

A Frame of Reference for the BBC's proposition for a Digital Curriculum

June 2002

As stated in its proposal of 3 May, the BBC is committed to working in partnership with the Government, private sector broadcasters, software producers and publishers to deliver a coherent and comprehensive set of interactive digital learning resources for the Curriculum Online initiative. With this aim in mind, the BBC provides further clarification of its proposition in the "Frame of Reference" below.

1 SCALE OF THE BBC'S SPEND

1.1 Scale and duration of spend on the Service

- An initial spend of £150m (in 2001/2 prices) of licence fee funds to the end of 2006/7.
- Up to an additional maximum of £20m to 2006/7 from:
 - exploitation; and
 - the devolved Assemblies and Parliament, for coverage in the Nations. The BBC will be providing materials for Scotland, Wales and Northern Ireland from the initial £150m. However, because of the high cost of providing curricula materials for the Nations, the BBC reserves the right to consider seeking additional funds from Scotland, Wales and Northern Ireland and will work with the private sector players in Curriculum Online ("Industry") to clarify the availability of public funding in the Nations, once the policy framework for funding overall provision in the Nations is clearer.

1.2 Increases in spending

- BBC would be seeking funds for refreshment of the initial portfolio beyond 2006/7 but this funding would be contingent upon the next licence fee settlement and renewal of the BBC's Charter.

1.3 Accessing eLCs

- The BBC would not compete for Electronic Learning Credits provided by the DfES to stimulate the market in England.
- Following on from BBC Worldwide's position as preferred partner for the BBC, Worldwide has no plans to compete for Electronic Learning Credits whilst they are to be focused on the provision of course based materials mapped to the National Curriculum. Should the use of ELCs be redefined, then BBC Worldwide would review its position.

1.4 Bidding for Government contracts

- Subject to any necessary regulatory approvals, the BBC would be able to bid for other Government contracts to develop digital resources and, if it did so, undertakes to do so according to the transparency requirements of the BBC's commercial guidelines with all costs at full market value and no cross-subsidy from the licence fee.

2 SCOPE OF THE BBC'S SPEND

2.1 General provisions

- The anticipated allocation of the BBC's funds, set out below, is drawn from the BBC's current financial model. As the project rolls out, adjustments might need to be made to accommodate:
 - the application of contingency funds to resolve unforeseen issues.
 - the re-distribution of under-spends in any area.
- Any increases in content spend would be distributed in accordance with the commitments on content spend set out below. For clarity, overall funding would be as described at the levels in section 1, above.

2.2 Categories of spending

- The BBC's funding would cover:
 - **content:** archive, originations (in-house and independent) and refreshment spend (including spend on minority subjects and on materials for the nations);
 - **Technology:** content production system, Virtual Learning Environment ("VLE") and hosting;
 - **Overheads:** commissioning and management, marketing and launch support, legal costs etc.
- At a headline level, 60% of the BBC's funding would be allocated for content
- The BBC would not use licence fee funding for software (other than content, or content related materials provided within the Digital Curriculum) or any equipment / technical infrastructure in schools.

2.3 Technology spending

- BBC Technology Ltd is the BBC's lead technology solution provider but technology spend would be put out to open tender where required by public procurement rules.

2.4 Delivery platforms

- The Digital Curriculum is an online proposition and the Secretary of State's approval is being sought on that basis. However, in line with the BBC's overall approach to distribution of its public services, and the BBC's public consultation on the Digital Curriculum, the BBC would "aim to ensure access to the Digital Curriculum is as wide as possible and by all available means". Over time, as technology develops and funding allows, this might include via digital television, mobile phones and games consoles, subject to any additional regulatory approvals which might be required.

I. CONTENT SPEND

3.1 General provisions

- The BBC would commission across the curriculum and for children in the 5 – 16 year old school classes (Key Stages 1 – 4 in England), spreading its funding as outlined in 3.2 below

- Given the BBC source of funding and Charter obligations, the BBC digital learning developments would have to deliver against broader objectives. For example,
 - across the BBC's provision, the BBC would include appropriate recognition of the Scottish, Welsh and Northern Ireland curricula;
 - the BBC would also produce versions of the curriculum in the Welsh language; and
 - the BBC would also expect to provide access to the service from home, libraries and learning centres for students, parents and independent learners.

3.2 Content categories

- The relevant definitions of content spend are set out below, along with the proportion of the BBC's original content spend which would be on subjects from each category:
 - Core (up to 25%):
 - Maths (including numeracy);
 - English (including literacy);
 - Science.
 - Non-core (up to 35%):
 - Design & Technology;
 - ICT;
 - History;
 - Geography;
 - Modern Foreign Languages;
 - Art & Design;
 - Music;
 - Physical Education;
 - Religious Education.

- Minority (40%): refers to other subjects for example:
 - providing resources to cover variations in the Scottish, Welsh and Northern Irish curricula;
 - providing Welsh language versions of materials;
 - materials for minority subjects and areas of study (eg: community languages);
 - cross curricular areas (e.g. citizenship and PSHE);
 - creating materials for audiences with Special Educational Needs or accessibility issues;
 - new developments (e.g. VGCSEs), once integration of the new provision has been proved.

3.3 Curriculum coverage

- For each subject by Key Stage, BBC funds would be used to deliver a “backbone” of resources (“Backbone”), which would include a range of differentiated materials to satisfy the needs of mixed ability learning.
- The Backbone would represent no more than 50% of the course work (measured by Learning Objectives) for any subject and Key Stage
- The Backbone would include highly innovative and distinctive materials, which reflect the BBC’s particular capabilities and expertise

4 EXTERNAL COMMISSIONING

4.1 General provisions

- The BBC intends to spend 50% of the content funds with external suppliers, over the period to 2006/7.
- The BBC would spread third party spend between core, non-core and minority subjects in the same broad proportion as total spend.

4.2 Commissioning process

- The BBC would establish a commissioning unit for Digital Curriculum content commissioning activities, which would oversee a competitive tender process for suppliers in accordance with public procurement rules (where applicable).
- The successful suppliers would have the opportunity to enter a detailed dialogue with the BBC on the detail of the commissioning brief. The final brief would reflect the results of this dialogue and, therefore, the creative vision of the supplier, where appropriate.

4.3 Rights ownership

- On rights ownership, the BBC's core policy position is that if materials are fully funded by the BBC then the BBC should retain all rights. However, the BBC is committed to being as reasonable and flexible as possible in its dealings with the commercial sector for the benefit of Curriculum Online. In practice, the BBC operates four models for materials commissioned by the BBC:
 - fully funded but with significant creativity and added value for the supplier (e.g. commission for whole course or significant parts of the course); rights retained by the BBC but supplier has shares in net revenues from exploitation ("Back – End Revenues");
 - fully funded but small elements commissioned to tight editorial and design brief: BBC retains all rights and does not share Back-End Revenues;
 - co-developed or co-produced materials (e.g. working with a publishing house on materials for a particular scheme of work): BBC to share rights and net exploitation revenues as appropriate on a deal-by-deal basis;
 - licensing pre-existing materials (e.g. working with a software house to develop an existing application such as an interactive map for use in Digital Curriculum): BBC to share rights and Back-End Revenues on a deal by deal basis.
- Where a third party producer is substantially adding to the creative value and process, the BBC is therefore able to recognise this contribution in sharing control and ownership of the intellectual property rights created.

4.4 Branding

- Any branding on materials from third party content creators must be in line with the BBC's branding and credit guidelines but should also acknowledge the value of the role that the third party creators have played in the creative process. Third party content creators should therefore be able to display their brand appropriately, in a form to be agreed with the BBC, on any content they create

5 COMMISSIONING PLANS

5.1 Publishing commissioning plans

- The BBC would publish each year (via public website, to DfES and equivalents in the Nations) three year headline commissioning plans for all four countries showing roll-out by subject and key stage with indicative plans for years four and five in advance of the commissioning process being instigated for a given year.
- Were the Secretary of State to approve the service the BBC would publish the first headline and indicative commissioning plans as soon as possible thereafter.
- Detailed plans for each of the Courses planned by the BBC would be published on a rolling basis, at the earliest time possible, which the BBC expect to be as soon as the curriculum maps are finalised.

6 ACCESS TO MATERIALS

6.1 Teacher access

- Teachers would be able to access BBC materials at a granular level for mixing and matching with other course materials in lesson building

6.2 Access by reference

- Content Providers would be allowed to provide web-links to relevant branded resources from the BBC's portfolio of online materials

6.3 Content provider licensing

- Content Providers would also be able to apply to the BBC to acquire and use BBC materials for incorporation into products for the Curriculum Online service in the UK in accordance with circumstances described by the following framework:
 - for use within the Curriculum Online service, in the UK, only
 - for use in CDROMs or downloadable resources, provided that the materials will be used in an online resource over time
 - for use subject to reasonable technical performance standards which match those used by the BBC in its digital curriculum service
 - Only applies to all materials newly created for Curriculum Online for which the BBC holds the rights
- Third parties would be able to use BBC materials, so that they could add value for teachers and learners and extend choice by offering innovative contexts and complementary materials in an integrated way,
 - up to a cap of 20% of the materials in any one product (the 20% cap would apply to each asset type)
- Access to BBC materials for any particular third party would be capped at 10% of the BBC's portfolio, by asset type
 - Materials available in this way would be unbranded
 - The pricing for such materials would include:
 - reasonable incremental costs associated with re-versioning / delivery
 - reasonable costs for administering and monitoring the transactions
 - and a reasonable rate of return (essential to comply with the BBC's Fair Trading Guidelines)

7 THE VIRTUAL LEARNING ENVIRONMENT (VLE)

7.1 Functionality of the initial BBC VLE

- The BBC would develop a Free to Air virtual learning environment (“VLE”) for teachers, parents, pupils and Independent Learners
- Teacher and student functionality would initially be restricted to:
 - discovery and playback of BBC materials;
 - sequencing functionality;
 - teacher personalisation.
- For the avoidance of doubt, the teacher and student functionality of the initial BBC VLE would not include:
 - retention of assessment data;
 - retained knowledge of individual pupils;
 - any interface to school/Local Education Authority management information system (“MIS”);
 - an Intelligent Tutoring System (ITS).
- For independent learners, the functionality of the VLE would also include:
 - registration and personalisation;
 - user tracking.
- The BBC would use its reasonable endeavours to implement effective mechanisms to ensure that independent learners registering to use the service are genuine.

7.2 Conditions under which BBC may extend VLE functionality

- The BBC has no current plans to extend the initial VLE functionality (although the functionality of the BBC VLE might be kept up to date with developing platform technologies)
- The BBC would rely upon commercial platforms to provide the additional functionality around its content provided that
 - interoperability and functionality provided by the commercial platforms is to standards agreed by DfES;
 - the BBC’s published Producers’ Guidelines and Online Guidelines are observed, as required by the BBC’s Royal Charter
 - commercially available VLEs have no incremental charge for replaying BBC materials

7.3 BBC interoperability with Commercial VLEs

- The BBC would ensure that the service provided to both schools and homes complies with the technical interoperability standards being outlined by the DfES Working Group.
- The BBC would allow commercial Managed Learning Environment (MLE) providers to cache BBC materials on local servers for use within Curriculum Online approved MLEs.

8 MERCHANDISE

8.1 BBC UK exploitation

- To support the major investment the BBC would be making in the Digital Curriculum, the BBC would expect to develop a portfolio of ancillary products for the UK market.
- For the UK, the BBC's current plans include the production of the following for both the school and home markets:
 - usability and technical guides for teachers;
 - companion guides for students and independent learners which will provide additional support reflecting only those elements of the coursework which would be covered by the BBC's online Backbone and which will also be directed at the technical / usability aspects of the BBC materials, rather than the underlying pedagogy.
- The BBC has not concluded any exploitation arrangements nor have the associated branding/rights arrangements been settled. The selection of exploitation partners would be a process conducted strictly within the terms of the BBC's Fair Trading Commitment.
- Neither the BBC nor its exploitation partner(s) would produce comprehensive textbooks, for the Digital Curriculum in the UK.

8.2 BBC non-UK exploitation

- The BBC would also seek to exploit the curriculum materials for merchandise in markets overseas, within the usual framework for the commercial exploitation of licence fee assets

8.3 Third Party companion guides

- The BBC would support the production of unbranded companion guides by third parties. For this purpose, the BBC would make Beta versions of the Service available and third parties:
 - would be able to draw on the structure and themes of the BBC materials;
 - would be able to incorporate up to 20% of the visual assets from each course, made available at a zero rate;
 - would be required to make use of the BBC Branding in screen grabs and illustrations.

9 ADVERTISING AND PROMOTION

9.1 General provisions

- Where the BBC was able to use its media outlets to advise the schools audience of the availability of its Digital Curriculum Service, it would position the BBC's offering:
 - within the wider Curriculum Online framework (using the branding developed by the DFES);
 - and recognise the availability of alternative suppliers products.
- in line with existing guidelines, the BBC would not use television or radio information slots to advise audiences about BBC commercial merchandise (such as usability and companion guides) associated with the Service

10 THE ROLE OF THE BOARD OF GOVERNORS

The BBC's Board of Governors are legally responsible under the Royal Charter for ensuring the BBC's compliance with all legal and regulatory obligations and undertakings, including the terms of the Secretary of State's approval for New Services and the BBC's Fair Trading, Editorial and other relevant Guidelines.

11 ACCOUNTABILITY FRAMEWORK

11.1 Role of DCMS

- The BBC is accountable to DCMS against New Service Approval including this Frame of Reference and any conditions specified by the Secretary of State
- DCMS may commission an independent review of any new Service (usually 2-3 years after launch) to determine whether the BBC is complying with the terms and conditions of the approval.
- The results of such an independent review would be submitted to the Board of Governors for action where appropriate, as well as to the Secretary of State.

11.2 Fair Trading and Transparency

- Normal BBC fair trading procedures would apply to the Service

11.3 Role of the Content Advisory Board

- The Content Advisory Board would have a role in reviewing the commissioning plans and curriculum coverage matters for all contributors to the initiative.
- The BBC would work with the Content Advisory Board and, in particular, would listen to the analysis and recommendations of the CAB and adjust its own plans for England in response to the advice of the CAB, whilst taking account of the needs of Scotland, Wales and Northern Ireland.
- The BBC would also work with the Industry to urge the establishment of similar arrangements for Scotland, Wales and Northern Ireland.

11.4 Disclosure

- The BBC would report its Digital Curriculum activities in a transparent way, in accordance with the BBC's existing regulatory framework

12 ELECTRONIC LEARNING CREDITS

12.1 General provisions

- The BBC fully endorses a vital role for commercial players in Curriculum Online
- The BBC supports the provision of electronic Learning Credits to fund the purchase of digital learning materials from commercial players, as set out in its application to the Secretary of State