Impact case study (REF3b)

Institution: **University of Glasgow**
Unit of Assessment: **D36 Communication, Cultural and Media Studies, Library and Information Management**
Title of case study: **Determining media policy and regulation in UK today**
1. Summary of the impact

Philip Schlesinger, Professor in Cultural Policy at the University of Glasgow, has chaired the UK communications regulator Ofcom's Advisory Committee for Scotland (ACS) since 2009 and is highly valued for his research-informed expertise and policy insights. His research has significantly changed UK policy and planning related to the communications sector in Scotland and it has underpinned advice on the implications of developments in Scotland for UK-wide regulation. Schlesinger has also contributed extensively to discussion and dialogue in the public domain, through his media appearances, blogging, public speaking and advising public bodies.

2. Underpinning research

The research of Philip Schlesinger (Professor in Cultural Policy, 2007-present) has focused on the problems of constructing a supranational public sphere in the European Union. In this context, he has had a particular interest in nations without states (such as Scotland and Catalonia) that present challenges to state power. Since 2007 Schlesinger's research at the University of Glasgow's Centre for Cultural Policy Research has focused on developments in public policy and current transformations in the UK's media and cultural industries. This two-pronged agenda has shaped both Schlesinger's regular advice to Ofcom and his contributions to public debate.

Within the EU, European institutions have challenged the exercise of state power from above, while in some states devolutionary and separatist tendencies have challenged it from below. The UK is an example of a state with contrary forces at work. Political challenges at Westminster to Britain's existing relationship with the EU are presently coupled with the Scottish National Party Government's pursuit of independence for Scotland from the United Kingdom. Schlesinger has researched how this tension plays out in the fields of media and communications policies. His work has shown how devolution in Scotland has reinforced a distinct sub-state communicative space in the UK.

His recent work on the 'creative economy' has shown how small groups of insiders and privileged ideas have fundamentally shaped policy-making at the UK level. This model-building and evidence-producing dominance explains much of the Scottish Government's policy dependency on UK approaches to the creative economy, now central to cultural policy thinking in Scotland. The Scottish Government conforms to the views of the UK Department of Culture, Media & Sport (DCMS) of relations between culture and the economy. However, his research shows how in its quest for control over public service broadcasting, the nationalist government in Scotland has constituted an increasingly explicit political challenge to Westminster's 'reserved' powers over communications. More fundamentally, the Scottish Government is also now developing an alternative approach to the UK Government with regard to communications regulation. Schlesinger's advice to Ofcom and other public bodies, and his public interventions, have made direct use of these findings.

3. References to the research

1. Philip Schlesinger, 'Broadcasting policy and the Scottish Question', in Tim Gardam and David Levy, eds T*he Price of Plurality: choice, diversity and broadcasting institutions in the digital age* (Oxford: Reuters Institute for the Study of Journalism, 2008), pp.155-61. ISBN 978-0-9 5588889-0-8. [available from HEI]
2. Philip Schlesinger, 'Communications Policy', in Neil Blain and David Hutchison, eds, *The Media in Scotland* (Edinburgh: Edinburgh University Press, 2008), pp.35-51. ISBN 978-0-746-800-1. [available from HEI]
3. Philip Schlesinger, 'The politics of media and cultural policy', *Electronic Working Paper* 17, London: Media@LSE, 2009), 21pp. [PDF link]

4. Philip Schlesinger, 'Cultural and communications policy and the stateless nation', *Catalan Journal of Communication and Cultural Studies* 1.1 (2009), pp.9-14. ISSN 1757-1898. DOI: 10.1386/CJCS.1.1.9/7 [PDF link]
5. Philip Schlesinger, 'The SNP, cultural policy and the idea of the "creative economy"', in Gerry Hassan, ed., *The Modern SNP: from protest to power* (Edinburgh: Edinburgh University Press, 2009), pp.135-46. ISBN 978-0-7486-3991-5. [available from HEI]
6. Philip Schlesinger, ''Cultural policy and the constitutional question', in Gerry Hassan and James Mitchell, eds, *After Independence: The State of the Nation Debate* (Edinburgh: Luath Press. 2013), pp. 270-281. ISBN 978-1-9083-7395-3. [available from HEI]

Research grants:
– 2013-14: Schlesinger CI, 'Securing Scotland's Voice: The Digital Media Revolution in the National Press' Royal Society of Edinburgh Workshops Award (£8,826). PI, A Benchimol.
– 2012-15: Schlesinger CI, 'Multi-platform media and the digital challenge: strategy, distribution and policy' ESRC Research Grant (£445,338). G Doyle PI, K Champion RA.
– 2006-08: Schlesinger PI, 'Creativity: policy and practice. A study of Government, the BBC and the UK Film Council' AHRC Research Grant (£157,500). R Paterson BFI, S Frith Edinburgh U CIs, M Magor CCPR RA. Assessed as 'outstanding'.

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4. Details of the impact

The communications industries regulated by Ofcom cover all broadcast media, telephony, including broadband, wireless and mobile, and postal services in the UK. Ofcom was established by statute in 2003 to address transforming relations between broadcasting, telecommunications and radio communications. While devolved governments were established in Scotland and Wales in 1999, powers over broadcasting and overall communications regulation remain 'reserved' to the UK Parliament. Since the election of the Scottish National Party in 2007, and the setting of a date for a referendum on Scottish independence in 2014, the future of communications in Scotland has become increasingly politically contentious. Key policy choices – such as control over media regulation and public service broadcasting – divide unionists and nationalists. Against this background, research by Philip Schlesinger at Glasgow has shaped advice to the regulator and contributed to the wider public debate.

Provided expert advice on the implications of regulation

As an established and well-respected academic in Scotland, Philip's views on communications issues and 'the politics' are sought, valued and respected by Ofcom at many levels, including the Ofcom Board, the Nations Committee and teams within Ofcom's executive structure involved in developing regulatory policy across the communications sector....
–Director, Scotland, Ofcom

Schlesinger is a founding member of Ofcom's Advisory Committee for Scotland (ACS, 2004-present) and became chairman in 2009. As chair, Schlesinger leads an expert group which advises on UK policy developments in public service broadcasting, telecommunications, radio communications and post, which are all assessed for their potential impact on Scotland. Schlesinger develops the ACS's agendas with Ofcom's Director Scotland and shapes its written policy responses to Ofcom. He approves all final submissions to Ofcom and other bodies, of which there have been 27 since 2009: of the 14 external submissions 7 went to the DCMS, 3 to the Scottish Government and the remainder (4) to bodies such as the BBC Trust and the Royal Society of Edinburgh. Thirteen internal submissions were sent to Ofcom, accompanied by meetings with London-based officers, influencing the Ofcom executive agenda across the entire regulatory field by identifying Scotland's specific communications needs within the UK. Issues addressed included the Digital Britain and Digital Scotland initiatives, media ownership and plurality, mobile quality, spectrum (broader bandwidth transmission), postal services, TV and radio licensing.

These interventions have generated clear outcomes. In February 2010 Schlesinger wrote a submission, dissenting from Ofcom's own views, which transformed the way that Scottish broadcaster STV operated. Schlesinger argued the proposal to reclassify STV as an independent

producer would have dominated the Scottish market, being the incumbent commercial TV broadcaster as well as the largest producer apart from the BBC. Schlesinger criticised the DCMS impact assessment because it focused solely on the UK – where STV is relatively small – and ignored the local effects of reclassification on the Scottish independent TV sector. Taking this evidence into account, the DCMS decided not to reclassify STV.

Also in January 2013 Schlesinger's authority and reputation prompted Ofcom to reference 'discussions about the communications sector and its regulation' occurring in Scotland prior to the 2014 referendum in their *Annual Plan 2013/14* (p49:6.5) for the first time ever. This occurred as a result of Schlesinger's ACS submission requesting that Ofcom explicitly factor the Scottish policy debate into its strategic calculations.

In 2009 Schlesinger led a lobby of the committee chairs of the four nations for more effective advisory input to Ofcom's Board. This pressure supported the Ofcom Chairman's key initiative to create the Nations Committee (2009-present), a major shift in internal governance as territorial representation was regarded as of marginal importance when Ofcom was founded. The Nations Committee, on which Schlesinger sits ex officio, advises Ofcom's Board on how national questions affect UK-wide regulation, thus influencing overall strategy.

Directly influenced UK policy and planning

> Philip has been able to give measured advice to Ofcom and has ensured through the ACS that Ofcom continues to gain a nuanced perspective on the issues, a real sense of the political dimensions, and a greater awareness for all Ofcom staff and Board members of the way in which the debate and public opinion is developing [...]. His ability to ensure that Ofcom can engage with appropriate Scottish stakeholders, including Ministerial and Parliamentary representatives, is invaluable.
> –Non Executive Ofcom Board Member and Chair of Ofcom Nations Committee

As a Nations Committee member, Schlesinger advises the Ofcom Board on Scottish developments and privately briefs the Chairman and Nations Committee Chair on Scottish matters. To demonstrate the attention now focused on the possible challenge of independence, Schlesinger was invited (in March 2013) to a special Board meeting with the Permanent Secretary to the Scottish Government, which centred on the Scottish Government communications agenda and relations with Ofcom. Following this meeting in April 2013 Schlesinger was invited by the Permanent Secretary to discuss the Scottish Government's proposed new regulatory model for communications, which challenges Ofcom's monopoly. Schlesinger then invited Scottish Government officials to discuss its regulatory plans with the Advisory Committee, to inform further advice to Ofcom in July 2013. Schlesinger was also invited privately to discuss policy options with the First Minister's broadcasting adviser, with follow-up contact (August 2013). The key outcome of this activity has been to establish a new, arms-length, focus for dialogue between Ofcom and the Scottish Government in a highly delicate field. Ofcom has developed guidelines for dealing with government during the run-up to the referendum. The ACS, which has an independent advisory status, has been given leeway to engage in following the debate – for instance by attending meetings - in ways that Ofcom itself shies away from. Schlesinger drew up the guidelines for this process (July 2013).

Schlesinger has been asked by Ofcom to continue as ACS chair until August 2015, well beyond the referendum. The Chairman of Ofcom (UK) states:

> [Schlesinger's] rigour, his commitment to evidence-based policy making and his networks in the social policy fields relevant to communications have all combined to add great depth to Ofcom's work in this area.

His public role, however, extends beyond Ofcom. In autumn 2011 Schlesinger was appointed expert adviser on broadcasting to the Scottish Parliament's Scotland Bill Committee (preparatory to passage of the Scotland Act 2012). He advised the clerks on key issues, liaised with the parliamentary research team, and drafted the Committee's Private Paper, which set the agenda for

MSPs' questioning of witnesses. He also advised on communication with the DCMS regarding regional TV production quotas. The Committee's Report on the Scotland Bill (15 December 2011) cited him as an 'eminent adviser'.

Contributed to public engagement and the wider debate
Schlesinger has helped make the issue of Scottish communications accessible to a general audience through his contributions to the advicetoofcom.org website and the London School of Economics' Media Policy Project website. He also engages in a wide range of public engagement activities and is regularly invited to speak at public events – such as a panel on UK press futures, 450 capacity audience in Glasgow (March 2013), one on trust and the media at the Edinburgh International Book Festival, 500 capacity audience (August 2013), and a lecture on cultural policy to 196 artists in Glasgow (October 2010). His commentary on media issues has appeared in *The Herald* (19 August 2011), on the BBC's *Good Morning Scotland* (13 September 2012) and the BBC's *Newsnight Scotland* (14 August 2012). In 2011-12 he co-organised The Glasgow Lectures on Culture for a general public (average attendance, 120; videos available on iTunesU) and in 2013, he co-organised public policy workshops with,international, government and industry attendees on digitisation, new business models, and diversity of voice in the Scottish press (4 June 2013 and 14 October 2013).

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5. Sources to corroborate the impact

Confirming contribution to Ofcom's work at UK and Scotland levels: regulation, strategy and policy
- Scotland Bill Committee, Report on the Scotland Bill, Conclusions and Recommendations, 15 December 2011 (pg2, citing Schlesinger)
- Ofcom Annual Plan 2013/14 (p49: 6.5 specific note about Scotland)
- Ofcom Advisory Committee for Scotland - Official Website

Testimonials available from HEI
- Chairman, Ofcom
- Chairman, Ofcom Nations Committee
- Corporation Secretary, Ofcom
- Director Scotland, Ofcom

Evidencing contribution to public engagement and debate
- Philip Schlesinger's blog, Advice to Ofcom
- London School of Economics' Media Policy Project website
- The Herald, 'Expert says Scottish press needs a new business model' (19 August 2011)