September 2017

BBC Commissioning Process Framework

The framework reflects the new BBC governance arrangements as described in the draft BBC Charter and Agreement\(^1\) (i.e. new BBC Board and Ofcom as the BBC’s external regulator). The framework may need to be updated to reflect any new requirements in the Operating Licence framework for BBC services which will replace the existing Service Licence framework.

The principles of the Commissioning Process Framework will apply to all suppliers to BBC Public Service and will be published on the BBC’s Commissioning website.

1 Overview

1.1 The BBC is committed to operating a fair and transparent process regarding the manner in which it commissions content for its public services and in which it provides information to all its production suppliers about its commissioning priorities, requirements, practices and procedures.

1.2 The BBC is subject to a number of quotas, targets and commitments relating to programme commissioning, programme production and programme content.

1.3 The BBC is committed to implementing full competition for its television programming. The BBC will continue to meet the independent production quotas but will remove all existing in-house guarantees.

1.4 The BBC Board is responsible for ensuring that all of these quotas and commitments are delivered each year, and the responsibility for assessing the BBC’s compliance against these quotas and commitments rests with the BBC’s external regulator Ofcom.

1.5 This document explains the quotas and commitments, how the BBC will operate a fair and transparent commissioning process and how the BBC Board will monitor performance and ensure compliance.

1.6 It is acknowledged that whilst all areas of the BBC which commission content will work to the principles set out in this Framework, the individual processes and procedures may vary across departments dealing with Sport, Children’s, News related Current Affairs and Non-network commissioning, and any specific details for those areas will be provided separately on the Commissioning website.

1.7 This document sets out the commissioning framework that the BBC will follow when dealing with suppliers, whether they are external companies, BBC in-house teams or BBC Studios. The BBC is committed to working with a broad and diverse range of suppliers across the UK. In order to deliver distinctive world-class content for our audiences, suppliers will be commissioned on the quality and relevance of their idea, its fit with current editorial strategy, and the supplier’s ability to deliver.

2 Quotas and Targets

2.1 The BBC is subject to a number of formal quotas and targets relating to programme commissioning, programme production and programme content. These quotas and targets are defined in either the Communications Act 2003 or in the agreement between Her Majesty’s Secretary of State for Culture, Media and Sport and the BBC of December 2016 (“the Agreement”).

2.2 These quotas and targets can be broken down into the following categories:

   a) The so called “Tier 2 Quotas” - relating to the levels of news and current affairs, levels of original production, levels of regional production and levels of regional programming.

   b) The Independent Production Quotas – relating to the levels of programming made by qualifying independent producers on BBC One, BBC Two and across all BBC Television services.

   c) The Access Services targets – relating to the provision for the deaf and visually impaired.

   d) The Audiovisual Media Services (AVMS) Directive - relating to the levels of European programming.

2.3 In addition to these formal quotas the BBC also operates under a number of other commitments and conditions regarding programme production and programme content:

   a) The BBC’s Network Supply Review (NSR) commitments – relating to the levels of regional production, the levels of Nations production, and the levels of Scotland, Wales and Northern Ireland production.

   b) BBC Annual Plan conditions – relating to levels of genres and types of content on each service.

2.4 The BBC treats the quotas as a floor, and not a ceiling.

2.5 The BBC Board will ensure that in each year a plan is in place (including commissioning processes and transmission scheduling) which delivers all of the BBC’s quotas and targets.

3 Commitment to full competition for television programming

3.1 The BBC is committed to implementing full competition for its television programming as described in the BBC Agreement dated December 2016, subject to value for money considerations.

3.2 The BBC will continue to meet the independent production quotas (i.e. on BBC One, BBC Two and across all BBC Television services) but will remove all existing in-house guarantees. The BBC will also continue to meet its commitments to production in the nations and regions.
3.3 This commitment to full competition is a significant change for the BBC – going further than the BBC’s initial commitment to the Producers Alliance for Cinema and Television (PACT) in December 2015\(^2\) – and will require sufficient transitional time.

3.4 The BBC is required to ensure that at least 40 per cent of the in-house guarantee hours for network Drama, Comedy, Entertainment, Factual and Daytime will be opened up to competition by the 31\(^{st}\) December 2018. Following on from this the BBC will reach 100 per cent competition by the end of the Charter period. All existing in-house guarantee programming would be subject to full competition unless the BBC Board identified any exceptions on value for money grounds.

3.5 The BBC is required to ensure that there will be full competition in Children’s, Sport and non-news related Current Affairs by 2019 unless the BBC Board identified any exceptions on value for money grounds.

3.6 The BBC Agreement states that the BBC’s News and news related Current Affairs output should be excluded from the approach of full competition. For network news related Current Affairs the BBC is committed to implementing the arrangement agreed with PACT – namely that 40 per cent of hours will be reserved for inhouse, 40 per cent of hours will be reserved for independent producers and the remaining 20% open to full competition.

3.7 The BBC Board will ensure that a plan is in place to implement competition in line with the provisions above.

4 Planning

4.1 The BBC runs an annual planning process which takes the channel portfolio and genre strategies and builds them into a detailed plan, or ‘shopping list’, of what kind of programming is needed, at what price and by when. These plans are designed in line with the BBC’s financial year which operates from 1st April to 31st March.

4.2 Genres and channels agree which series they plan to bring back and what new programming is needed for the remaining slots. Quotas and targets are overlaid on this plan to make sure that all commissioning teams are clear on what is required to meet all of the BBC’s commitments.

4.3 At this stage the BBC has an initial idea of which programmes would make up the quotas and targets, ensuring a range of programming, prices and locations. However, the plan will evolve as the commissioning landscape changes in response to channel and genre strategy, audience reception or production requirements.

5 Commissioning Process

5.1 The BBC is committed to ensuring that its commissioning strategy delivers a strong and sustainable UK production ecology that protects the breadth of public service programming the BBC can offer, underpins the BBC’s creative heritage, benefits the wider industry in terms of training, and secures high quality content for the audience.

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\(^2\) BBC and Pact joint statement in relation to proposal for BBC Studios

http://www.bbc.co.uk/mediacentre/statements/pact-joint-statement
5.2 In order to ensure that the best ideas are commissioned for our audiences, the BBC is committed to operating a fair and level playing field between all suppliers. The BBC's Commissioning website will provide details of commissioning processes, development priorities, a guide to who’s who in commissioning, the BBC’s Code of Practice and Terms of Trade for the commissioning of independent productions. All applicable BBC guidelines and policies around production and delivery are communicated on the BBC's Commissioning website.

5.3 The BBC publishes a list of indicative programme tariffs applicable for different genres of programming which it will apply to all new commissions irrespective of supplier. The tariff will set out the range within which the BBC expects individual prices for specific programmes within that genre or category to fall. The price the BBC is prepared to pay for a programme will be determined by reference to a number of factors including the estimated production budget, the expected level of upfront third party investment or other sources of funding, and will be inclusive of any development funding paid by the BBC.

5.4 Commissioning briefings for genres will be held on a regular basis, in London and across the UK to communicate current commissioning needs.

5.5 The BBC Board will ensure that there is clear separation between the BBC's commissioning teams and BBC Studios and in-house production functions to ensure that there is no conflict of interest or undue advantage to BBC Studios or in-house production in decision making. In particular, that there is clear operational and financial separation between the BBC Public Service (including its commissioning teams) and BBC Studios as of the launch of BBC Studios as a commercial operation.

5.6 The BBC is a signatory to the APC Code (Alliance for the Protection of Copyright) and all producers commissioned to make programmes for the BBC need to abide by the principles set out in that code for as long as the BBC remains a signatory.

5.7 In order for the BBC to comply with its commitments under these guidelines, all suppliers of programmes to BBC Television need to use the BBC’s online proposal system BBC Pitch. Use of BBC Pitch enables the BBC to demonstrate its compliance with the APC Code, track proposed ideas, manage confidentiality, and adhere to the timeframe commitments set out in paragraph 7.2 below. If a producer does not use BBC Pitch to submit ideas, the BBC cannot guarantee being able to follow these principles, and this will be taken into consideration should a producer choose to make any complaint against the BBC regarding the commissioning process under the procedures outlined below. Please see the Pitch page for full details, requirements and registration requests.

5.8 Commissions will be awarded on the strength of the submitted ideas and not on the order they are submitted, taking into account the quality and price of proposals and proven ability to deliver.

6 Competitive Tendering

6.1 In delivering its commitments to full competition under paragraph 3.1 above, the BBC expects to put a number existing returning series out to tender over the next Charter period.

6.2 When tendering any programme the BBC will ensure that:
a) the process for the tender is clear, fair and transparent;

b) the BBC’s expectations regarding the requirements and eligibility of the applicants will be clearly stated in precise and consistent language in the Invitation to Tender documentation;

c) it has established a clear set of criteria that will govern the decision to award a contract following that tender to a given party, which will include both creative and value for money considerations;

d) the terms on which the contract to produce the tendered programme will be awarded will be clearly stated in the Invitation to Tender documentation;

e) the contract will be awarded to the supplier whose tender has been determined as best satisfying the award criteria and fulfilling the BBC’s overall requirements as stated in the Invitation to Tender paperwork; and

f) the decision making process (including criteria and timings) will be clear, transparent and adhered to at all times.

7 Engagement with suppliers and decision making timeframes

7.1 The BBC will provide its suppliers with access to business information and commissioning staff commensurate with their status as a supplier and not determined by whether they are a qualifying independent, non-qualifying independent, in-house or BBC Studios production team. Meetings with BBC commissioners will be based on the ideas submitted through Pitch, taking into account the track record and experience of the supplier or the talent behind the idea.

7.2 The BBC will ensure fair dealings across all suppliers including the time taken to acknowledge receipt of and to respond to ideas. These standards will be kept under review and will be updated to reflect changing market needs:

a) The receipt of new ideas submitted to Pitch will be automatically acknowledged within one week

b) The initial decision to reject a submitted idea or take discussions further will be made within six weeks of submission.

c) A final decision to commission an idea will be made within 20 weeks of submission unless the project is taken into paid development (or unless part of a formal tender process where timelines will be specified at the start).

d) Once a project is in paid development and the producer is waiting for a commissioning decision, producers will be regularly updated on progress, either every two weeks or with a clear timeframe and explanation of when the next update will be.

e) Completion of contract negotiation following a commissioning decision will be undertaken in an appropriate and timely manner for all suppliers.

7.3 These timescales may need to be varied from time to time on individual projects for project specific reasons (for example due to access or talent availability), but the producer will be kept updated on progress, and any necessary variations will be openly identified and discussed.
8 Review Procedure and Complaints

8.1 The BBC has a clearly stated process for complaints about the commissioning process, which is available for use by all suppliers of content to BBC Television. All complaints are monitored so that any consistent issues emerging are dealt with.

8.2 Any dispute arising in connection with the BBC Code of Practice or the BBC Terms of Trade is governed by the General Terms of the Programme Production Agreement between the producer and the BBC.

8.3 Complaints regarding the separation and operation of BBC Studios and its relationship with BBC Public Service will fall under the Fair Trading complaints procedure.

8.4 The BBC will periodically seek and act on feedback from suppliers gathered by a commissioning survey and other evidence as appropriate.

8.5 The BBC Board is responsible for ensuring that a Commissioning Compliance role is in place to monitor the delivery of a level playing field in commissioning and create a point of appeal for complaints outside of BBC Commissioning.

9 Monitoring and reporting competition in commissioning

9.1 The BBC Board is responsible for ensuring that the BBC delivers its commitment to opening up competition, as under paragraph 3.4 above.

9.2 The BBC will publish progress in its commitment to competition on an annual basis. This will show how much of the existing in-house guarantee has been made available to competition.

9.3 The BBC will regularly review its competition and separation arrangements in line with its corporate governance framework.

9.4 Unlike quotas, there is no single headline measure that can be used to demonstrate definitively that a level playing field has been applied and that commissioning decisions have been meritocratic. For example, patterns of in-house, BBC Studios, or external levels commissioned may fluctuate year on year depending on the strength of ideas submitted. These patterns may not therefore be an indicator of fairness or meritocracy. Reviews will need to look at a range of indicators which together demonstrate the measures that have been put in place to achieve the specified goals and the effectiveness of them.

9.5 Only over time will the BBC Board be able to report if there are any directional trends emerging (e.g. the geographical locations of producers).

10 Monitoring and reporting of quotas and targets

10.1 The BBC Board is responsible for monitoring and ensuring compliance with the quotas and targets, as under paragraphs 2.2 and 2.3 above.

10.2 The BBC will report to Ofcom on an annual basis and Ofcom will review and report on the BBC’s compliance with the quotas and targets.
10.3 The formal reporting of the quotas and targets is based on programmes transmitted during a calendar year. The difference in timing between the commissioning/production activity and transmission will vary due to a number of factors including the type of production, the television transmission needs, budget and working capital requirements. The BBC therefore ensures that the quotas and targets are achieved by monitoring the commissioning/production process as well as transmission.