

## The citizen interest – still a thorny problem for Ofcom



LSE's **Sonia Livingstone** and University of Leicester's **Peter Lunt**, authors of **Media Regulation: Governance and the interests of citizens and consumers**, look at Ofcom's new report: *Citizens and communications services* and outline four ways Ofcom can meet its obligations under the 2003 Communications Act to better grasp citizens' interests.

Clause 3 of the **2003 Communications Act** states: *"It shall be the principal duty of Ofcom, in carrying out their functions; (a) to further the interests of citizens in relation to communications matters; and (b) to further the interests of consumers in relevant markets, where appropriate by promoting competition."*

Ten years on, despite considerable prompting from **academics**, journalists and civil society bodies, Ofcom has still not grasped the interests of citizens in the round. This is not to say that Ofcom has not furthered the interests of citizens, for it has in some significant ways. Ofcom's efforts to ensure access to public service broadcasting on digital platforms or facilitate near-universal mobile/internet access can be claimed as work contributing to the citizen interest. In many other wealthy countries, sustaining such universal services during a period of rapid technological change is becoming ever more difficult, so these efforts are of major importance in the UK.

But as **Ofcom's new report**– *Citizens and communications services: ensuring that communications services work in the interests of UK citizens* – makes abundantly clear, Ofcom understands some aspects of citizenship in a networked society (the importance of being able to connect with others, for instance) but it doesn't recognise other dimensions or, more fundamentally, the vital role of communications in a healthy democracy.

The report is, therefore, strongest in documenting Ofcom's work to extend broadband, mobile and postal infrastructure to include the entire population, including those in rural or hard-to-reach areas and those who have special needs of one kind or another. But the absence of other important considerations makes it a disappointing report overall, one that does not acknowledge the publicly-expressed concerns of the likes of **Lord Puttnam** (who ensured this primary duty entered the Act in the first place), Jocelyn Hay (who was **vocal on this point** for many years, as chair of the Voice of the Listener and Viewer), and many others (including **our own response** to Ofcom's consultation on this point in its Draft Annual Plan 2013/14 and **before**).

We highlight four points to signal what Ofcom could and should do to meet its obligations under the Act:

1. **Narrow scope.** The report examines the availability, accessibility and affordability of communication services. Fine. But why just these three dimensions of the citizen interest? When will other dimensions be addressed? Notably, the focus is on communications hardware, with some attention to skills but little attention to communication content or purposes. Getting people in touch and online is a necessary but insufficient condition for meeting the citizens' interest so they can play a full role in society.
2. **Public service broadcasting.** The focus now seems all about preserving what we already have in the UK. The ambition of Ofcom's early days regarding innovation in public service, much of which has not yet come to fruition, is not mentioned. Also missing is mention of problems Ofcom has addressed in the past – threats to and reduction in children's broadcasting or regional news, for instance. Yes, there are experiments underway in local television, and there are now more licensed community radio stations (though not more stations). Why, even, is Ofcom's own current consultation on media plurality not

included here as an important part of the citizen interest? Does Ofcom judge it has done enough to ensure a lively, plural, trustworthy and inclusive news and current affairs landscape, along with high quality and diverse content in other genres?

3. **Participation in what?** The section on why communications services matter to citizens has a curious omission. It is clear that citizens need to be able to contact friends and family, work and emergency services. It adds that communities are important, as is social participation and the 'sense' of participating in 'society' (p.8). Later, there is mention of take-up of government services online. But why nothing about democratic participation in political processes, whether mainstream or alternative? Nothing about the importance of a lively public sphere – inclusive, deliberative, effective? Given the size and diversity of the UK population, communication networks are vital to **citizens' participation** with political institutions and about political processes at all levels from local to transnational. Ofcom's media literacy audits repeatedly show **low and unequal** participation in democratic processes via communication networks. How, then, could Ofcom further the citizen interest in this regard? For instance, could mediated democratic forums or consultative processes be more discoverable, or more responsive or more inclusive? We suggest Ofcom should play a role here, to further the citizen interest in communications matters.
4. **Media literacy.** The missing link between communications services and their uses to advance the citizen interest is media literacy. As our previous posts have tracked, Ofcom has retrenched from efforts to 'promote media literacy' (the exact wording of the Act); now it just conducts research designed to inform such efforts (presumably undertaken by others). Research is important, but not all research has an impact and so may not meet the requirement of the Act to 'promote'. Moreover, who is promoting media literacy, how Ofcom collaborates with them and, indeed, whether the population's media literacy is increasing (especially witnessing the **uncertainties over media education**) – all this is unclear. Page 30 of the document, also disappointingly, reverts to a passive and **now-rejected definition** of media literacy as use, understanding and protection, omitting mention of the civic and critical dimensions of media literacy – creating communications and participating in politically-motivated mediated forums and consultative processes. Intriguingly, the report contains evidence for directions that could now be taken: citizens are often unaware of online services, they don't trust them, and they don't recognise the benefits on offer. If Ofcom really wishes to 'increase demand for services' (p.42) that further the citizen interest, it could now encourage citizens to engage by promoting the value of civic, community and political communication online. And it could work with political and community organisations to build trust and increase responsiveness and efficacy.

The report's final section begins, 'Ofcom aims to design policies that respond to citizens' needs'. This sounds promising, but the report offers no clear analysis of these needs. In the month when CEO Ed Richards steps down, let's recall **his original statement** setting out both the citizen and consumer interest for Ofcom. In terms of the citizen interest, *Citizens and communications services* is most convincing in recounting Ofcom's continued regulation to correct market failure. But much else in the report is about regulating against consumer detriment rather than regulating for the public interest. And the rationale offered is that of consumer choice, with little or nothing about citizen rights beyond considerations of access. What about today's challenges of trust and surveillance? Or privacy and identity? Where is mention of freedom of expression or media plurality or net neutrality?

In the thorny history of Ofcom's efforts to further the interests of citizens in communication matters, this report is another opportunity missed.

*This post gives the views of the authors, and does not represent the position of the LSE Media Policy Project blog, nor of the London School of Economics.*

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