

16 July 2002

Tessa Jowell
Secretary of State for Culture Media and Sport
c/o Kennedy Humphreys
Department for Culture, Media and Sport
2-4 Cockspur Street
London
SW1Y 5DH

Dear Tessa,

BBC & THE DIGITAL CURRICULUM

On behalf of Learnthings I am pleased to send you our considered response to the BBC's application for Digital Curriculum. Should you or your colleagues wish to discuss our response in further detail, please do contact me.

I have purposely concentrated my response on issues that other commercial enterprises might not. Learnthings Ltd sympathises with those who believe that the BBC's 50 per cent content limit is still too high, and with the overall risk to the market, but believes these points are being made forcefully enough elsewhere.

For your information we will be placing the submission on our website and will be releasing the main points to relevant media.

Yours sincerely,



Colin Hughes
Managing Director
Learnthings Ltd



Response to the DCMS consultation on the BBC's digital curriculum proposal

Who are we? Learnthings Ltd is a company, formed in February 2000, that is majority-owned and wholly funded by Guardian Newspapers Ltd. Learnthings' principal activity is the distribution of two distinct products. The first to be launched (in May 2000), is learn.co.uk. Learn.co.uk is an open website, free to the user, funded by advertising and sponsorship, which provides resources and revision materials for students and parents working at home. It is also widely used by teachers as a planning resource. The learn.co.uk site has a number of fully sponsored education areas, such as a citizenship minisite funded by Barclays, and an ecology area promoted in tandem with the Eden Project.

Learnthings' second, and more commercially significant product, is learnpremium. Learnpremium is an e-learning subscription service for schools, that offers teachers and pupils a vast range of in-depth learning materials from Foundation to AS level (4-18). The content on learnpremium is nearly four times greater than learn.co.uk, more interactive, and directly correlated to the QCA schemes of work. Wherever we cover a subject, we ensure that every national curriculum attainment target, or NNS or NLS strand, is covered. There are approximately 45,000 pages of learning content, with nearly 15,000 randomly generated assessments. More than 1,000 schools in the UK currently subscribe to learnpremium, and that figure is expected to exceed 2,500 by the end of this calendar year. Prices range from £175 to £1,100, depending on the type of school and the number of pupils. This price is generally regarded by schools as very low, given the volume and range of content.

Learnthings also custom-builds educational web content and delivery technologies for a variety of clients, including the DfES. It recently won, in consortium, the tender to commission and build the learning content for the NgFL Cymru.

Introduction We cannot see how the BBC's proposals sit within its charter remit. We also believe the BBC has utterly failed to understand the market impact of its digital curriculum proposals. However, we prefer to be practical and constructive. We recognise that there is substantial Government pressure for and some public expectation of the BBC's involvement in the production of digital materials. We therefore accept that a sensible compromise between the BBC and the commercial sector needs to be reached. It has not been reached yet.

1 While education was part of the original Royal Charter, the charter cannot sensibly be construed as extending that remit to online materials that are designed mainly for use in the classroom. To reach that conclusion, the terms of the charter have to be bent back on themselves. It is hard to see how the charter could be understood to provide for £150m of licence-payers' money being spent on materials that licence-payers in general will not use. Previous extensions into what the BBC quaintly calls 'emerging technologies' relate to education on radio or television – ie, broadcast materials. If the BBC were proposing the production of interactive TV materials, the corporation would have a strong case. The construction of purely online materials seems to have no charter basis at all.

Nevertheless, the Department for Education and Skills appears to regard the BBC initiative as being the best way to bring about the creation of substantial free-to-the-user online content at no direct cost to the Exchequer. However strongly we may object, we accept that the debate needs to move on from principled rejection to practicality.

For practical reasons, therefore, learn.co.uk has opted not to align itself with those of its competitors and partners who are challenging the BBC's activities in the High Court. We prefer to continue to seek a settlement of these differences.

2 During the autumn of 2001 some commercial publishers negotiated with the BBC behind closed doors, under the auspices of the DfES. Learnthings Ltd unfortunately could not participate in those discussions, because the only plausible trade associations represent book publishers (who are mostly lagging far behind in the production of web-based materials), and the British Educational Suppliers Association, to which learnthings Ltd cannot belong because we have not been selling our content for more than two years.

This creates a curious picture. We are here talking about frontier technologies, delivered online – an environment which inevitably will include a number of players whose businesses are young. But the parties to the discussions at the DfES were overwhelmingly engaged in the production of legacy technologies – books, CD-Roms, and other kinds of non-web software. We believe that, as policy moves forward in this area, the departments of Government and the BBC itself need to ensure the inclusion of those parties who are genuinely affected by and knowledgeable about online delivery.

3 This leads to a related point. The portrait of the current competitive environment in digital materials that is outlined in the consultancy work done for the BBC, and attached to its DCMS submission, is both inaccurate and inexplicable. Of the big businesses listed as the principal commercial players in this market, only one offers a substantial (by which we mean a wide and deep) web-based product. The others no doubt all have great intentions. But the blunt fact is that the subscription content offered to schools by learnthings Ltd through learnpremium is by far and away the widest-ranging and deepest interactive digital curriculum content being offered online anywhere in the UK. Yet it merits only a secondary reference.

This is important, because the DCMS and the DfES might genuinely be influenced by the notion that the BBC has undertaken worthwhile 'independent' research into the state of the market. That is palpably untrue. The consultancy report, in our view, brings little of value to this debate.

4 As it happens, though, learnthings ltd is not unhappy with the overall direction of the DfES-chaired discussions. Our view is that an arrangement that secures on the one hand ear-marked funds for digital content purchase by schools (ELCs), and on the other, a restraint on the range of content that the BBC is at liberty to produce, is a good direction in which to go. We do all share an interest in stimulating the use of digital materials in the classroom. Not all teachers are going to fall in love with the BBC offering; indeed, we think it likely that teachers will quickly insist on being able to use content from several sources alongside each other. One problem with the BBC's proposals as currently presented is that it is not at all clear how the BBC intend to help facilitate 'in tandem' usage of content, or linkage with commercial content. In fact, the BBC's odd and unexplained insistence on creating its own VLE rather suggests otherwise. Another, as we emphasize below, is that the BBC is proposing to replicate content that is already in the market-place. This it should actively be prevented from doing.

5 We feel obliged to repeat here what we said in response to last year's consultation: learnthings ltd has already produced narrow-band content (within learnpremium) covering every attainment target in the main subjects of the secondary national curriculum, and is well on the way to completing ALL numeracy and literacy strands at primary level, with mid-band interactivity available supplementally throughout. By the end of this year we will have extended our content to ensure coverage of all QCA schemes of work. Learnthings is, to date, the *only* comprehensive content provider. It only takes a quick glance at the QCA's national curriculum website to glean the point.

When these BBC proposals first appeared in May 2000, the heavy emphasis was on the creation of *broadband* content, laced with underlying games technologies, with a high degree of interactivity, incorporated video, and so on. We all enjoyed the trial materials. But we always doubted that high bandwidth content would be the right place for a commercial enterprise to start (though it's definitely the right place to aim), because it will be a long time before most schools can properly access that kind of content. However, it is important to recall that this was felt to be a major element of the justification for the BBC proposals: that commercial players would not be able to afford the upfront investment required to create *broadband* content, and therefore it made apparent sense for the BBC to step in and fill the anticipated hole.

But now what do we find? Between the first BBC proposals and this one, the notion has slipped in that the BBC will actually be delivering mainly *narrowband* content (for the very good reason that the BBC now has to face bandwidth reality). So where does it come from, this desperate imperative to produce narrowband content which replicates, or merely extends, what already exists? It does seem as if the juggernaut has started rolling, and it must therefore continue to roll even if the destination and purpose of the journey has changed. At every turn it seems as if the BBC is constructing new justifications for doing what it wants to do anyway.

6 Our main point is this final one. Conversations between learn and the BBC suggest that the corporation would genuinely like to see its content being used alongside commercial content. But the BBC, if allowed to proceed, should be required in several respects to go further, otherwise this will not easily happen.

One option would be to require that, if the BBC is allowed to breach the Charter in this way, then it should only be allowed to do so on the basis of joint venture with commercial partners. A requirement merely to commission some content from independent suppliers is important, but not in itself

adequate. Another option would be that the BBC be required to include pre-existent online content - by linkage, by agreement, or by procurement.

The BBC would like us all to believe that it wants to stimulate a market in online educational materials by producing content that increases their use in schools. But it has done nothing to counter the nearly unanimous feeling among commercial providers that the BBC is in fact going to stifle the evolution of a competitive market in online content. If the corporation is genuine in its desire to increase and promote usage of a range of digital education content, then it must more emphatically and enthusiastically embrace linkage of all kinds with existing commercial providers.

Summary

- We recognise that there is substantial Government pressure for and some public expectation of the BBC's involvement in the production of digital materials. We therefore accept that a sensible compromise between the BBC and the commercial sector needs to be reached.
- An arrangement that secures on the one hand ear-marked funds for digital content purchase by schools (ELCs), and on the other, a restraint on the range of content that the BBC is at liberty to produce, is a good direction in which to go.
- The point has been widely missed, that the BBC is intending to replicate content that is already in the market-place. It should be prevented from doing so.
- Again, the point has been widely missed that the whole purpose of the BBC's digital curriculum has shifted from broad to narrowband, thereby undermining the original justification for the enterprise.
- The BBC should be required to adapt to pre-existing content, to procure pre-existing content, or to joint venture.