



BBC EXECUTIVE'S RESPONSE TO AUDIT OF COMPLIANCE IN AUDIO & MUSIC

1.0 Introduction

The Audio & Music board welcomed the draft report and its central findings at the meeting on the 13th January 2010. The board considered the full recommendations at the board meeting on 10th February 2010 and the board would like to thank Tony Stoller and Tim Suter for their thorough and considered work.

Audio & Music notes that the report acknowledges that A&M senior management has 'made strenuous efforts to ensure that compliance measures are effective and widely understood' and that although individual businesses in the A&M group have varying approaches to compliance, 'the responsible staff put it into practice with diligence and effectiveness'.

- We welcome the emphasis in the report on encouraging proper editorial judgements and discussions alongside formal processes
- A&M welcomes the suggestions in the report for improvements to the current compliance arrangements and the well considered suggestions for simplifying processes, streamlining paperwork, and reducing the burden of multiple listening.
- Inevitably, the report is a snapshot of A&M at a given moment, and some changes suggested in the report have already been made, or are already in progress.
- Following newspaper reports to the contrary, it is heartening to read that the audit has found no evidence that the compliance process has resulted in less risk taking by programme makers, and that no content has been dropped in error for fear it might not be compliant.

2. 0 Responses to specific recommendations. (Paragraph of main report in parenthesis)

2.1 *We recommend three key courses of action: a 'spring clean' of compliance processes; further attention to training; and a periodic review to catch variations in practice and circumstances, as well as to deal with future changes. (paragraph 28)*

We welcome these general recommendations.

- Work has already begun on 'Spring Cleaning' the compliance process. For example, many more programmes have been classed as 'low risk' and the requirement for multiple listens relaxed. It was possible to reduce the double listening burden for Radio 2 by 90 hours over Christmas.
- The Creative leadership course for Executive producers/Editors is underway, and several other courses are in development.
- Processes will be kept under review and comparisons with other output divisions will be considered, and any lessons learned will be considered for inclusion in the A&M policy.

Spring Cleaning of Processes

2.2 *We recommend a thorough 'spring clean' of the compliance processes, to ensure that internal inconsistencies are resolved, that actual practice and written processes are brought into line. (paragraph 58)*

A&M are happy to do this for the sake of clarity and consistency across the group, although it's fair to say that the inconsistencies have arisen because of the needs of the individual businesses within the group, and have not, so far, proved to be a risk to full compliance. However, there are obvious improvements which can be made, and that work will start immediately. We agree that wording in contracts with Independents need to be consistent.

2.3 *The management of A&M should also take the opportunity of that 'spring clean' to address those instances where practice is at the outer limit of what is permitted, either to bring it back within the norm that is described by the policy, or to adjust the policy to align itself more exactly with acceptable practice. Management should notify the Trust what changes they have made as a consequence. (paragraph 58)*

The management will take the opportunity to align more exactly written policies with normal practice, and will include any major changes to either the policy or practice in the new Trust commitments.

2.4 *We recommend that all the named roles in compliance documents are re-written to reflect actual practice. (paragraph 32)*

Named roles in the compliance documents will be reviewed, and altered if needed.

2.5 *The documentation should make clear who is responsible for placing programmes on the A&M Risk List, and the individual network risk lists. (paragraph 34)*

The risk lists are owned on behalf of A&M management by the Head of Editorial Standards, but it will be made clearer in documentation who is responsible for physically adding content to the lists in each area, and what actions inclusion on the risk list triggers.

2.6 *The Proteus form and the RPCP requirements should be made fully consistent, including contractual nomenclature: and further, the Proteus form should be made available to independent producers to complete for themselves. (paragraph 37)*

It is a contractual responsibility of all independent production companies to work within BBC editorial guidelines, and to deliver a programme which meets those standards. We expect the named individual within Indies to certify that they have listened to the programme and that the programme meets BBC standards. As above, the consistency of nomenclature will be reviewed.

Work is proceeding to give Commissioned Independent Production Companies access to Proteus via a secure portal. This may take a few months, but it is a priority to reduce the workload within the radio networks.

2.7 *In the case of live programming, the Network's Statements of Practice should be reviewed bringing them in line with current practice and the commitments made to the BBC Trust. (paragraph 40)*

Statements of practice for live programming in all the networks are currently under review. Editorial policy is about to issue updated guidance, and they encourage individual areas to adapt the general guidance to suit local needs. A&M will take this opportunity to update and standardise both written policies and actual practices in all areas.

2.8 *The management of A&M should also take this opportunity to review all the undertakings it has given since the end of 2003 to the different regulatory bodies – the BBC Governors, the BBC Trust and OFCOM – to re-assure itself that they are appropriately underpinned with relevant formal requirements in the compliance processes. (paragraph 41)*

We welcome this suggestion, and although most undertakings have been met, a few historical undertakings potentially conflict with current practice, and some others have proven to be unworkable. A simplified set of undertakings will be prepared.

2.9 *The position with the 'final listen', where an executive producer chooses to be present in the studio for the final recording, should be clarified with a view to easing that compliance burden where it can be done without undue risk. (paragraph 45)*

Multiple listening is a huge burden within the individual radio networks and A&M management welcome the suggestions in the report for reducing the burden on Executive producers. A&M is happy to allow Executive Producers and Editors to decide how they would like to listen to the content.

2.10 *Standard contracts should be amended to make clear who in practice is responsible for the 'final listen' to pre-recorded independent productions. (paragraph 49)*

Who actually does the final listen is up to the BBC, and not a contractual matter. The contract is there to give us assurances about what we are buying rather than to lay out any compliance process we have internally. The point, however, that the report is making about being clear and consistent in our compliance processes about who does final listen at the BBC, is accepted.

2.11 *Management should consider a number of changes to the formal compliance systems as presently implemented, including:*

- *that individual networks should define their own criteria for these production exemptions to be agreed with the management of A&M and fully captured in the relevant paperwork*
- *a periodic look at whether the process still fits with production practice, and can recommend adjustments as necessary. (paragraph 59)*

A&M management would like to suggest if networks do that, they must agree them with The Head of Editorial Standards (in consultation with the director) on behalf of the Management team. This would enable management to maintain an overview of the compliance process, and would avoid local decisions being made which could increase risk.

2.12 *Keeping the risk lists well maintained, relevant, and action oriented – whether it be through greater scrutiny, additional listening, or more regular reporting – should be considered a priority. (paragraph 59)*

We welcome the recommendation that the risk lists should be well maintained and relevant, and we acknowledge that these lists are important tools in managing the compliance process. A more formal statement of what actions are triggered when a programme appears on a risk list will be considered for inclusion in our compliance policy.

2.13 *The compliance workload in Radio 4 should be reviewed and extra compliance resource should be allocated as appropriate. (paragraph 63)*

The report raises issues around the compliance workload and delegation of compliance in Radio 4. This issue has already been identified, and work is in progress to resolve this. A full time compliance editor has been appointed within Radio 4 and discussions continue with regard to future proofing the systems. Similar issues in other networks have already been dealt with.

2.14 *A&M management should re-consider their expectation of the role of executive producers in independent production companies, and review the budget allocation for this role in the commissioning process. (paragraph 64)*

The role of Executive producers within Indies is being reviewed, as well as the way this function is resourced. We hope to move to a system where the commissioning network agrees appropriate levels and types of staffing with the indie at commissioning stage.

2.15 *The 'spring clean' of compliance processes should also look forward to the implications of the Salford move. We also recommend that some formality should be introduced into the contacts between radio network controllers and their opposite numbers in News and Sport on shared compliance issues well ahead of the move. (paragraph 62)*

Issues highlighted around the move of Radio 5 Live to Salford are acknowledged. R5L will continue to be looked after by A&M as far as compliance is concerned until the move is complete, when the situation will be reviewed. R5L will discuss what formal contacts should be introduced with their suppliers in News & Sport.

Training and Related Issues

2.16 *We recommend that continued resource and attention should be devoted to defining the role of the executive producer, and to developing a cadre of staff capable of undertaking this role and establishing and exchanging best practice. (paragraph 52)*

The report recommends that attention should be devoted to developing the role of Executive producers. This is in progress, (the Creative Leadership Course), and that considerable resource is being allocated to it. Although the report expresses some frustration that the EP training has not yet been completed, we would point out that the creation of the College of Production delayed the process, and the training courses are complex and ambitious.

A key feature of the course is that Executive producers from different areas have the chance to meet, and compare experiences. Follow up meetings between those who have completed the course are taking place.

Work is already underway to equip other radio staff with the skills to make judgements about visual material in light of the developments around new media.

2.17 *The creative leadership course now under development should be completed for all A&M staff undertaking the executive producer role by the middle of 2010 at the latest. (paragraph 54)*

The Creative Leadership Course will be fully rolled out to around 80 individuals by the end of March 2010. Additional courses for Commissioning editors and others will be completed by mid 2010. We are planning to provide further training for the 80+ in subsequent years.

2.18 *The College of Production should ensure that both the principles and the detail of its executive producer creative leadership course are reflected in the training offered to those in News, Sport, Comedy and elsewhere who take responsibility for radio output (paragraph 55)*

The College of Production is looking carefully at the Creative Leadership Course, and is seeing how elements might be adapted for use in other divisions. News & Sport have courses provided by the College of Journalism and Radio comedy Executive Producers are included in the A&M creative leadership course.

2.19 *Urgent consideration should be given to establish how executive producers working in independent production companies can be given appropriate access to important components of the creative leadership training. (paragraph 56)*

The BBC Academy are looking at how to roll out training to radio Independents. A&M is supportive of the independent sector; however we must be mindful of the market impact of free training from the BBC. We will discuss how we can take this forward with the Academy, relevant trade bodies and other interested parties. Making modules from the creative leadership course available online is under consideration. Close relationships with major suppliers where learnings are shared are already in place in some networks (e.g. Radio 1).

Periodic Review of Compliance

20.20 *We recommend that a periodic review of compliance should consider the impact of any increase in the requirement for independent production of radio output. (paragraph 67)*

Changes to the level of independent production will have a knock-on effect on the compliance processes, and will be considered as part of the 'Spring Cleaning' of the processes as recommended by the report.

20.21 *The growing implications of new media associated with radio output should be addressed in any periodic review of the operation of the compliance process. (paragraph 70)*

'New Media' applications and what compliance process is appropriate for each development, is currently one focus for activity. New processes around Social media applications, visualisation and other video content are currently being prepared. Keeping

up with developments in this area mean that compliance process must be kept under constant review.

20.22 *We recommend a periodic review of the practical details of the compliance systems to catch the inevitable changed requirements of the future, rather than waiting for a major incident to trigger such renewed attention. (paragraph 72)*

Following the 'spring clean' a simplified and more transparent compliance system should be easier and quicker to audit. We accept that compliance systems need to be reviewed regularly.