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The future of diversity regulation in the UK broadcast industry - models and ownership

Dr Peter L. Block

The Sir Lenny Henry Centre for Media Diversity

Sir Lenny Henry Centre
for Media Diversity

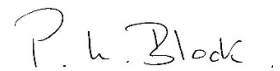
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Acknowledgements

On behalf of The Sir Lenny Henry Centre for Media Diversity I wish to thank the representatives of the stakeholder organisations listed in Appendix 1 who gave of their time to be interviewed or respond to an email request for comment. It is their insights into the matter of diversity regulation that have helped shape my analysis and recommendations. I would also like to thank Aurora Herrera, a PhD research student at City University of London, who provided assistance in examining the international dimension of this research.

I hope that collectively we have made a useful contribution to the future of diversity regulation in the UK broadcast industry.

A handwritten signature in black ink that reads "P. L. Block". The signature is written in a cursive, slightly stylized font.

Dr Peter L. Block

Acronyms and abbreviations

AV	The term audiovisual refers to a product that is formed from the combination of sounds and images. In the context of this research the term covers the AV sector of the creative industries of Film, TV, Radio and Music
BAFTA	British Academy of Film and Television Arts
BAME	British, Asian and minority ethnic
BECTU	Broadcasting, Entertainment, Cinematograph and Theatre Union
BETR	Broadcast Equality and Training Regulator
DBEIS	Department for Business, Energy and Industrial Strategy
BFI	British Film Institute
BTSR	Broadcast Training and Skills Regulator, forerunner of the BETR
CAMEo	Research Institute for Cultural and Media Economies (Leicester)
CDN	Cultural Diversity Network
CI	Creative Industries
CIC	Creative Industries Council – A DCMS body
CIF	Creative Industries Federation
CIPD	Chartered Institute of Professional Development
CPD	continuing professional development
D&I	Diversity & Inclusion
DCMS	Department for Digital, Culture, Media and Sport
EHRC	The Equality and Human Rights Commission
EPRA	The European Platform of Regulatory Authorities
ERGA	The European Regulators Group for Audiovisual Media Service
FoI	Freedom of Information
GLA	Great London Authority
GVA	gross value added
Indies	A shorthand term to describe independent TV production companies
LHC	The Sir Lenny Henry Centre for Media Diversity
LMI	Labour market intelligence
Maturity model (MM)	A qualitative evaluation tool that measures the effectiveness of a person or group in comparison to a set benchmark descriptors
MEG	Minority ethnic group
NED	Non-executive director
Ofcom	The Office of Communications
ONS	Office for National Statistics
OSR	Office for Statistics Regulation
PACT	Producers Alliance for Cinema and Television
PSB	Public Service Broadcaster
PSM	Public Service Media
quango	quasi-autonomous non-governmental organisation
TEF	Training Excellence Framework
TV	television
WFTV	Women in Film & Television
WG	Working Group

1. Overview

This research, sponsored by the Sir Lenny Henry Centre for Media Diversity, has examined the matter of diversity regulation in the UK broadcast industry. The findings are captured in six models of diversity clustered under three themes; (A) Ofcom relinquishes the obligation, (B) Ofcom continues to manage the process or (C) Ofcom devolves the matter to an independent agency. This report explains the rationale for arriving at these models.

1.1 The inspiration for this research and the terms of reference

‘When our industry has made big structural changes in the past its success or failure has been measured and accessed by our industry regulator - Ofcom. But when it comes to diversity Ofcom has a history of giving the broadcasters a clean bill of health, or at worst a cursory note that they could do better, but with no consequences attached or even suggestions as to what better would look like.

Just as there is a historic lack of trust towards the broadcasters, Ofcom, I am sad to say, lacks credibility and trust among many Black and Asian programme makers. If Ofcom is not able or not willing to hold the industry accountable on diversity and inclusion, or able to use its power to set minimum standards, then the DCMS should set up a new body willing to do so.’

**MacTaggart lecture delivered by Professor David Olusoga
The Edinburgh Television Festival 2020**

This research was prompted by Professor David Olusoga’s MacTaggart lecture at The Edinburgh Television Festival (2020). Improvement in the diversity of the UK broadcast industry workforce to reflect the communities it serves has been an unwritten target across the sector key for almost 20 years. A matter enshrined in law with the Communications Act 2003, embodied by the establishment of the Broadcast Training & Skills Regulator (BTSR) in 2005, renamed as the Broadcast Training & Skills Regulator (BETR) in 2009. The BETR was dissolved by Ofcom in 2010. In 2016 the matter of workforce diversity was explicitly written into the renewal of the BBC Charter (DCMS, 2016 p7). As part of the Charter renewal Ofcom became the external regulator of the BBC on all aspects of its work, including matters of diversity, on and off the screen (Ofcom, 2020d p60).

Despite a long list of initiatives, projects and incentives devised to improve the diversity of the UK creative industries, the workforce still fails to reflect the diversity of the wider population. As Professor David Olugosa’s lecture highlighted there is the perception that Ofcom has not been able to successfully regulate the broadcasters when it comes to diversity.

1.2 The review process

This research set out to address two questions:-

1. Can Ofcom along with partner organisations convince sceptical stakeholders that they can effectively regulate diversity in the sector, stimulate change and therefore improve the diversity of the workforce?
2. Irrespective of who manages the process, are there any models of diversity regulation that can be effective the in UK broadcast industry?

To answer these questions the scope of work covered:-

- A scan of the literature on diversity regulation, past and present, by media regulators in the UK and abroad;
- a historic account of diversity (and training) regulation in the UK broadcast industry since the Communications Act 2003; specifically the structure and function of the BTRC/ BTR, its successes and challenges;
- interviews with representatives drawn from a cross-section of stakeholder organisations to inform the option analysis;
- the presentation of (at least) three options for models of a new regulator.

Based on the evidence available and the engagement by the stakeholders this report presents six models of regulation clustered under three themes for the Sir Lenny Henry Centre to present to the UK broadcast industry.

1.3 The legislative framework to monitor diversity

The Communications Act 2003 requires Ofcom *‘to take the steps it considers appropriate to promote equality of opportunity between men and women, people of different racial groups and for disabled people, in relation to employment and training by the television and radio broadcasters it regulates’*(Ofcom, 2019e). To that end, UK licensed television and radio broadcasters must, as a condition of their licences, make arrangements for promoting equal opportunities and, in making and reviewing those arrangements, must have regard to any relevant guidance published by Ofcom.

The expectation was that by monitoring and collating workforce data on gender, race and disability from the licence holders with more than 20 staff it would shine a light on the lack of diversity within the industry. It was anticipated that reporting on this matter would stimulate change to improve the situation. Ofcom initially reported on the workforce data gathered from the broadcasters. In 2005 Ofcom handed the matter over to the BTRC to monitor the training and skills component. In 2009 the BTRC was renamed the BTR when the BTRC picked up the remit of monitoring equal opportunities. It was closed down by Ofcom in 2010 as a consequence of the incoming government.

The model the BETR applied combined quantitative data on the workforce along with a maturity model (MM) that captured qualitative data. A maturity model evaluates progress on a hierarchy of statements mapped to a set of attributes. In this case the model mapped 22 attributes of diversity inclusion, training and skills. This approach provided a snap shot of the progress broadcasters were making to improve the diversity of their workforce. It also captured their training and staff development programmes which underpinned their efforts to improve the diversity of that workforce (BTSR, 2006, BETR, 2010a).

With the incoming Cameron government of 2010, Ofcom closed down the BETR with the expectation that the relevant clauses of the Communications Act 2003 would be revoked. Ofcom took no action on the matter of diversity or training within the UK television and radio industries until 2016. Under pressure from a number of stakeholders Ofcom was obliged to set up some form of diversity monitoring and regulation. In 2016 Ofcom restarted its annual monitoring of diversity in the television and radio industries and to date has published three annual diversity monitoring reports (Ofcom, 2017b, 2018, 2019c). The fourth report published in November 2020 amalgamated UK licensed television and radio broadcasters into a single document, excluded those companies with fewer than 100 staff (Ofcom, 2020b).

Despite this renewed focus by the regulator on diversity in the industry there have been many critical voices, such as Sir Lenny Henry and Marcus Ryder, demanding that Ofcom should be more robust on this matter. More recently Professor David Olusoga in his 2020 McTaggart lecture argued that Ofcom needs to do more or allow another organisation to pick up the mantle to hold the industry to account.

1.4 The stakeholders and the policy network

This research interviewed 11 representatives from the stakeholder organisations (See Appendix 1), their insights and comments informed the recommended models for diversity regulation presented in this report. For the purposes of this research those interviewed or contacted for an opinion were classified as incumbents, challengers and independent voices. The *incumbents* represented Ofcom and the Cultural Diversity Network (CDN), the *challengers* were drawn from the Campaign for Broadcasting Equality, the BAME TV Task Force, the Coalition for change, the TV Collective along with Professor David Olusoga. The *independent* sources included representatives from the Employment and Human Right Commission (EHRC), the BETR / BTSR, the European Platform of Regulatory Authorities (EPRA) and CAMEo the media research group at Leicester University. These

interviews provided a picture of the diversity policy communities within the UK broadcast industry. The interviews also helped an understanding of the stance taken by the different interest groups. Although three individuals, representing stakeholder organisations, declined or did not respond to a request for a call it had no material impact on the recommendations presented in this report.

1.5 Terminology, definitions and theories of regulation

The last piece of scene setting concerns matters of terminology, definitions and theory that relate to regulation in general and diversity regulation in particular. Dacko and Hart produced a very helpful treatise on media regulation (Dacko and Hart, 2005). At the time Martin Hart was an employee of Ofcom and their analysis resonates well with this current work. They suggest that there are four archetypal models of regulation. These are: **Regulation:** *'a state intervention in a private sphere of activity to realize public purposes.'* (Francis, 1993) *'...having the components of legislation, enforcement, and adjudication—deciding whether a violation has taken place and imposing an appropriate sanction'*(Campbell, 1998). **Statutory regulation:** *'...mandated or restricted by government rules, enforced through legal penalties'* (Boddewyn, 1992). **Co-regulation:** *'...self-regulatory schemes that are backed up by some statutory force'* was the model for the BTSR / BETR and **Self-regulation:** *'...the voluntary control of business conduct and performance by a business itself'*(Boddewyn, 1992). The options ranging from self-regulation to regulation indicate a hierarchy of transfer of the levers of control from internal to external management. All four models require the trust of the stakeholders of any organization charged with overseeing the process. All parties have to sign up to the process and the models require codes of practice to be agreed by all parties and the sanctions – from remedial actions, fines and in the final analysis removal of the right to conduct business.

The above models offer a framework of regulation in practice. Horowitz (1997) presented five general theories of regulation. **Government regulation and the public interest theory** - sees regulation as a response to the conflict between private corporations and the general public. **The 'Perverted' public interest theory and instrumental, structural, and capture models of influence** - attempts to explain the behaviour of regulatory bodies. The proponents of the theory believe that public interest has been betrayed and not advanced by government regulation. The **Conspiracy theories and government regulation** theory argues that industry has much to lose from the chaotic and unstable nature of the market. Whilst **Organizational theory, institutions, and regulations** - looks at the operation of regulatory agencies and identifies the danger of agencies seeking to develop more and better regulations. Finally **Government regulation, politics, and capitalist state**

theory – sees regulation as one part of the state apparatus designed to safeguard the accumulation of capital and make it possible to distribute social benefits. It has a Marxist root in that it is part of a wider theory examining how state intervention can influence capitalism. The categories described above go some way to explain the response by some stakeholders to the various options available. For example, BECTU was quite clear in its opposition to co-regulation during the Ofcom consultation on the matter (BECTU, 2005). Other stakeholders, such as Sir Lenny Henry (Fullerton, 2017, Henry, 2008) and as the lecture from Professor Olusoga made clear, have seen little merit in many actions taken by Ofcom on this matter – they suggest that the public interest has not been served by Ofcom’s efforts to date.

Regulatory models in both theory and practice indicate that a coregulatory or self-regulatory model can result in greater stakeholder engagement. However, the ‘challengers’ to the status quo have yet to be persuaded that the process of implied light touch regulation delivers results. The demise of the BETR was applauded by some as it represented too much of the light touch regulation. The measure of any regulatory system is that it delivers on its vision and targets. Any new or revised system requires time to bed in and gain acceptance. Key to acceptance will be the oversight by a management board to whom the operational team report comprising of trusted industry voices. Ofcom indicate that the current approach launched in 2016 to monitoring diversity is a five-year plan. Unfortunately, this not published as a strategic plan. A model that predominantly relies on data gathering from which recommendations are developed appears on the face of it a passive reactive process.

Whatever form diversity regulation takes the Department for Business, Energy and Industrial Strategy (DBEIS, 2020) states that any regulation should be: transparent, accountable, proportionate, consistent and targeted – only at cases where action is needed. Where justifiable interventions are based on trust, independence and effective sanctions in an approach that is accepted by all stakeholders managed and delivered by a skilled team. It should not be just another cost to do business as a data gathering exercise. Good regulation should go beyond the notion of the ‘stick’ but provide a supportive engagement with those being regulated.

2 The literature review and fieldwork

The first step in this research was to review of the literature that has examined workforce diversity in the broadcast industry and the data models that describe the size and composition of the sector.

2.1 Creative Industries (CI) data matters

The matter of confidence in the industry's data requires particular attention. Definitive data about the broadcast workforce is essential to enable any meaningful analysis of the industry (Block, 2020). Robust, reliable, transparent and consistent data is needed to monitor changes in the industry workforce.

For this review a high level scan of key data sources was conducted along with papers that have referenced the data. It included:-

- The Ofcom dataset 2016/17 to 2019 drawn from its three annual reports and methodology documents on diversity in both television (Ofcom, 2019d) and radio (Ofcom, 2019b)
- The Ofcom dataset drawn from its 2020 annual report that combined diversity data from television and radio from broadcasters with more than 100 full time UK based staff (Ofcom, 2020a p7)
- Project Diamond – the ‘three cuts’ (CDN, 2019, CDN, 2018, CDN, 2017) plus the more detailed analysis (CDN, 2020) released during this research
- DCMS economic estimates for the Creative Industries up to 2018 (DCMS, 2019) along with the use of an economic estimates tool on the DCMS website (DCMS, 2020)
- BFI Employment in the film industry requests of the ONS and collated in its reports (BFI, 2019)
- ScreenSkills, Government Equalities Office and academic research sources
- Various ONS Freedom of Information (Fol) data requests from the Greater London Authority and other independent researchers, of which, the data tables remain in the public domain on the ONS site, and finally,
- Searches using Nomis¹, the ONS service that provides current UK labour market statistics

The CI data as presented by the agencies cited above gives rise to issues that make it easy to misunderstand and according to the Office for Statistics Regulation (OSR, 2018) possibly *misuse* the

¹ <https://www.nomisweb.co.uk/>

data. There is a degree of ambiguity over the composition of the workforce within the creative industries as it comprises of those deemed to have a creative job and those who are non-creative.

The overlap between the sub-sectors of the CI, the creative industries, the digital sector and the cultural sector within the DCMS gives rise to double if not triple counting of the workforce and GVA.

Furthermore, the composition of the CI includes a sub-sector of *IT, software and computer services* that accounts for almost 36% of the sector and is responsible for its greatest growth. The contribution of the CI and size of the sub-sectors are prone to overstatement, without this sub-sector the CI would not show any exceptional growth. All of these factors have to be considered in developing a reliable picture of the UK broadcast workforce. In addition, it is hard to estimate the true size of the broadcast industry workforce, given the high number of contract and freelance workers.

With the exception of the ONS, the Ofcom dataset should be the most reliable source within the broadcast industry. However, changes in the datasets over the period 2016 - 20, the format and style of presentation makes it difficult for even the informed reader to set each Ofcom report in context with its predecessor. There is a lack of transparency on the data and the actions taken by Ofcom to engage and challenge individual broadcasters. An integrated database is needed for the independent researcher / analyst to access. However, there is little to suggest that any changes in gender balance or BAME diversity are as a consequence of any industry wide interventions and not due to individual broadcasters' efforts to change their practices and their support for an individual's development. The data suggest that the broadcast industry is at best just tracking the changes across the wider industrial base.

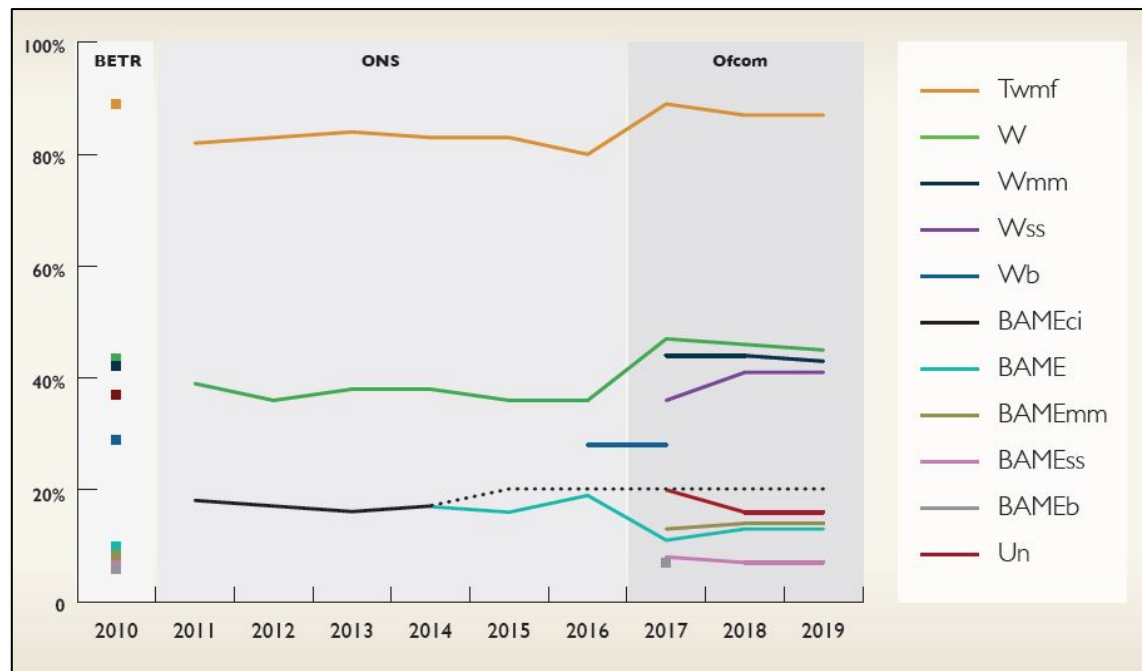


Figure 1: UK broadcast industry workforce 2010 - 2019

Key:

Twmf: total of white (male and female) workers in the broadcast industry

W: all women *Wmm*: women middle management *Wss*: women senior staff *Wb*: women board and NEDs

BAME: all BAME in TV *BAMEci*: BAME across the CI *BAMEmm*: BAME middle management *BAMEss*: BAME senior staff

BAMEb: BAME board and NEDs

Un: unknown *Nd*: not disclosed *Np*: Not published

The chart in Figure 1 is drawn from examining three distinct periods of data gathering of the UK broadcast industry. For 2010 the data is drawn from the last report of the BETR. The period 2011 – 2016 takes data from a request of the ONS by the Greater London Authority (GLA) and DCMS data. The final period (2016/17, 2018, 2019) takes data from Ofcom’s diversity monitoring reports. In its reports Ofcom take as its datum line the national figure of 12% BAME in the UK workforce. In the creative industries (particularly in London) this is closer to 20%. All data needs to be treated with caution as all three periods use different definitions of the composition of the industry. Data from the 2019/20 report has not been included in Figure 1 as it is a subset of the industry. Although the Ofcom 2019/20 report makes reference to progression and representation of those drawn from minority ethnic groups (MEG) to senior management (at 8%) it fails to expand on the significant data gap of 18% not collected, not reported within this cohort. Given that this is from companies with 100 or more staff, it would be expected that they have effective workforce HR systems for data gathering. This matter requires more investigation by Ofcom.

What emerges from this review of the industry data is that:-

1. There needs to be clearly delineated data models for the creative industries. One that avoids the ambiguities of the current framework, defining and reporting on an **audiovisual (AV) sector** could be a step in the right direction.
2. Ofcom in partnership with the ONS should produce an annual definitive industry benchmark dataset for Film, TV, Radio and AV (Other reports make similar calls. However, further research is required).
3. All research should validate labour market data on the creative industries by triangulating third party findings with ONS data.

2.2 The academic literature

Much has been written about the creative industries workforce. Particularly about those working in the film and television industries. This research has examined 42 studies and reports from 2005 to 2020 that offer insights to the broadcast industry, see Table 1. It covers academic research (sponsored and independent), independent research groups / think tanks, sector based organisations, EU regulators and other international comparison plus third party research that cite the media sector along with other sectors.

Year	Sponsor Organisation	Type of document	Title	Author (s)
2020	BFI	Report	Race and Ethnicity in the UK Film Industry: an analysis of the BFI Diversity Standards	Dr Clive James Nwonda
	CDN	Report	Diamond Technical Account and Methodology	CDN
	Broadcast	Article	Diversity in Commissioning	Fatima Salaria
	EHRC	Statement	Investigation into unlawful sex discrimination by the BBC	EHRC
	CIC	Report	Creative Industries Council (CIC) - Diversity & Inclusion Progress Report 2019/20	John McKay
	CIC	Meeting minutes	Creative Industries Council meeting	CIC
	Ofcom	Meeting minutes	Main board	Ofcom
2019	Ofcom	Information	Guidance: Diversity in Broadcasting	Ofcom
	CIC	Statement	Diversity Charter	CIC
	EHRC, Ofcom	Document	Thinking outside the box: supporting the television industry to increase diversity	EHRC, Ofcom
	CDN	Report / Infographics	Project Diamond - the third cut	CDN
	Ofcom	Meeting minutes	Ofcom Content Board Minutes 160119	Ofcom
	Ofcom	Report	Diversity and equal opportunities in television Monitoring report on the UK-based broadcasting industry	Ofcom
	Ofcom	Report	Diversity and equal opportunities in television In-focus report on ten major broadcasters	Ofcom
	Ofcom	Report	Diversity and equal opportunities in television UK television industry charts and tables	Ofcom
	Green Park	Report	Leadership 10,000 survey	Green Park / Trevor Phillips
2018	Ofcom	Statement	TV broadcasters must maintain momentum on diversity	Ofcom
	CDN	Report	Project Diamond - the second cut	
	Directors UK	Report	Adjusting the colour balance	Directors UK
	BFI	Academic Report	Workforce Diversity in the UK Screen Sector: Evidence Review	CAMeO Leicester University - Dr Dor
	Green Park	Report	Leadership 10,000 survey	Green Park / Trevor Phillips
2017	CDN	Report	Project Diamond - the first cut	
	Ofcom	Statement	Diversity and equal opportunities in television Methodology	Ofcom
	BFI	Report	The UK film economy	BFI
	Guardian	Newspaper Article	Leamy Henry says Ofcom is creating "fake diversity" by focusing on actors and not those behind the camera	Huw Fullerton
2016	RTS	Journal Article	Ofcom to launch annual diversity monitoring scheme	Steve Clarke
2015	EHRC, Ofcom	Document	Thinking outside the box: supporting the television industry to increase diversity	EHRC, Ofcom
	Directors UK	Report	Adjusting the colour balance	Directors UK
	Creative Industries Federation	Report	Creative Diversity	CIF
	Channel 4	Statement	360 Diversity Charter	CH4
2014	Ofcom	Report	The evolution of the TV content production sector	Oliver & Ohlbaum Associates Ltd
2010	BETR	Report	EO & T&S final Report	
2009	CDN	Statement	The Diversity Pledge	
	CDN	Statement	The CDN Pledge Signatories	
	BETR	Report	EO & T&S	Block, Whittle, Noble
2008	BTSR	Report	T&S	Block, Whittle, Noble
	Ofcom	Report	Annual Report 2008/9	
	European Social Fund	Academic Report	Creating Difference: Overcoming Barriers to Diversity in UK Film and Television Employment	Randle, K. Ming-Fai, L. Kurian, J.
2007	BFI	Academic Report	Barriers to Diversity in Film	Dr Reena Bhavnani, City University
	Ofcom	Report	The promotion of equal opportunities in broadcasting	Ofcom
	BTSR	Report	T&S First Report	Block, Whittle, Noble
2006				
	BTSR	Report	T&S	Block, Whittle, Noble
	Ofcom	Report	The promotion of equal opportunities in broadcasting	Ofcom
2005	Ofcom	Report	BTSR set up	

Table 1: The timeline of the key documents related to this study (also Appendix 2)

For over 15 years, a number of academic research groups have examined the matter of inclusion and diversity in the creative industries. The CAMEo (2018) Evidence Review collated 80 research studies

on diversity that had examined film, television, animation, video games and visual effects (VFX) industries published between 2012 and 2016. 34 were academic articles, 40 were industry reports and six were a mix of books, book chapters, and other sources. By co-incidence, the CAMEo review identified 42 documents that focused on the television industry of which interventions to increase diversity were mentioned by 26 studies. The CAMEo Review noted two forms of interventions discussed in the literature: to empower or transform.

- Empower - enhancing an individual's capacity to enter and progress within existing industry pathways. In this study of regulation, the work of the TV Collective, Women in Film & Television (WFTV) and ScreenSkills exemplify this form.
- Transform – sector practice to remove barriers to more equal participation. In this study, the BFI Diversity standards, Project Diamond and the efforts by Ofcom to monitor the sector are interventions intended to transform.

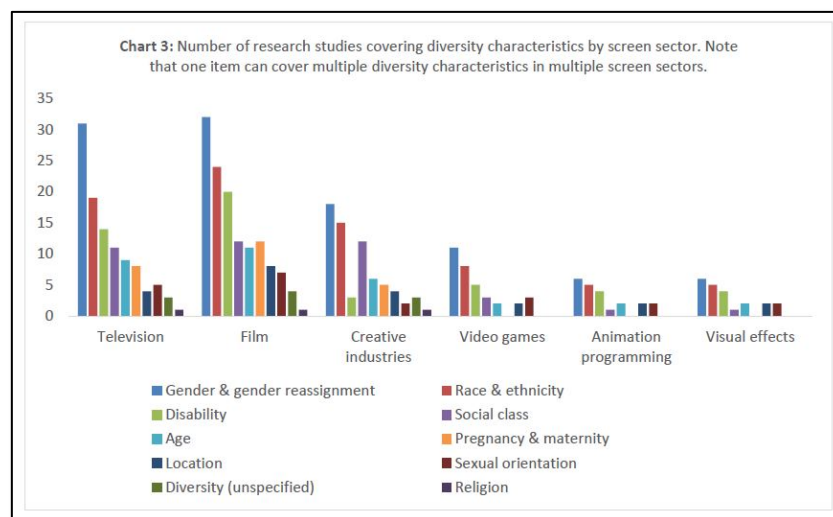


Figure 2: Workforce Diversity in the UK Screen Sector: Evidence Review (CAMEo, 2018 p16)

The CAMEo recommendations inform the regulatory options put forward in this research. Overall the academic literature indicates that the **industry is data rich but information poor**. There has been a great emphasis on monitoring and gathering quantitative data measures but limited focus on practical interventions and qualitative research. Some academic studies have referred to this situation as an empty shell (Block, 2017). There is a danger of insufficient information to enable change. The focus on monitoring the industry addresses the **what** but not enough about the **why** and **how** to change it. This is evidenced by the number of initiatives, pledges, guidebook and projects set up by the industry to address the issues of the lack of diversity. The Creative Industries Council (CIC) recent charter a case in point (CIC, 2019). As the CAMEo Review notes 'The UK Screen

Sector devotes significant resources to reproducing at best unproven intervention strategies'(CAMEo, 2018 p7). However, the broad sweep of findings and recommendation from the academic community have changed little over the period from the earliest reports (Randle and Wing-Fai, 2008) to date.

2.3 Regulation in the European Community and a global perspective

By way of comparison, an analysis of EU media regulatory bodies was conducted along with a review of relevant international Public Service Broadcast (PSB) companies. Within the EU Ofcom is the only media regulator with an explicit remit to address diversity and training. On the matter of diversity European Platform of Regulatory Authorities (EPRA) and European Regulators Group for Audiovisual Media Services (ERGA) try to avoid any direct overlap. For European regulators, the focus is on gender both on and off screen. France in particular monitors the representation of women. The matter of ethnic diversity has much to do with the terms of reference for broadcasting regulators and their perceived competences. The majority of media regulators in Europe are responsible for issues of on-screen representation but not for off-screen diversity issues (Jones, 2018 p15). 19 out of 31 regulators indicate that this is a national matter and not their role (ERGA, 2018). There are a few exceptions with the UK and Ofcom a case in point. The Comisión Nacional de los Mercados y la Competencia (CNMC) in Spain is required to *'adopt all necessary measures so that audio-visual service providers comply with the legal framework'*. CNMC publish an annual report. PSBs across the EU report more *'stringent requirements to improve gender representation'* (Jones, 2018 p19).

The global perspective is exemplified by the Australian Broadcasting Corporation (ABC) Australia and Canadian Broadcasting Corporation (CBC). These are both noteworthy; ABC provides a clear presentation of data and targets. Whilst CBC makes it easy to find all data tables and view progress against plan. See Appendix 3.

In analysing diversity initiatives both home and abroad the conclusion has to be that the industry devotes *'significant resources to unproven strategies'* that in the *'majority of cases little real measurement of the effectiveness of these initiatives'* (Jones, 2018 p24) is apparent.

2.4 Independent research

A great deal has been written on the matter issue of diversity and inclusion (D&I) across all the dimensions of workforce inequality and across all employment sectors in the UK – public and private. This report shows that the broadcast industry is no exception and has the attention of academics, think tanks and industry insiders. Whilst the moral imperative for tackling D&I is well made, the UK broadcast industry and its fellow traveller the film industry still struggle to increase workforce diversity.

The Chartered Institute of Personnel and Development (CIPD) states *'Given all this attention, it is perhaps surprising that we find little discussion of evidence on 'what works' in diversity. Or more precisely, what strategies and practices seem to be the best bet for increasing workplace diversity and inclusion'* (CIPD, 2019).

Green Park Leadership 10,000 (Green Park, 2019, 2018) notes the accidental D&I improvement through company listing changes and concludes that business leaders need to: *tone down meaningless rhetoric*.

In the Parker (2020) Review Update it was noted that the target of *'One by 2021'* – one BAME member on a FTSE100 or 250 board was unlikely to be met. The FT report *Striving for Inclusion* (Boulton, 2019) ranks the top 700 European companies. The report places Sky as the highest ranked media company at 113, the BBC at 403 and Channel 4 at 409. A reader might conclude that this is not a great testament to change, given the public pronouncements and implied efforts by the two PSB organisations.

3 The history of diversity regulation in the UK broadcast industry

3.1 2003 – 2005: Complying with the Communications Act 2003

Initially Ofcom gathered data and reported in general terms on the composition of the broadcasters. Specifically broadcasters were required to report their training and development priorities and programmes. No-one was happy with the situation. It did not deliver any value to the broadcasters and was not a process to stimulate change in the industry.

Following consultation with the industry, the proposal for a co-regulator embodied in the Broadcast Training and Skills Regulator (BTSR) was accepted by the Ofcom Content Board. It was endorsed by the Main board: *‘the BTSR represents an audacious attempt by the Broadcasting industry to keep its advantage. It is audacious because it is a co-regulatory body, designed to bring together training and development expertise from within and outside the industry, and designed to work with the industry in raising its training and development game’* (BTSR, 2006).

3.2 2005 – 2010: The Broadcast Training & Skills Regulator (BTSR) and the Broadcast Equality & Training regulator (BETR)

The ambition of the co-regulatory approach was to build a partnership model focusing on development and improvement. The BTSR set up a media national training award, aligned the broadcasters returns with the Investors in People programme and held an annual conference at BAFTA (BETR, 2010b). The objective of this approach was to use the data gathered as an impetus to stimulate change. To share best practice and support broadcasters who were struggling to make a difference. A mentoring scheme was set up based on a portfolio of case studies.

Initially the BTSR focused on Training & Skills and in 2009 reported on workforce diversity. The final report from the renamed BETR (2010a) stated that (changes to the diversity of the workforce) required four key steps:

- The commercial case for a diverse and inclusive workplace is made, linking it to audience diversity and choice, to ensure there is a good understanding of why change is required
- Accountability and responsibility for achieving demonstrable progress is formalised and shared across top leaders and decision makers; that they have clear personal objectives and are supported to achieve these

- Top leaders and key decision makers know what the key diversity issues are for their organisation and that they engage with diverse people in their workforce and audiences to better understand their needs and preferences
- Leaders and key decision makers become role models for diversity in the way they operate and behave.

3.3 2010 – 2016: Ofcom took no action to monitor or issue guidance to broadcasters

During this period, the requirement to take action over diversity was set aside by Ofcom in the expectation the matter would be revoked by the 2010 Cameron Government. As the literature review for this research attests Ofcom along with most EU media regulators considered equal opportunities (EO) and training & skills (T&S) a national issue . However, campaigns by some of the stakeholders interviewed for this study were making it difficult for Ofcom to continue to ignore the matter (Chapman, 2014).

In 2015 Ofcom was obliged to take action as the duty to offer guidance on workforce diversity was not removed from the Communications Act 2003 post the BETR closure. The joint project with the EHRC *Thinking outside the Box* publication, revised in 2019 (EHRC, 2019) was considered (certainly by the EHRC) a '*first step*' in the process of engaging with the issue of diversity in the sector.

3.4 2016 - 2020: Ofcom (re)launches its diversity monitoring framework

'Ofcom is to launch an annual monitoring scheme designed to hold broadcasters to account on diversity. The move was announced by Sharon White, the regulator's CEO, speaking in London at a debate on diversity organised by Ofcom and Sky. White said: "We will be looking at diversity data across the broadcasters we regulate helping us to get the most comprehensive picture yet of how well each broadcaster is doing. This is an important step towards greater transparency and greater accountability"'(Clarke, 2016).

The intention by Ofcom was to collect a range of information regarding the diversity of people employed by broadcasters and to examine the steps broadcasters were taking to monitor and improve diversity. The first report was published in 2017 (Ofcom, 2017a).

4 Diversity regulation today

Turning to the current situation, in 2020 there are three key reporting systems; Project Diamond, the BFI Diversity Standards and Ofcom's diversity monitoring annual report. This report focuses on Ofcom's approach. An examination of Ofcom's current regulatory framework (2016 - 2019) reveals a lack of data transparency. Although the additional data provided by Ofcom to support its 2020 report through the on-line tool is very helpful (Ofcom, 2020c), the matter remains a challenge to unpack. In 2020 only those broadcasters with over 100 staff were assessed due to the pandemic and the understandable pressures on staff at the smaller companies to submit data to Ofcom.

This report has already highlighted the complexity of sizing the workforce in the UK broadcast industry. This raises a number of issues regarding Ofcom's data model. It uses the national Labour Market Intelligence (LMI) figure of 12% BAME as a performance baseline (Ofcom, 2020b). Ofcom notes that the London workforce has a minority ethnic group (MEG) of 35% and 31% in Manchester, the two cities where *'most broadcasters are based'*. ONS data indicates that the creative industries in London has almost 20% of its workforce drawn from the BAME community, this is a more realistic measure. The Ofcom annual data request removed *'board/non-execs(NEDs)'* from the job level categories in 2018, 2019 and 2020. It is argued by Ofcom there is insufficient (robust) quantitative data to report on. Plus Ofcom makes the case that non-executive directors (NEDs) are not *'employed'* by the organisation. This should be challenged – or be made a condition to be a NED that the composition in aggregate form is public. Independent reports highlight that change at the top is vital (McGregor-Smith, 2017). The summary section of the 2020 report notes that *'Broadcasters (TV and Radio combined) appear to be employing a greater proportion of women (48%) minority ethnic people (14%) and disabled people (7%) in the UK than they did last year'* this is a nebulous assertion and hard to validate from the data offered the reader.

There is no clarity on how Project Diamond informs Ofcom's efforts – Ofcom's 2019 report misquote double disability (sic) – not double diversity. There is no detail on how broadcasters' diversity interventions are assessed and validated. This research questions what quantitative measures are used to assess these qualitative interventions. The Ofcom 2019 report draws our attention to a diversity advisory panel who were consulted by Sharon White (Ofcom CEO till 2019), their membership and role is not published. No reference is made to this panel in the 2020 report.

The recommendations from Ofcom's diversity report 2019 were not explicitly discussed at the Ofcom Content Board (160 1/10/19) *'updated and discussed a wide range of topics'* (Ofcom, 2019f). In addition, nothing regarding diversity was carried forward from the Content Board of February 2020 to the Main Board that met in September 2020. The refreshed diversity hub on the Ofcom site

is a passive repository of documents with minimal sign-posting. There is no evidence of its use or of feedback from users.

Ofcom argue that the monitoring and the improved dataset is having an impact. This research suggests that any change has tracked the wider industrial landscape reported elsewhere – the cause and effect not due to Ofcom’s intervention. An improved or more complete dataset is not necessarily an indicator of change but a greater response from the industry. The improvement by four percentage points (pp) from 2016 to 2019 still leaves 16% unknown / not disclosed, this still raises questions about the confidence level in the dataset. An inspection of the data drawn from the subset of the UK broadcast industry workforce for the 2020 report still shows an overall 12% not collected, not disclosed data gap in the television industry, with 6% for radio. The issue remains that the figure for BAME / MEG representation at senior management (at 8%) has not changed over the 2016 -20 reporting period, or from the last report from the BETR.

Evaluation is a key enabler to effect change. A matter that Ofcom recognises in its latest report: *‘This year, we asked broadcasters to describe how they evaluated their most successful initiatives and actions. We are disappointed that generally broadcasters did not provide a detailed response to this question, beyond noting outcomes against targets. This is a barrier to demonstrating the transparency and accountability which our diversity monitoring and reporting aims to increase’* (Ofcom, 2020a p26). There is a need for Ofcom to hold broadcasters to account on the evaluation of their diversity and inclusion programmes. In addition, Ofcom states: *We understand that organisational change can take time, but we remain concerned about the pace of change. Broadcasters have commonly told us they have prioritised initiatives relating to race/ethnicity over the past year, followed by gender and then disability. However, we are not yet seeing this focus translate into greater representation in the workplace’* (Ofcom, 2020a p12). Ofcom asserts that it will *‘Take enforcement action against those broadcasters who did not respond to our request for information.’* Only one company has been put on notice of the possible imposition of a statutory sanction for breaching its requirement to report on the diversity of its workforce in 2017 and 2018 (Ofcom, 2019a p19).

Ofcom has focused on its obligation to monitor diversity but not training & skills. There are numerous reports to indicate that to do the first, you need the second. This is a lost opportunity to encourage, support and, if needed, to hold the broadcasters to account by taking more robust action than is evident to date.

5 Findings and regulatory options

5.1 Data models

There needs to be clearly delineated data models for the creative industries workforce. The models should avoid the ambiguities of the current framework, defining and reporting on an **audiovisual sector** would be a step in the right direction. Ofcom in partnership with the ONS should produce an annual definitive industry benchmark dataset for Film, TV and AV (other reports make similar calls, further research is required to define this dataset). All research should validate labour market data on the creative industries and sub-sectors by triangulating third party findings with ONS data.

5.2 The future of diversity regulation

The options set out below fall under three themes; (A) Ofcom relinquishes, (B) Ofcom manages or (C) Ofcom devolves. None are mutually exclusive and elements within each could form part of a final proposition. This section summaries the headlines for regulation. Appendix 4 provides further detail to cover the rationale, structure, ownership, powers required, responsibilities, staffing and associated costs for each model.

(A) Ofcom relinquishes the obligation

1) The national diversity model

There is a case to be made that despite the Communications Act 2003 and the matter of diversity being written into the BBC Charter that this is not for Ofcom to regulate. However, it is a matter for the EHRC to lead (the counterfactual model). In this option regulation is provided by the EHRC based on public duty requirement that the BBC and the other PSBs implicitly have to comply. The EHRC could intervene on the basis that the PSBs have a public duty and employ between them the majority of employees in the sector. It could also look at the supply chain of Independent production companies (The 'Indies') and non-qualifying suppliers to the broadcasters. It removes the ambiguity of regulatory ownership, as previously stated an obligation unique to the UK. A team at EHRC could take a watching brief over UK broadcast industry and be more robust in following up on the expectations set in the *Thinking Out of the Box* publication.

2) The whistleblower

Although not directly related to this study, interviewees in the challenger group made it clear that many media workers not only feel discriminated against but disenfranchised and

unsupported. More so if they are not members of BECTU. Alongside the EHRC role is the need for a media workers ombudsman to protect the whistleblower. This would be set up as an independent arbitrator on matters above and beyond the EHRC remit.

(B) Ofcom manages

3) Ofcom 'light touch' Diversity & Inclusion (D&I)

This approach maintains the *'as is'* model where Ofcom retains the light touch D&I regulatory function of the annual monitoring process. However, it needs to be more rigorous in following up on its annual report to be more robust in requiring compliance from the licence holders with its recommendations. A significant aspect of any monitoring system is the skill set of the regulatory team. Ofcom could continue to gather the data but devolve the qualitative evaluation of the broadcasters' efforts to an independent assessment by D&I / Training & Skills specialists. This external team could provide the supportive function to assist organisations in their development to improve diversity and inclusion.

4) Ofcom diversity regulation with a focus on leadership and supply chain

This is as model 3 for data monitoring with the addition of gathering information on training and skills along the lines of the work conducted by the BTSR. Once again, an independent validation / inspection body should be appointed by Ofcom to review and validate the published reports by broadcasters and to follow up on its recommendations to the broadcasters. The focus could be on *'great places to work'* using a performance framework similar to the Teaching Excellence Framework (TEF), there are other models. The key factor is that it is a measure specific to the organisation. The number of poor performers should be published. Data on board composition, NEDs and senior management to be published in the Ofcom report would go some way to address the concerns of some stakeholders and hold the broadcasters to account. Reports across all sectors highlight the need for diverse leadership and that changes at the top of organisations are an indicator of a wider transformation.

(C) Ofcom devolves

5) Co-regulation redux - beyond compliance

This option is about the development of a diversity regulator as a partnership between broadcasters, Ofcom and EHRC. It will apply an amalgam of quantitative and qualitative measures to fully evaluate the broadcasters. Research shows that monitoring is not sufficient to stimulate and encourage change. Evaluation is key encouraging and supporting change. This approach underpinned the BETR model with a National Training Award, alignment with Investors in People and co-mentoring based on a portfolio of case studies. There should be a focused push

at the leadership of the industry to be exemplars and demonstrate change. This would be an independent body established by Ofcom to deliver on its remit. It would cover all who broadcast, supply and work to those companies that have an Ofcom licence. With the fragmentation of the sector there is a case to be made that it should gather evidence from all licence holders and all suppliers who employ 20+ UK based staff (circa 43 companies) or are subsidiaries of international groups. It would also gather data on the freelancers employed across the sector.

6) The digital media regulator

In a radical shift from the demarcation between the broadcast industry and film this option would establish a single regulator that incorporates all effort to date from Ofcom, BFI, Pact, and CDN. Bar the incumbents, stakeholders expressed the view that the efforts to date to address the lack diversity in the sector are in silos. This approach recognises the fragmentation of the industry yet the concentration of power. It could remove duplicated effort across the sector to monitor and evaluate diversity across the AV sector , not necessarily limited to film, television, and radio but consider animation, video games, visual effects (VFX) and music. It is an aspirational model for the sector to develop over the next two to three years.

5.3 Indicative cost models

It is not usual to provide a cost model in a report of this nature. However, this report is all about the practical realities of delivering an effective diversity regulator. The staffing and management of this regulatory function are key to its success. The impression gathered in this research is that the current arrangements for diversity regulation as managed by Ofcom are not given sufficient resources.

It does not require a large team to manage and deliver diversity regulation in the UK broadcast industry. What is needed is a supportive board and an advisory panel that can bring expertise to support an effective administrative team. In addition, for all models there needs to be sufficient funds to call upon the services of qualified contractors at particular periods in the reporting cycle.

This would include:-

- a data analyst to interrogate and present the data from the broadcasters whilst cross referencing it with data from the ONS
- a small team of D&I specialists who can inspect, validate and assist the efforts of the broadcasters to meet the recommendations made by the regulator, specific and general.

- Workshop facilitators to run developmental workshops possibly in partnership with ScreenSkills and CDN

With the exception of the first two regulatory models where Ofcom hands over the remit to a third party and the 'as is' model the requirement to staff and resource a regulator is broadly the same.

Two full time professional staff	£100k - £120k
Inspection team (based on 20 days consulting)	£10k
Contract data analyst circa 10 days / year	£5k
IT systems maintenance and improvements	£5 / 10k
Learning portal and materials development 24 days / year	£5 / 10k
Annual costs	circa £150k

This excludes office management, the production of materials, website ownership etc.

In the first year there is a need to refine the existing reporting tools **circa £50k**

Under the co-regulatory model of the BETR the funding was provided by the broadcasters in proportion to their size. The smaller organisations, particularly small radio stations, were not required to contribute.

6 Addressing outstanding issues and further research

Whatever the model of diversity regulation to emerge from this current debate it does need to be framed by a clear set of requirements, task and targets. Even if it remains an internal entity within Ofcom it needs to be clearly differentiated from other departments of Ofcom. Not a function but a free standing regulator.

There is a need for Ofcom to demonstrate how it has followed up on its recommendations in the reports to date and develop a quantitative evaluation tool. It is not clear why Ofcom dropped gathering data on training and skills, this would have indicated the action taken by broadcasters to develop their workforce, including explicit actions over diversity and inclusion. It has already been stated that a self-evaluation maturity model can provide an effective quantitative tool to gather qualitative data on an organisation's progress in improving D&I.

Although this research has set out six regulatory frameworks, should the regulator set targets with each broadcaster?

This raises the issue about defining diversity within the sector – there is a need for further research on this this matter. However, as an interim measure more could be added to the Ofcom document Guidance: Diversity in Broadcasting (Ofcom, 2019e).

On data gathering, there is a need to have further research to establish an agreed data model for the sector – should data on production supply companies, contractors and freelancers be gathered as part of the annual data gathering exercise?

7 Closing remarks

There is a view across the UK television and radio industries that Ofcom has not been effective in delivering on its diversity remit. Whilst the greater transparency of the 2020 report is to be welcomed many issues remain unclear, particularly how Ofcom intends to hold the broadcasters to account. There is a need for Ofcom to engage in the D&I agenda proactively and strategically with transparent reporting and engagement with the sector. To go beyond monitoring. It needs to set out clear ambitions for the industry, with KPIs for itself and the broadcasters. It needs to allocate sufficient resources, processes, and systems to encourage change in the industry. This could be achieved through qualitative developmental tools and research. The combination of a D&I maturity model that records progress coupled with targeting evaluation of interventions at the company and sector level will provide a more rounded picture of the industry. The regulatory function should go beyond Ofcom licence holders if it is going to address the many concerns voiced by stakeholders such as Professor David Olusoga and Sir Lenny Henry.

8 Appendices

- 1 Stakeholder organisations consulted in this research
- 2 A timeline of key documents that address the matter of diversity in the UK broadcast industry
- 3 Two international PSBs Australian Broadcast Corporation (ABC) and the Canadian Broadcast Corporation (CBC)
- 4 Further details on the proposed regulatory options

Appendix 1: Stakeholder organisations consulted in this research

The incumbents

Ofcom

Creative Diversity Network

The Challengers

TV Collective

Campaign for Broadcasting Equality

BAME TV Task Force

Coalition for change

Independent sources

EHRC

CAMEo

BETR / BTSR

Independent sources consulted via email exchange

EPRA

Public Media Alliance

Appendix 2: A timeline of key documents that address the matter of diversity in the UK broadcast industry

Year	Sponsor Organisation	Type of document	Title	Author (s)
2020	BFI	Report	Race and Ethnicity in the UK Film Industry: an analysis of the BFI Diversity Standards	Dr Clive James Nwonka
	CDN	Report	Diamond Technical Account and Methodology	CDN
	Broadcast	Article	Diversity in Commissioning	Fatima Salaria
	EHRC	Statement	Investigation into unlawful pay discrimination by the BBC	EHRC
	CIC	Report	Creative Industries Council (CIC) - Diversity & Inclusion Progress Report 2019/20	John McVay
	CIC	Meeting minutes	Creative Industries Council meeting	CIC
	Ofcom	Meeting minutes	Main board	Ofcom
2019	Ofcom	Information	Guidance: Diversity in Broadcasting	Ofcom
	CIC	Statement	Diversity Charter	CIC
	EHRC, Ofcom	Document	Thinking outside the box: supporting the television industry to increase diversity	EHRC, Ofcom
	CDN	Report / Infographics	Project Diamond - the third cut	CDN
	Ofcom	Meeting minutes	Ofcom Content Board Minutes 160(19)	Ofcom
	Ofcom	Report	Diversity and equal opportunities in television Monitoring report on the UK-based broadcasting industry	
	Ofcom	Report	Diversity and equal opportunities in television In-focus report on ten major broadcasters	Ofcom
	Ofcom	Report	Diversity and equal opportunities in television UK television industry charts and tables	Ofcom
	Green Park	Report	Leadership 10,000 survey	Green Park / Trevor Phillips
2018	Ofcom	Statement	TV broadcasters must maintain momentum on diversity	Ofcom
	CDN	Report	Project Diamond - the second cut	
	Directors UK	Report	Adjusting the colour balance	Directors UK
	BFI	Academic Report	Workforce Diversity in the UK Screen Sector: Evidence Review	CAMeO Leicester University - Dr Dori
	Green Park	Report	Leadership 10,000 survey	Green Park / Trevor Phillips
2017	CDN	Report	Project Diamond - the first cut	
	Ofcom	Statement	Diversity and equal opportunities in television Methodology	Ofcom
	BFI	Report	The UK film economy	BFI
	Guardian	Newspaper Article	Lenny Henry says Ofcom is creating "fake diversity" by focusing on actors and not those behind the camera	Huw Fullerton
2016	RTS	Journal Article	Ofcom to launch annual diversity monitoring scheme	Steve Clarke
2015	EHRC, Ofcom	Document	Thinking outside the box: supporting the television industry to increase diversity	EHRC, Ofcom
	Directors UK	Report	Adjusting the colour balance	Directors UK
	Creative Industries Federation	Report	Creative Diversity	CIF
	Channel 4	Statement	360 Diversity Charter	CH4
2014	Ofcom	Report	The evolution of the TV content production sector	Oliver & Ohlbaum Associates Ltd
2010	BETR	Report	EO & T&S final Report	
2009	CDN	Statement	The Diversity Pledge	
	CDN	Statement	The CDN Pledge Signatories	
	BETR	Report	EO & T&S	Block, Whittle, Noble
2008	BTSR	Report	T&S	Block, Whittle, Noble
	Ofcom	Report	Annual Report 2008/9	
	European Social Fund	Academic Report	Creating Difference: Overcoming Barriers to Diversity in UK Film and Television Employment	Randle, K. Wing-Fai, L. Murian, J.
	BFI	Academic Report	Barriers to Diversity in Film	Dr Reena Bhavnani, City University
2007	Ofcom	Report	The promotion of equal opportunities in broadcasting	Ofcom
	BTSR	Report	T&S First Report	Block, Whittle, Noble
2006	BTSR	Report	T&S	Block, Whittle, Noble
	Ofcom	Report	The promotion of equal opportunities in broadcasting	Ofcom
2005	Ofcom	Report	BTSR set up	

Appendix 3: Two international PSBs Australian Broadcast Corporation (ABC) and the Canadian Broadcast Corporation (CBC)

Summary of findings from an examination of international PSBs of which ABC and CBC stand out as useful benchmarks.

Australian Broadcast Corporation (ABC)

KEY TARGETS FOR 2020

The ABC Diversity & Inclusion Plan 2019-22 meets the requirements of the Equal Employment Opportunity (Commonwealth Authorities) Act 1987 (EEO Act) 1 and other anti-discrimination legislation.



Commitments

Creating pathways into the ABC for those under-represented in the media industry

- Recruiting for diversity
- Providing internal mobility opportunities
- An inclusive mentoring program
- Monitoring and reporting the diversity of our workforce
- Ensuring our leaders are engaged and accountable for diversity and inclusion
- ABC-sponsored employee network groups
- Diversity and inclusion training program
- Gender pay equity review
- Workplace accessibility review
- Tracking and measuring diversity in our content
- New commissioning diversity guidelines
- Diverse on-air talent identification and management

- A central database of on-air contributors able to represent all corners of the Australian community

Targets

- 15% of content maker roles and 15% of executive roles filled by CALD employees;
- 3.4% Aboriginal or Torres Strait Islander/Indigenous employees;
- 8% employees with disability;
- 20% of technologist roles and 50% of all executive roles to be filled by women

New requirements and practices

- Mandatory online training in fair recruitment and selection for all those involved in making recruitment and selection decisions, including shortlisting.
- Ensuring diversity in our selection and interview panels.
- Reviewing the diversity of candidates before moving on to each stage of the recruitment process.
- A new scheme to help address the barriers people with disability often face in the initial stages of recruitment, under which candidates with disability who meet the requirements of the job will be guaranteed an interview.

Reference: <http://about.abc.net.au/wp-content/uploads/2019/11/ABC-Diversity-Inclusion-Plan-201922.pdf>

The Canadian Broadcast Corporation (CBC)

CBC Diversity and Inclusion Vision: “By 2021, CBC/Radio-Canada will be the media leader in drawing on the wealth of unique Canadian perspectives to shape our content, workplace and workforce.”

GROUP TARGETED (All, Indigenous peoples, LGBTQ+, people with disabilities, visible minorities, women). There are 27 objectives within the action plan. Those listed here are of particular pertinence.

TABLE 1: CBC/RADIO-CANADA DIVERSITY WORKFORCE ANALYSIS* (2018)													
Employee Group	All Employees	Indigenous Peoples				Members of Visible Minorities				Persons with Disabilities			
		Representation	Industry Availability	Representation	Industry Availability	Representation	Industry Availability	Representation	Industry Availability	Representation	Industry Availability	Representation	Industry Availability
Executives	50	#	%	#	%	#	%	#	%	#	%	#	%
Unaffiliated (with the exception of Executives)	1,165	8	0.7%	15	1.2%	164	13.1%	210	18.0%	20	1.7%	47	4.0%
Subtotal (unaffiliated)	1,215	8	0.7%	15	1.2%	167	13.5%	224	18.8%	28	2.3%	67	5.5%
CMG	3,293	122	3.7%	120	3.6%	430	12.9%	426	12.9%	122	3.7%	146	4.4%
APS	792	6	0.8%	5	0.7%	179	22.8%	233	29.5%	14	1.8%	30	3.8%
SCRC	2,005	10	0.5%	34	1.7%	146	7.3%	119	5.9%	23	1.2%	36	1.8%
AR	238	2	0.8%	2	0.8%	4	1.7%	19	8.0%	1	0.4%	10	4.2%
Subtotal (unions)**	6,326	149	2.4%	142	2.2%	747	11.5%	1,048	16.5%	161	2.5%	273	4.3%
Total	7,541	157	2.1%	157	2.1%	907	12.0%	1,288	17.0%	189	2.5%	340	4.5%

*Includes all employees in size of 13+ weeks. Employees on leave are included. The "Industry Availability" represents the Canadian Labour Force availability, based on the 2011 Statistics Canada National Household Survey for Indigenous peoples, members of visible minorities and women; and 2012 Canadian Survey on Disability for the persons with disabilities. Current ratios have been rounded to the nearest in 0.1% - the results are for general information only.

**1,081 CMG, 470 APS

TABLE 2: CBC/RADIO-CANADA DIVERSITY WORKFORCE ANALYSIS* (Updated April 1, 2018)													
Employee Group	All Employees	Indigenous Peoples				Members of Visible Minorities				Persons with Disabilities			
		Representation	Industry Availability	Representation	Industry Availability	Representation	Industry Availability	Representation	Industry Availability	Representation	Industry Availability	Representation	Industry Availability
Executives	50	#	%	#	%	#	%	#	%	#	%	#	%
Unaffiliated (with the exception of Executives)	1,165	8	0.7%	15	1.2%	156	13.1%	210	18.0%	20	1.7%	47	4.0%
Subtotal (unaffiliated)	1,215	8	0.7%	15	1.2%	160	13.2%	220	18.1%	28	2.3%	67	5.5%
CMG	3,293	122	3.7%	120	3.6%	426	12.9%	426	12.9%	122	3.7%	146	4.4%
APS	792	6	0.8%	5	0.7%	179	22.8%	223	28.3%	14	1.8%	30	3.8%
SCRC	2,005	10	0.5%	34	1.7%	146	7.3%	119	5.9%	23	1.2%	36	1.8%
AR	238	2	0.8%	2	0.8%	4	1.7%	19	8.0%	1	0.4%	10	4.2%
Subtotal (unions)**	6,326	149	2.4%	142	2.2%	742	11.6%	1,068	16.7%	161	2.5%	273	4.3%
Total	7,540	157	2.1%	157	2.1%	908	12.0%	1,294	17.0%	189	2.5%	340	4.5%

*Includes all employees in size of 13+ weeks. Employees on leave are included. The "Industry Availability" represents the Canadian Labour Force availability, based on the 2011 Statistics Canada National Household Survey for Indigenous peoples, members of visible minorities and women; and 2012 Canadian Survey on Disability for the persons with disabilities. Current ratios have been rounded to the nearest in 0.1% - the results are for general information only.

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TABLE 3: CBC/RADIO-CANADA DIVERSITY WORKFORCE ANALYSIS* (Updated April 1, 2019)													
Employee Group	All Employees	Indigenous Peoples				Members of Visible Minorities				Persons with Disabilities			
		Representation	Industry Availability	Representation	Industry Availability	Representation	Industry Availability	Representation	Industry Availability	Representation	Industry Availability	Representation	Industry Availability
Executives	49	#	%	#	%	#	%	#	%	#	%	#	%
Unaffiliated (with the exception of Executives)	1,223	14	1.1%	16	1.3%	156	13.1%	210	18.0%	20	1.7%	47	4.0%
Subtotal (unaffiliated)	1,272	14	1.1%	16	1.3%	164	13.3%	226	18.8%	28	2.3%	67	5.5%
CMG	3,291	132	4.0%	120	3.6%	426	12.9%	426	12.9%	122	3.7%	146	4.4%
APS	792	5	0.6%	5	0.7%	179	22.8%	223	28.3%	14	1.8%	30	3.8%
SCRC	2,005	19	0.9%	34	1.7%	146	7.3%	119	5.9%	23	1.2%	36	1.8%
AR	238	2	0.8%	2	0.8%	4	1.7%	19	8.0%	1	0.4%	10	4.2%
Subtotal (unions)**	6,326	158	2.5%	139	2.2%	742	11.6%	1,068	16.7%	161	2.5%	273	4.3%
Total	7,598	172	2.3%	156	2.0%	908	12.0%	1,294	17.0%	189	2.5%	340	4.5%

*Includes all employees in size of 13+ weeks. Employees on leave are included. The "Industry Availability" represents the Canadian Labour Force availability, based on the 2011 Statistics Canada National Household Survey for Indigenous peoples, members of visible minorities and women; and 2012 Canadian Survey on Disability for the persons with disabilities. Current ratios have been rounded to the nearest in 0.1% - the results are for general information only.

**1,081 CMG, 470 APS

Based on the most recent workforce analysis (April 1, 2019), the Plan establishes hiring goals for the under-represented designated groups, where appropriate. Numerical hiring goals are found in Tables 4 to 6. Achieving short-term hiring goals will depend upon the number of placement opportunities that arise in a period where we anticipate no workforce growth, the availability of qualified individuals to fill those opportunities and our ability to source the candidates. Our efforts will therefore focus on strategic, high-impact initiatives

<https://site-cbc-radio-canada.ca/documents/impact-and-accountability/diversity-inclusion/workforce-effects/cbc-radio-canada-diversity-workforce-analysis-Q1-2019-table-1-3.pdf>

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Commitments

1. Support managers and hiring managers with the hiring, development and retention of diverse staff.
2. Ensure continued adherence to the Employment Equity Act and Employment Equity Regulations
3. Increase the talent representation for senior roles.
4. By June 2021, workforce representation of roles PB10 and above exceeds representation of July 2018.
5. Become more transparent on the organization workforce makeup and external labour force benchmark.

Targets

1. Increased hiring targets when 2016 and 2017 Statistics Canada survey data is available for our use.
2. Mandate external firm to conduct internal audit.
3. Whenever pools are deemed underrepresented, discuss the option of an external search with diversity focus.
4. Coach employees on recruitment process, including on how to perform in interviews, with specific focus on underrepresented groups.
5. Open reports to all employees in the Corporation, while continuing to protect confidentiality of employee responses to self-identification.

Outcome

1. New hiring targets are set above the new external labour force availability to accelerate the change in our workforce.
2. Completion of risk assessment and development of management action plan based on findings.
3. By June 2021, workforce representation of roles PB10 and above exceeds representation of July 2018.
4. Increased retention and promotion of underrepresented groups.
5. All employees in the Corporation can know how the Corporation is doing at the national level but also by components and departments.

Reference: <https://site-cbc.radio-canada.ca/documents/impact-and-accountability/diversity-inclusion/action-plans/National-Action-Plan-June-2020.pdf>

Appendix 4: Further details on the proposed regulatory options

Ofcom relinquishes its powers – EHRC to take the lead

Model name	Headline form	Rationale	Structure	Critique	Owner
Ofcom relinquishes the obligation					
No touch Ofcom EHRC to lead (the 'almost' counterfactual model)	Regulation provided by EHRC based on public duty requirement that the BBC and the other PSBs implicitly have to comply.	EHRC could intervene on the basis that the PSBs have a public duty and employ between them the majority of employees in the sector. It could also look at the supply chain of Indies and non-qualifying suppliers to the broadcasters. It removes the ambiguity of regulatory ownership.	Team at EHRC to take a watching brief over UK Broadcast industry and be more robust in following up the Thinking Out of the Box publication, which was considered a 'first step' in the process.	The UK is unique in requiring the communication regulator to engage in matters of D&I and Training.	EHRC

Powers required	Responsibilities	Tasks	Staffing	Costs	Commentary	Sources	Ref
Extant in EO Act 2010 and 2006	To examine on the behalf of Ofcom the effectiveness of industry interventions - transactional and strategic	An investigation model prompted by Ofcom request to look at how effective broadcasters are in complying with calls across industry to be more inclusive and diverse	A watching brief by a portfolio holder?	Ofcom to pay EHRC for the service?	Provides a system to focus on the PSBs	https://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty-guidance	The Commission is the regulatory body responsible for enforcing the Equality Act 2010. We are also accredited by the United Nations as an "A status" national human rights institution. Our duties include reducing inequality, eliminating discrimination and promoting and protecting human rights. The focus of our regulatory role is to help organisations achieve what they should, not catch them out if they fall short. To help us do this, we have a range of powers. These include providing advice and guidance, publishing information and undertaking research. When these methods are ineffective, we also have a range of enforcement powers. These powers are set out in the Equality Act 2006 and play an essential role in helping us make a difference.

Ofcom relinquishes its powers - The media ombudsman

Model name	Headline form	Rationale		Structure	Critique	Owner
The media ombudsman	Whistleblower	The principal features of an ombudsman scheme are: Ombudsman schemes resolve complaints. They are not regulators, though some of their decisions may be seen as precedents and have wider effect The ombudsman model is used to resolve complaints made by someone 'small' (citizen/consumer) against something 'big' (public body or commercial business)		Set up as an independent arbitrator on matters above and beyond the EHRC remit.	Provides a vehicle for individuals to raise concerns / mis-treatment. Could work in partnership with EHRC	Independent
Powers required	Responsibilities	Tasks	Staffing	Costs	Commentary	Sources
TBD but follows the model applied elsewhere in the UK		An investigation model prompted by individual requests	two full time staff?	The industry to pay	Provides a system to support the individual freelancer and contractor	https://www.gov.uk/whistleblowing https://www.ombudsmanassociation.org/

Ofcom manages- the 'light touch' regulator

Model name	Headline form	Rationale		Structure		Critique	Owner
Ofcom manages							
Ofcom light touch D&I	'As is' managed by Ofcom	Retains the monitoring role with recommendations as currently reported and look to Ofcom to be more robust in requiring compliance with recommendations				Ofcom was prompted into action as the duty was not removed post BTRS / BETR closure. There is little evidence that Ofcom is having any impact on the industry. Now have an advisory panel of six of which only two are visible. There is limited evidence, if any, of impact assessment and how - bar citing it project Diamond informs this work. The main board met 22/09/20 and there is no mention of Diversity on the agenda. The last meeting of the Content board 160 (1/10/19) CB19(19) item 10 'updated and discussed a wide range of topics, including... Ofcom's third diversity report / Ofcom diversity panel (not named) and Diamond. No actions or recommendations in meeting notes. A significant aspect of any monitoring system is the skill set of the regulatory team. It could devolve the qualitative evaluation to an independent assessment by D&I / Training specialists.	Ofcom
Powers required	Responsibilities	Tasks	Staffing	Costs	Commentary		Sources
Extant in 2003 Comms Act and EO Act 2010 and 2006	Compliant with 2003 Comms Act	Gathers and reports monitoring data	Best guess based on exchanges of notes with Ofcom team - the equivalent of one FTE	Absorbed by Ofcom circa £30/50k per year	This seems to be a compliance model by the regulator. Little reference is made by the content board or main board to the issues raised by the three reports to date from 2017 - 2019 despite calls by Ofcom that <i>'broadcasters much 'maintain momentum - and do better'</i>		Ofcom reports, news items by Ofcom, criticisms of Ofcom by independent voices. Interview (TBC) with Diversity team and Vikki Cook Ofcom lead manager on the matter.

Ofcom manages – with a focus on leadership and supply chain

Model name	Headline form	Rationale		Structure		Critique	Owner
Ofcom diversity regulation with focus on leadership and supply chain	Diversity regulator, beyond the data.	Monitoring role with training and skills included. Independent validation / inspection of published reports by broadcasters. Poor performers published. Data on Board, NEDs and senior management published in Ofcom report. Many reports across all sectors highlight the need for diverse leadership.		A reporting plus model		The requirement to report with qualitative model to assist D&I development that links to the existing passive resources. Greater transparency is required to substantiate a trusted partner with the industry and the workforce.	Ofcom
Powers required	Responsibilities	Tasks	Staffing	Costs	Commentary		Sources
Extant in 2003 Comms Act and EO Act 2010 and 2006			Best guess the equivalent of two FTEs. Plus independent contract inspectors to validate the qualitative interventions 10 / 20 days to examine and report on cross section of industry	Absorbed by Ofcom? Circa £50 / £80k per year	Maintains the obligation by the regulator to continue its takes under the Act		The Snowy White Peaks; The McGregor Report, The Parker Review, InterEngineering I&D in the supply chain, NHS

Ofcom devolves - Co regulation redux

Model name	Headline form	Rationale	Structure	Critique	Owner
Ofcom devolves					
Co-regulation Redux - beyond compliance	Diversity regulator a partnership between broadcasters, Ofcom and EHRC. An amalgam of quantitative and qualitative measures across I&D along with T&S	Monitoring is not sufficient to stimulate and encourage change. This includes all the attributes of model three. A focused push at leadership of industry to be exemplars	This is an independent body established by Ofcom to deliver on its remit. It covers all who broadcast, supply and work to those companies that have an Ofcom licence. It gathers evidence from all licence holders and all suppliers who employ 20+ UK based staff (circa 43 companies) or are subsidiaries of international groups (such as Endemol Shine). It also gathers data on the freelancers employed across the sector.	Could be cumbersome and suffer from bureaucratic interventions. More talk than action	An independent body established by Ofcom, EHRC, CIC and the industry. Ideally supported by PACT and BECTU. With ScreenSkills facilitating the delivery of training programmes not just on diversity issues.
Powers required	Responsibilities	Tasks	Staffing	Costs	Commentary
As requested by Ofcom to extend the diversity remit	Compliant with 2003 Comms Act plus extra powers as accepted by industry or sanctioned by government	Gather data and evaluate quantitative and qualitative data on diversity and training. Validate and inspect broadcasters.	Two full time staff plus specialists as needed	£150,000 / year plus start up costs	This approach is about developing the capabilities of all broadcasters. The larger ones have the resources but their performance as examined by independent research is not as effective as they might claim (see FT report cited in this research). There is a need for independent evaluation of the broadcasters efforts, to put quantitative tools in place that can review and evaluate the effectiveness of their qualitative D&I interventions.

Ofcom devolves - The digital media regulator – matters of powers required, responsibilities, tasks, staffing and costs subject to industry consultation

Model name	Headline form	Rationale	Structure	Critique	Owner	Powers required
The digital media regulator	A radical shift from the demarcation between the broadcast industry and Film. A single regulator that incorporates all effort to date from Ofcom, BFI, Pact, and CDN	This arrangement is a recognition of the fragmentation of the industry yet the concentration of power. It could remove duplicated effort across the sector to monitor and evaluate diversity across the AV sector , not necessarily limited to film, television, and radio but consider animation, video games, visual effects (VFX) and music.	This organisation would be an independent body reporting directly the DCMS. It will require a larger team than the broadcast industry only models need. However, there will be economies of scale in its processes and workforce.	It could be cumbersome and suffer from bureaucratic interventions, more talk than action. It will require unambiguous terms of reference and scope of work.	An independent body established by Ofcom, EHRC, CIC and other representative bodies. Ideally supported by PACT and BECTU. With ScreenSkills facilitating the delivery of training programmes not just on diversity issues.	As requested of the DCMS by Ofcom and the BFI to revisit diversity across the sector and establish a new framework.

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