

## Ofcom's Plurality Framework: Protecting the Status Quo?



*Justin Schlosberg, from Birkbeck, University of London, responds to this week's publication of Ofcom's measurement framework for media plurality, arguing that the choice of metrics and the lack of 'clear bright lines' in the framework hamper a proper review of media concentration, and instead simply preserve the status quo. He has previously written a policy brief on **Modelling Media Ownership Limits** for the Media Policy Project.*

It's been five years since Ofcom first recommended changes to media plurality policy in its assessment of News Corp's bid to buy out BSKyB. In addition to the current public interest test in response to media mergers, Ofcom suggested periodic reviews of media plurality in order to capture and respond to 'organic' market changes that might impact on the range of voices and viewpoints in the media. Fast forward to the phone hacking scandal, the Leveson Inquiry, a string of public consultations, and a series of Ofcom responses to questions raised by the Secretary of State for Culture, Media and Sport, and here we have it: Ofcom's definitive measurement framework for media plurality announced yesterday.

Given the amount of time and deliberation since Ofcom first raised the prospect of plurality reform, you could be forgiven for being a little underwhelmed by the outcome. Indeed, Ofcom acknowledges that their thinking on this thorny question has not changed all that much over the last five years. The general principle of using a 'basket of metrics' to measure media plurality remains, along with an explicit rejection of 'bright lines' as triggers for remedies or intervention. More on that in a minute but first, let's take a peek at what's inside the basket.

To begin with, consumption metrics are given top billing as the 'starting point' for any plurality assessment, over and above reach and availability (although these metrics are also included). This makes sense because at the heart of media plurality has always been a concern to prevent certain voices from dominating public conversation. What matters is not the number of audible voices, but the number of voices that are actually listened to, and consumption captures the latter more than any other indicator. It's especially pertinent in an age of endless information sources where amplification – the ability to be *heard* – is the major currency of communicative power.

Another key feature of Ofcom's framework is a distinction between wholesale and retail news providers. The former refer to news providers that produce their own content whilst the latter refers to brands or outlets that carry content produced by third parties. This matters because if we are ever going to actually do anything about media concentration, we need to know who lies behind the dominant voices. From this perspective, it makes no sense to think of news programmes on Channel 4 or ITV as distinct voices since both are produced by the same source (ITN). But the distinction becomes a lot fuzzier online where it's not clear, for instance, whether an aggregator like Yahoo News would be classified as wholesale or retail.

Ofcom does highlight digital intermediaries – search engines, content sharing platforms and social networking sites that drive traffic to news sources – as a special case. But how their impact on news flows will actually be measured in practice remains unclear, particularly when it comes to what is presented as the crown jewel in the basket: a bespoke 'share of references' metric. This amounts to asking people which news provider they use the most, and then deriving some sort of cross platform market share from that. One of the major problems here and elsewhere is a reliance on consumer market survey data, given all its inherent flaws to do with imperfect memory recall, social desirability bias, etc. It's especially puzzling in the online context where rich data on *actual* consumption are routinely collected by media groups and market consultancies like ComScore.

If we rummage a little further in the basket we also find a range of qualitative indicators. These include 'contextual' factors such as adherence to Ofcom's broadcasting code, internal plurality assessments, and the adoption of certain governance frameworks (for example, editorial boards or trust ownership) that may mitigate plurality risks. This makes sense and is the closest Ofcom gets to talking about potential plurality remedies. But its value is cancelled out by the emphasis on another set of indicators to do with 'impact'. Here, the importance attached to certain news sources by audiences, including levels of trust, seems to add a certain weight to their reach and consumption. The contradiction between contextual and impact indicators arises when a news provider is considered less of a plurality risk because of, say, its adoption of impartiality and internal plurality rules, but more of a plurality risk precisely because these factors increase levels of audience trust and hence, 'impact'.

A much better way of assessing impact is to look at inter-media agenda setting. [Research conducted on media coverage of the 2015 general election](#) suggested that at least in one significant example, the BBC's agenda was disproportionately influenced by the Conservative-leaning broadsheets (the *Daily Telegraph* and the *Times*) compared to the centre and left leaning titles (the *Independent* and the *Guardian*). This kind of imbalance surely poses more of a threat to plurality than a relatively high level of audience trust in a particular news source.

To be fair, Ofcom acknowledges the flaws and limitations of any approach to measuring plurality. Its catch-all defence in this respect is to encompass a full spectrum of measures in the hope that it will all add up to some kind of meaningful plurality 'assessment'. But this does not take into account the power of definition that lies behind the selection of particular measures.

Above all, Ofcom has come up with a framework that works against the principle of clear bright lines that can trigger specific remedies and solutions and minimise the risk of policymakers being 'captured' by powerful media groups. It has done so because proposals for fixed caps on media ownership – which surfaced in the aftermath of the phone hacking scandal – were considered too rigid to account for the complexities and uncertainties in rapidly evolving news markets.

But clear bright lines are not necessarily synonymous with hard limits. They could be used instead to trigger the adoption of plurality 'safeguards' along the lines of what Ofcom calls contextual factors. If a news provider reaches a critical mass audience within or across any platform, why shouldn't they adopt certain structures or rules that help to broaden the horizon of public debate rather than close it down?

And this really is the heart of the matter. After five years and seemingly endless inquiries and consultations, we still haven't got round to [discussing what to actually do about media concentration](#). Ofcom has said repeatedly that it is for Parliament to determine what counts as plurality 'sufficiency'. That suggests the need for new legislation which sets out the range of applicable remedies and the basis on which they can be implemented. Without that, and given the potential for corporate capture of media policy, there is a serious risk that plurality reviews will do little more than rubber stamp the status quo.

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

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