] showing Schlesinger’s input to Ofcom on the seriousness of global threats to PSBs prior to CEO Sharon White’s [speech](#).
- 5.4 Sharon White’s speech addressing these challenges [PDF, dated 08/03/2018]
- 5.5 Testimonial letter, Nick Pollard, Chair of Ofcom Content Board, 2017–2018 [obtained Oct2019], corroborating the value of Schlesinger’s input in ensuring the interests of Nations and Regions in the UK were understood in the development of policies regarding regulation.
- 5.6 Testimonial letter, Dame Patricia Hodgson, Deputy Chair and then Chair of Ofcom, 2014–2017 [obtained Oct2019], corroborating Schlesinger’s impact on the Content Board in representing the Scottish interest and his wider contribution to Ofcom’s handling of regulatory challenges.

- 5.7 Testimonial letter, Dame Lynne Brindley, non-executive member of Content Board, 2011–2017, Chair of Nations Committee throughout, interim Chair of Content Board for c.1 year [obtained Oct2019]. Corroborating and detailing the importance of Schlesinger’s expertise in a broad range of important decisions widely affecting the broadcasting sector.
- 5.8 Testimonial letter, Glenn Preston, Ofcom Director for Scotland, 2016– [obtained Oct2019], corroborating Schlesinger’s contribution to Ofcom’s understanding of the Scottish context, among other benefits.
- 5.9 Testimonial letter, Liz Leonard, Chair of the Advisory Committee for Scotland, 2018–2020 [obtained Oct2019], corroborating Schlesinger’s expertise-based input on the novelty of regulating the BBC, BBC Scotland’s representation of politics and its funding, and his challenge to implementation of the ‘out of London’ production protocol.
- 5.10 Testimonial letter, David Fleetwood, Head of First Minister’s Question Team, Scottish Government; formerly Head of BBC Charter Renewal Policy, 2015–2016 [obtained Oct2019], corroborating how Schlesinger’s contributions impacted on the sector and Scottish Government policy.