



## **PACT's Response to the BBC's Application for Digital Curriculum Service**

PACT supports the Government's Curriculum Online initiative to develop a broad range of interactive and educational materials and services in schools. PACT recognises that a significant proportion of the project will need to be delivered by a body with the necessary infrastructure and resources to support such a large-scale initiative.

If the BBC is successful in acquiring a licence to deliver the Digital Curriculum – the proposed new interactive online public service - PACT would seek to ensure adequate and fair access for the independent interactive content producer.

As a trade association for independent producers PACT is concerned with the enhancement and creation of new businesses and the increased access to new markets for these businesses. The BBC's stated commitment to work with the independent content producers is seen by PACT as an excellent opportunity for content businesses in the education sector.

In response to the application and recent industry briefings the key points highlighted by PACT are summarised as follows:

- The BBC to recognise the track record of significant numbers of independent content producers who are producing and developing high quality online educational content.
- PACT proposes that the BBC should commit to investing in the development of the skills and capacity of these companies to enable them to tender for Digital Curriculum.
- The agreement to commission 50% of content from independent content producers must be in place from the beginning of the Digital Curriculum project and should be strictly adhered to as an annual quota. Realistic time-scales for commissioning must be in place from the launch of the project.

- There must be strict enforcement of the Fair Trade Guidelines in commissioning content from independent producers.
- The Content Advisory Board should have cross-industry representation with PACT as a representative body for the independent content production sector.

### **Competency**

PACT wishes to stress the existing level of competency in the production of online education content in the independent sector. A significant number of independents have produced educational online content of high quality for the commercial sector and for broadcasters such as BBC and Channel 4, including initial pilots for the Digital Curriculum.

Recent examples of independent online education production include: *Tobu (Learn Japanese)* and *Digger and The Gang* - Diverse Interactive; *Tracey Beaker* - Attic Media; *Brilliant Careers* and *BBC Sports Academy* - Illumina Digital and Cimex; *Marconi Online Museum* - Wheel Ltd; *The 24 Hour Museum* Diverse Interactive and System Simulation; *BBC Skillswise* – Cimex; *National Curriculum Online* - Simulacra Media; *The Parents Music Room* - Illumina Digital; *History Quest* – Magic Lantern; *Homework High* - Glasshead/CIMEX; *Time Tunnel* - Available Light; *Tiny Planets* - Peppers Ghost Ltd; *Learn.co.uk* - Learn.co.uk Ltd; *Pod's Mission*, *Children's Atlas* and *Citizenship website* – Workhouse TV.

In line with the BBC's intention that Digital Curriculum would provide 'a distinctive mix of content' PACT would assert that the strengths of the independent sector are proven in producing content that demonstrates creativity, innovation, diversity and risk.

Given the large amounts of content required it might be necessary for the BBC to work with consortia of companies. This should be acceptable to the BBC as long as the lead company is appropriately qualified to lead the tender. PACT would welcome the opportunity to discuss with the BBC ways of looking at appropriate qualifications for companies tendering to Digital Curriculum.

### **Skills**

In implementing the Digital Curriculum service the BBC have stated that they will invest in new sources of supply "... *providing opportunities and stability for the smaller players and supporting the growth of experience and expertise in the wider market*'.

PACT proposes that the BBC should commit to investing in the development of the skills of these companies to enable them to reach the necessary standards for tendering at this level.

### **Commissioning**

The BBC proposes that ‘an average of 50% of the BBC’s content budget over 5 years would be spend with external suppliers.’

While PACT welcomes the BBC’s proposals to work with independent suppliers, in light of the BBC’s track record to date in working with the independent sector, there are some reservations as to how the BBC would implement this. Just recently, the BBC has announced its failure to reach the 25% minimum quota for commissioning independent television production as agreed in the 1990 Broadcasting Act.

PACT proposes that the agreement to commission 50% of content from independent suppliers must be in place from the beginning of the Digital Curriculum project and should be strictly adhered to as an annual quota. Appropriate regulation of this will be vital.

The commissioning process must be transparent and fair, providing ease of access, fair-trading and fair dealing for the independent content producer.

Adequate and appropriate tender guidelines must be available before commissioning commences and there must be clear and open access to these tender documents. PACT has already offered to work with the BBC on the preparation of tender guidelines for interactive media.

The commissioning process should be sufficiently open, fair and reasonable to allow for proper and long-term business planning.

In view of the short time frame for the project to commence details of curricula and schedules must be released far enough in advance to allow independent companies adequate time for planning and tendering applications.

## **Rights**

Particular attention must be paid to IP (software and content rights e.g. generation of characters, formats etc.) and secondary distribution rights. Suppliers should be able to negotiate freely and retain IP rights where appropriate. Where IP deals are negotiated the supplier should be able to share in the value of the IP or be able to exploit the IP themselves.

If the BBC intends to provide its content free of charge to other commercial Managed Learning Environment's the independent producer must receive appropriate value for the rights inherent in the content provided to the BBC in the first instance.

As a corollary to this, there must be safeguards for content developed by the BBC for platforms other than the Digital Curriculum (e.g. Kingston in Hull) if they are to be re-exploited for Digital Curriculum.

The BBC states that it would '*aim to ensure access to the Digital Curriculum is as wide as possible by all available means*' including possible future exploitation over other platforms such as '*digital television, mobile phones and games consoles...*' Any rights agreements negotiated must allow the independent producer to exploit the value of their content over other platforms.

In their application the BBC have stated that '*all exploitation activity would be conducted strictly within the terms of the Fair Trade Guidelines*'. PACT would like to see this strictly enforced.

## **Regulation of Digital Curriculum**

The success of the BBC's intention to outsource 50% of the Digital Curriculum content will be in the transparent regulation of the initiative.

PACT has serious questions around the role and make-up of the proposed Content Advisory Board. For such a board to be effective it should have cross-industry representation and PACT would seek to be one of the industry bodies represented.