Commissioning Principles and Process Framework

Throughout the commissioning process, the BBC aims to:

- specify its requirements in a transparent manner
- provide potential suppliers with clear information about its requirements
- commission producers openly and fairly according to the following principles.

BBC Radio will meet the competition target as set out under the Charter and Letter of Agreement.

### BBC Radio commissioning principles

1. A process based on ideas and value, regardless of source
2. A level playing field for all suppliers
3. Separation of commissioning, and commissioning decisions, from the management of BBC production
4. A transparent process
5. 360 degree commissioning including linear, non-linear, video and digital
6. Regular re-tendering
Principle one: A process based on ideas and value, regardless of source

- A broad, open approach to commissioning that welcomes distinctive new ideas from both BBC production and independent producers.
- Clear commissioning briefs which align to the strategic needs of the station, but allow room for new ideas.
- An emphasis on commissioning of original ideas submitted by producers, and less ‘tendering out / outsourcing’ of existing BBC IP / programmes.
- An open door to allow producers to offer talent led, schedule busting or disruptive content outside of formal commissioning rounds.
- A concentration on commissioning the best ideas, and the best value for money, regardless of source, with a presumption against the use of quotas. (except as may be imposed from time to time by the BBC Board or Ofcom).

Principle two: A level playing field for all suppliers

- BBC production departments and independent producers will have equal opportunities to compete for all new commissions.
- Large, small, established, and new independent producers are invited to offer ideas, as long as they meet the BBC’s minimum editorial and business structure requirements.
- Suppliers should demonstrate access to expertise, in order to deliver relevant content, or have a reasonable strategy to do so.
- Suppliers from all parts of the UK will have equal opportunities to compete.

Principle three: Separation of commissioning, and commissioning decisions, from the management of BBC production

- Controllers are the ultimate commissioners for the stations for which they are responsible. They will deliver against the service licence (or equivalent), and the needs of audiences. They will set strategy and make final decisions based on recommendations from commissioning editors and the heads of programmes.
- Station controllers will be responsible, in consultation with the Director of Radio for deciding which slots will be competed and when. They will need to consider how they will meet the competition target, and divisional and BBC policies.
- A bundle, or batch, of strands, or programmes, may be used to give scale and certainty to suppliers, and to reduce resource and commissioning costs. (A proportion of slots are likely to remain open for one off and topical programmes).
- Commissioners may cap the number of offers from each supplier for a specific slot/brief to manage workload.
- Commissioning editors will not have direct management responsibilities for BBC production. Heads of production departments will lead and manage BBC bids, and will not take part in commissioning decisions.
Principle four: A transparent process

- Audience data and any other relevant information will be shared with BBC / independent suppliers on an equal basis.
- Output will be measured by hours for consistency and simplicity.
- A complaints system will be in place to settle disputes about process. Creative and editorial decisions will not be open to review. Details of the disputes process will be on the commissioning website.

Principle five: 360 degree commissioning including linear, non-linear, video and digital

- Digital requirements beyond the normal list of deliverables, where required, will be specified on commissioning briefs (eg short form video, social media etc).
- Suppliers will be encouraged to supply to the whole brief, including digital elements. Any budget submitted should include the cost of those elements.
- Where programme pitches contain digital elements that go beyond the brief, multiplatform editors will assess value and fit with the BBC's digital priorities. For visual (both long and short form) content, which goes beyond the original brief, the Head of Visual Radio will be involved in assessing the offer.
- Purely visual content will be commissioned to a separate brief normally issued by Head of Visual Radio.
- Multiplatform editors will play a role in the commissioning team whenever the content goes beyond a simple linear commission and will normally attend the commissioning meeting, contributing to the decision making, and will offer advice based on the station’s digital strategy.
- Multiplatform will continue to run their own procurement process for other digital products.

Principle six: Regular retendering

- Where a supplier owns the IP to a programme, subject to performance, it may be re-commissioned indefinitely, but that property may not be retendered to another supplier to make.
- The IP within programme formats owned by the BBC will not be given away to third parties.
- Where the BBC has already outsourced a BBC owned property, it will not be automatically brought in house, but will be subject to a competitive process at the end of the contract period.
- Generally, outsourced strands will be fully competed every three years. Commissions will generally be given for one year, with annual extensions subject to performance.
- In some circumstances, after three years, and a formal review, if all parties are content with a returning programme/strand, a light touch retender process can be applied. In this case, interested producers will be invited openly to discuss any new proposals on the understanding that the incumbent is likely to retain the commission. Commissioners should discuss any proposal to do this with Radio HQ, who will agree how this open process will be conducted.
The Commissioning Process Framework

The intention of the framework is to ensure that relations between BBC commissioners and all producers are conducted on a fair and transparent basis.

The effective operation of this framework depends upon both the BBC and independent / in-house producers which it commissions being reasonable in their dealings with one another, with both parties abiding by the principles contained in the framework, and undertaking to operate them in good faith.

1. Commissioning guidelines / commissioning website

1.1 The responsibility for commissioning the majority* of network radio programmes rests with BBC Radio. It commissions programmes both from BBC production departments and from independent producers through commissioning rounds, together with fast-track commissioning for topical and other urgent commissions. The operation of commissioning and production within BBC Radio stations are separate functions with line management separation.

*There are other divisions which commission network programmes. BBC Sport, BBC News, Nations, World Service and Local radio operate their own systems, although some share the commissioning website.

1.2 The BBC's objectives throughout the commissioning process are to specify its requirements in a transparent manner, to provide producers with access to clear information about its commissioning requirements, and to commission producers openly and fairly taking into account the quality and value for money of their proposals, submitted through the BBC's online proposals system within Proteus.

1.3 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 not only on the quality and relevance of their idea, but based on current commissioning need. Commissioning will also take into account the reputation and experience of key personnel within the supplier and their ability to deliver the programme or series in question.

1.4 The BBC will publish timetables that will set out the procedure by which the BBC will commission programmes within rounds (see 11.2).

1.5 The BBC will detail the editorial commissioning process for the offer and acceptance of programme ideas for all the BBC's public radio services, together with any interactive requirements.

1.6 The web-site www.bbc.co.uk/commissioning will be the central point for detailed information about the commissioning process for each individual station together
with names and contact details for the key editorial and business executives. The site also contains information about how to submit a proposal and summaries of current editorial strategies.

1.7 Briefings to outline a station’s programme strategy and commissioning requirements will be open to BBC producers and production companies. As far as possible, the ambition is that briefings will also be streamed to other BBC locations, or repeated in others areas of the UK.

1.8 The BBC will ensure that the commissioning process is as straightforward and streamlined as possible taking into account the scale and complexity of BBC Radio’s operation. In particular the BBC will:

1.8.1 Communicate BBC Radio’s programme strategy for each station and major commissioning objectives to BBC production departments and independent production companies at pre-timed and pre-publicised commissioning rounds.

1.8.2 Communicate information on the management / organisational structure of BBC Radio on the commissioning website. The site will list named individuals who have special responsibility for commissioning producers as well as those executives responsible for contractual negotiations.

1.8.3 Issue timetables (see also 11.2), which the BBC and the producer will follow during the commissioning process as follows:

- the interval between opening of an offers round and closing date
- the interval between the round closing and shortlisting
- the interval between shortlisting and commissioning decision
- the interval between the commissioning decision and the completion of the contractual paperwork
- the expected content delivery timetable

These timescales may need to be varied from time to time on individual projects by agreement with the producer. In particular where development is involved a timetable for such development and the subsequent commissioning decision will have to be agreed with the producer.

The key principle is that both the BBC and the producer are committed to the stated timescales and any necessary variations are openly identified and discussed.

1.9 Editorial Specification. Each commission will have an agreed editorial specification derived from the commissioning brief and the creative solution suggested by the successful producer.
2. Editorial control

2.1 The BBC will have final editorial control over all BBC versions of programmes including all associated online and interactive elements commissioned from producers.

2.2 All programmes including online and interactive elements commissioned by the BBC from all producers will be subject to all relevant BBC guidelines and compliance procedures including without limitation according to the BBC’s Editorial Guidelines and Fair Trading Guidelines.

2.3 Commissioners will be clear at the confirmation of a commission what BBC editorial courses, if any, they expect producers to have completed before production starts.

2.4 The commissioning editor / commissioning executive will ensure the content is delivered against the editorial specification. For some strands / batch deals this will be devolved to the senior editorial figure in the production.

3. The Terms of trade (standard contract) for independent producers

3.1 The BBC’s objective is to secure the rights it needs for its licence fee funded services.

3.2 BBC Radio’s standard contract (aka Terms of trade) for independent productions, sets out the standard terms of business offered to all independent producers from whom the BBC commissions original programming.

3.3 The BBC’s standard contract (aka Terms of trade) will be discussed with Radio Independents Group (RIG) prior to implementation and provide for a rolling three year review.

3.4 Any variations to terms will only be agreed in exceptional circumstances (the price quoted on the commissioning brief is based on buying the standard set of rights for that programme).

3.5 When the BBC commissions an independent producer to make a BBC format, the producer will be contracted using the appropriate standard contract.

4. Multiplatform and audience interaction (including telephony)

4.1 Multiplatform rights that the BBC wishes to acquire for its multiplatform propositions in connection with its licence fee funded services will be defined in the commissioning brief.

4.2 Producers will consult ITACU when a programme requires audience interactivity and advice from the social media editor when social media is involved.
4.3 If social action / audience support initiatives are required as part of the commission, then they will be defined in the commissioning brief.

5. Proposing / pitching ideas

5.1 All suppliers, both BBC and independent, must have the opportunity to make proposals against the published briefs.

5.2 Suppliers should submit programme proposals for network radio via Proteus. Suppliers will be provided with a Proteus log-in to enable this. Independent production companies will need to make sure they are registered with Radio commissioning in order to receive that log-in.

5.4 Content for platforms other than radio might use other BBC commissioning applications including BBC Pitch. The route for offering content will be made clear on the commissioning briefs.

5.5 All the applications above are secure and confidential with automatic date stamps. Access to submitted offers is restricted to authorised commissioning staff only. It is in everyone’s interests to upload ideas before discussing them to avoid disputes in the future. If it is necessary to discuss ideas with a commissioner before submission, then the initial contact should be by email. Emails should be retained by the producer and the commissioner for future reference.

5.6 Topical / Fast Track Commissions. When fast turnaround programme(s) are required – e.g. an obituary, coverage of an unexpected national, news, or sport event – then a commissioner is likely to approach directly one or more suppliers with known expertise. Generally, this should be for programmes / content where the need was not known in advance. Suppliers, of course, may also approach the station if they foresee a need. Again, this should be via email in the first instance, and the emails should be retained.

5.7 If a producer is shortlisted and invited to pitch their proposal, then the commissioner can specify what the minimum taster materials / information is required in the pitch, and may place reasonable limits on the duration and complexity of the presentation.

5.8 Commissioners will inform producers at what stage (proposals / shortlisting / pitching) they can approach talent and contributors, if this is a significant issue.

6. Programme prices

The price (or price range) the BBC is prepared to pay for a programme will be determined by reference to a number of key factors including:

- The expected budget of the programme
- The value of the programme to the schedule
• The level of up-front third party investment, if any, that the programme could reasonably expect to attract in the marketplace
• The rights acquired by the BBC.

7. Payment for programmes (independent producers)

7.1 The BBC will be prepared to finance its contribution to the programme by a method of staged payments made at defined points in the production process.

7.2 Details of the defined points and payment process will be set out in the standard contracts (aka Terms of trade) for independent producers.

8. Development

Generally, BBC Radio does not pay for development, but if the BBC receives a programme proposal which requires further development, and if the producer requires such finance from the BBC, then the BBC will:

• Agree the appropriate budget for such development
• Have an exclusive option to develop the programme during this period.
• Have an exclusive period within which to decide on whether or not to commission the programme
• Treat the development costs paid as included in the price of a programme and as an advance against such monies
• Have any development costs repaid in full to the BBC on the first day of production if the BBC declines to commission a programme after providing development finance and that programme is commissioned by another broadcaster.

9. Business affairs (for independent producers)

The BBC will:

9.1 Conduct all transactions with independent producers in a timely and professional manner and will expect the independent producer to do the same.

9.2 Share relevant BBC rights information where appropriate with independent producers in a timely manner (e.g. updates on BBC collective agreements referred to in production contracts).

9.3 Be available to discuss the BBC’s position in the event of any difficulties producers are having with contributors and rights holders.

9.4 Maintain confidentiality, and not share sensitive information communicated to them by producers.
10. Equality, diversity, inclusion and ethics

10.1 The BBC is an equal opportunity employer and seeks to ensure that all the producers we work with take seriously their responsibilities with regard to equal opportunities and, in addition, health and safety during the course of commissions. The BBC therefore requires that all independent producers comply with all current equality, anti-discrimination and health and safety legislation and their respective codes of practice. The BBC may request a written statement of independent producers’ own equality, diversity, inclusion and health and safety policies and relevant details of how the policy is implemented in practice.

10.2 We expect all producers to apply the highest professional and ethical standards in their dealings with BBC Radio. In return, BBC Radio will apply the same ethical standards of objectivity, integrity, confidentiality, fairness and honesty in dealing with producers.

10.3 Producers and commissioners must ensure they are working with a mix of on and off air talent that seeks to reflect the diversity of the UK’s nations and regions and the range of voices, perspectives and experiences from all groups in the country. They should discuss with their teams what positive steps can be taken to help the BBC meet its diversity and inclusion targets as laid out in the BBC Diversity and inclusion strategy, and how they might reflect different perspectives and experiences in content.

10.4 The BBC will respect the ownership of content ideas / formats and unique treatments it is offered.

10.5 Alliance for the Protection of Copyright Code (APC). The BBC is a signatory to the APC Code and all independent 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.

10.6 As far as practical, the production company or BBC production department will be given credit for its work both in programme listings, BBC promotional material, reports and online and on air where space and style allows.

10.7 The BBC supports comprehensive training across the industry.

11. How commissioners will work

11.1 General

11.1.1 They will work in the best interests of audiences and the needs of the stations.

11.1.2 They will commission the best, most distinctive, value for money proposals regardless of source.
11.1.3 They will fairly and adequately reflect the diversity and voices and perspectives of the whole of the UK.

11.1.4 They will commission so that the UK’s nations and regions feel the economic and creative benefits of content production.

11.1.5 They will treat both BBC and independent producers equally and fairly, and treat them with respect and as partners.

11.1.6 They will share precise details of upcoming commissioning opportunities and/ or briefs with all potential suppliers simultaneously.

11.1.7 They will declare any conflicts of interest according to BBC regulations.

11.1.8 They will respect commercial/ creative confidentiality.

11.1.9 Cancellation of commissions and/or significant changes to schedules will be communicated in a timely manner.

11.1.10 A tender process may be postponed if it becomes clear before the launch that there could be a change that would impact the tender(s). Communications will be sent to suppliers and posted on the Radio Commissioning Website altering them to the amendment.

11.1.11 If a tender process is already underway and it becomes apparent there could be a change that would impact the tender(s) on offer, this will be communicated to all affected suppliers. Depending upon the nature of the change, it may be necessary for the suppliers to sign an NDA. The process may then either continue with suppliers aware of the potential change or be subsequently halted or postponed.

11.2 Timescales

11.2.1 Commissioners will respond to all offers according to the published commissioning round timetable, and ad hoc ideas within four weeks, and tell producers what is happening next.

11.2.2 Commissioners will be honest about what they think and say ‘no’ in a timely manner.

11.2.3 Commissioners will update on the status of all shortlisted ideas, or ideas they have asked producers to develop further, every six weeks.

11.3 Creative Feedback

11.3.1 Commissioners will only ask for changes where it would have a significant creative impact for the audience, although a creative dialogue is to be expected.
11.3.2 Commissioners / commissioning executives will, subject to workload, give feedback on delivered / transmitted programmes.

11.3.3 Commissioners will give feedback on major pitches and on ideas where further development has been requested.

11.3.4 Feedback on ideas submitted as short proposals, but not shortlisted, is unlikely, or will be automated.

12. Dispute resolution *(subject to further discussion)*

12.1 In the event of a dispute on the application of the framework arising between the BBC station and a BBC / independent producer that cannot be resolved within the radio station involved, the producer shall refer the dispute to BBC Radio HQ for the attention of Paul Smith, Head of Editorial Standards and Commissioning Policy. Both parties shall negotiate in good faith to resolve any such dispute.

12.2 If bi-lateral negotiations under 9.1 cannot resolve the dispute within 28 days then both parties will agree to escalate the dispute. *(detail TBA)*

12.3 Both parties will pay their own costs.

13. Review

13.1 The BBC will provide an annual report which will review the operation of commissioning and will include:

- The number and hours of programmes competed and the levels of commissions given to independent producers/in house
- The number of complaints regarding commissioning, the nature of those complaints (in broad categories), and how they have been resolved
- The operation of BBC Radio’s programme release policy.

13.2 Regular meetings will take place with RIG and heads of BBC production departments.

13.3 The BBC will conduct a survey of suppliers on an annual basis to monitor the operation of this framework and how it is being applied.

This framework will be updated on a regular basis to reflect changes in circumstances and operational procedures.