



Teledwyr Annibynnol Cymru  
Welsh Independent Producers

## Response to

# Prominence and Accessibility on Connected TV Platforms: Ofcom Consultation on draft Code of Practice and draft Guidance on the Agreement Objectives

March 2026

## About TAC

1. TAC (Teledwyr Annibynnol Cymru/Welsh Independent Producers) represents independent TV production in Wales. With a value of £460m, our sector is a substantial component of the creative industries in Wales, and Cardiff alone has the third largest film and TV cluster in the UK.
2. There are around 50 TV production companies in Wales, ranging from single owner businesses to some of the leading players in the UK production industry, all providing economic, social and cultural benefits. They produce content for the BBC, ITV, Channel 4, Channel 5 and Sky as well as other commercial broadcasters and platforms.
3. Our member companies produce almost all the content for Welsh-language broadcaster S4C. TAC and S4C partner to provide a training programme to help develop talent within the industry. S4C provides a wide range of content for audiences not just in Wales but across the UK and further afield, with its content now increasingly being distributed internationally.

## **About this response**

4. We welcome the opportunity to respond to this consultation. TAC is not directly involved in matters of prominence and there are areas where stakeholders from the regulated television selection services (RTSS) and designated internet programme services (DIPS) will be able to provide more detailed views and insight. We have therefore outlined some high-level concerns regarding whether we believe the Draft Code and Guidance will deliver the intended prominence for PSBs and in particular S4C, and only addressed those questions on which we have specific points to make.

## Consultation question 1: Do you agree with our approach to considering appropriate prominence and our analytical framework?

5. As an overall comment, TAC's opinion is that the Code and Guidance does not sufficiently follow through on the level of importance and urgency communicated by Ofcom itself in its various reports on the issue, or in terms of the Government's stated intentions when bringing in the Media Act legislation. Ofcom's statement on its recommendations to Government on prominence in 2019 was very clear on the effects of reduced visibility for PSBs: *'A decline in the visibility of PSB content may reduce viewing to these services and consequently reduce the benefits that PSB delivers to individuals and society, as well as the sustainability of PSB'*<sup>1</sup>.
6. In its subsequent Public Service Media Review which reported in 2021, Ofcom reiterated earlier calls for legislation *'to secure prominence for live and on-demand public service content across all major TV services and platforms'*<sup>2</sup> and described the need for this as 'urgent'.
7. Correspondingly the Government's intention in legislating on the matter were made clear when introducing these provisions in the Media Act and can be evidenced by the remarks made in Parliament at the time. The then DCMS Minister of State, Sir John Whittingdale MP OBE, stated during the Media Bill's House of Commons Committee Stage that: *"The prominence regime is designed not to force people to watch PSBs, but just to make them easily findable, so that when someone turns on their television, the first thing they see is the range of PSB channels as suggestions"*<sup>3</sup>.
8. Ofcom's principles, set out in the consultation, on which the Code and Guidance are intended to be based, include that an 'appropriate' degree of prominence is one that *'Enables audiences to easily discover and access DIPS and public service content'*.
9. Despite the above, TAC does not believe that elements of Ofcom's proposals sufficiently follow through with the intention of the law in this matter, or indeed with the case made initially by Ofcom for the need to 'ensure' greater prominence of PSB services.
10. Overall, our opinion is therefore that Ofcom needs to re-examine its proposals in order to introduce a greater emphasis on definitive requirements. Only this can ensure a genuine and permanent step-change in the prominence of PSBs on the devices and services in question.

---

<sup>1</sup> [Review of prominence for public service broadcasting: Recommendations to Government for a new framework to keep PSB TV prominent in an online world. Ofcom, July 2019](#)

<sup>2</sup> [Small Screen Big Debate: Recommendations to Government on the Future of Public Service Media. Ofcom July 2021, p3, para 1.10](#)

<sup>3</sup> Sir John Whittingdale MP OBE, Minister of State, Department for Culture, Media & Sport, speaking during House of Commons Committee stage of the Media Bill, 7 December 2023. [House of Commons Official Report, Public Bill Committee, PBC \(Bill 8\) 2023 - 2024, col. 100](#)

## **Variance on how RTSS' can comply**

11. Ofcom sets out in its consultation that *'The Code is not mandatory for platform providers ... Providers may choose to take alternative actions that they consider satisfy these duties, but where they do, they will not automatically be treated as compliant. Should Ofcom have concerns about those actions, we may choose to investigate'*.
12. We have a concern that by making its Code and Guidance essentially voluntary by allowing 'alternative' actions, Ofcom is inviting the creation of a complicated regulatory landscape where there could in theory be as many different solutions as there are RTSS providers. This will make it difficult for Ofcom to monitor and potentially force it to be reactively seeking improvements to arrangements rather than ensuring they are satisfactory from the outset by means of a clear mandatory Code. Allowing alternative solutions will essentially allow RTSS' to seek solutions which, while on the surface adhering to key principles, are not necessarily in the best interests of the PSBs in terms of following the spirit of the legislation.
13. Given, again, the importance both Ofcom and the Government have attached to this matter, we believe a stricter Code should be in place, with specific non-negotiable elements, such as not allowing the user to change the order of apps (as addressed in response to Question 2 below).
14. We believe that this will help to ensure the level of prominence that Ofcom and the Government intended and also would make the necessary monitoring and compliance far more manageable.

## **Question 2: Do you agree with our proposals on app menus, and our assessment of their associated impacts?**

### Requirements for the App Menu

15. Ofcom proposes that: *'On UK-wide connected TV platforms, the designated PSB player apps should be immediately visible and appear within the first nine tiles in the following order (although they do not necessarily need to be placed together): BBC iPlayer, ITVX, Channel 4 player, Channel 5 player, S4C Clic and STV player'*.
16. Given that it appears towards the end of that list, we have a concern that S4C Clic may not be fully visible unless it is made clear that this is required by Ofcom. There needs to be a clearly stated requirement inserted into the Code that the S4C Clic tile must be fully visible, without any action needed on the part of the user to scroll or click through to see the full Clic app.

### User ability to re-order the app rail

17. The most significant general concern is that while platforms would be required to include the PSBs in a prominent position in the default version of their setups, the user would be allowed to personalise the apps listed, meaning they could simply deprioritise

the PSBs in the display and therefore reduce their prominence. This seems to undermine the whole regime, as it will be easy for users to simply demote the PSB apps. It is particularly counterproductive given that, as Ofcom has itself noted in numerous reports, gaining and keeping younger audiences is a particular challenge for the PSBs.

18. Ofcom states in its consultation that *'We recognise that some audiences, most notably younger audiences who may be more likely to consume content from non-PSB streaming players, may experience short-term disruption to their user journeys as a result of the new regime, to the extent that our proposals could move the other IPS they use or make them less visible. However, as we set out in paragraph 3.81, if permitted by the RTSS, they would be able to change the order of the apps to suit their preferences'*.
19. It therefore appears that Ofcom is in effect acknowledging that, by giving the user the option of altering the order of the apps, it is increasing the chances of these important younger audiences moving away from the PSBs. Ofcom therefore needs to strengthen the Code by requiring that PSB apps should be anchored in prominent positions at the top of the order of apps and not be able to be demoted or removed by the user. Only by requiring this can Ofcom ensure that the necessary prominence for PSB programming is achieved as intended.

#### App rail priority for S4C

20. Ofcom states that where an RTSS operates uniformly across the UK, the main PSBs - BBC, ITV/STV, Channel 4, Channel 5 and S4C - must appear within the first nine tiles on a platform app. However, some apps may have fewer tiles on the first page so this may disadvantage S4C if it is following on after the rest of the PSBs.
21. The Ofcom Code allows non-PSB services to be present on the app rail. However it does not require that this does not prevent any PSBs apps from being partially hidden in the process. It is important that the presence of non-PSB apps does not prevent the whole of S4C's Clic app tile, or any other PSB app, being visible without any need for the user to scroll.
22. Secondly, where a service differs according to where the user is based in the UK, the Code allows for 'regional' variation. So while S4C would be more prominent in a service targeted at Wales, it would be less prominent elsewhere. For services which were different according to region, for users in Wales, S4C Clic would be required to be included within the highest eight positions of the app menu.
23. However, for the same services' provision for users outside Wales, the S4C app would only need to be 'easily discoverable'. This is despite the fact that Ofcom acknowledges that the Media Act changed the definition of S4C as not purely a service for Wales. There is also significant take up of S4C content across the UK - last year, 15% of S4C's BARB measured TV viewing hours were from outside of Wales and this rose to 30% for S4C Clic viewing hours<sup>4</sup>.

---

<sup>4</sup> Figures provided to TAC by S4C

24. To show the Government's intention in this area, we note that during the Commons Bill Committee Stage the Minister of State remarked: *"It is our view that we should replicate the current regional prominence arrangements under the linear regime in the online space, given that the nations and regions are a core component of PSBs"*.<sup>5</sup>
25. The Guidance and Code therefore need to be much firmer in securing greater prominence for S4C, stipulating that S4C should not be demoted in terms of visibility, in circumstances where there was regional user variation in the service.

**Question 4: Do you agree with our proposals on search, and our assessment of their associated impacts?**

PSB prominence

26. Ofcom's position is currently that *'where both public service content and non-public service content are similarly relevant to a user search, they should be given similar prominence in the search results'*.<sup>6</sup>
27. Non-PSB search results may well, due to the relationship between algorithms and commercial deals made by the platform provider, be far from reliable in terms of providing the most relevant results.
28. We note that in its 2019 report on prominence, Ofcom acknowledged that search results could be affected by such factors: *'...more sophisticated data use, for example delivering more personalised or targeted content selections, may increasingly influence content discovery in ways that may not be immediately apparent for the viewer or content provider. For example, viewers are unlikely to know that the results of a search can be affected by agreements between content providers and TV platforms about the availability of metadata, nor that commercial deals may lead to particular programmes or versions of programmes being favoured in search algorithms'*.<sup>7</sup>
29. The PSBs have public service remits underpinned by legislation and are operating under a stricter compliance regime for content standards. This means they should be rated the highest for being trusted content and reflected in the prominence rail priority.
30. In recognition of this, along with the original purpose of the legislation and Ofcom requirements, we would therefore call for content from PSBs to have the greatest prominence in search results.

---

<sup>5</sup> Sir John Whittingdale, Minister of State, Department for Culture, Media & Sport, speaking during House of Commons Committee stage of the Media Bill, 7 December 2023. [House of Commons Official Report, Public Bill Committee, PBC \(Bill 8\) 2023 - 2024, col. 96](#)

<sup>6</sup> [Prominence and Accessibility on Connected TV Platforms: Consultation on our draft Code of Practice and draft Guidance on the Agreement Objectives](#). Ofcom, January 2026, p5

<sup>7</sup> [Review of prominence for public service broadcasting: Recommendations to Government for a new framework to keep PSB TV prominent in an online world](#). Ofcom, July 2019, p25, para 4.46

## Welsh Language Provision

31. With S4C being a publicly-owned public service broadcaster, its mission to promote the Welsh language is a core public objective and this should be recognised in Ofcom's code when it comes to prioritisation in the search facility. In its consultation Ofcom states that *'We would expect RTSS providers to consider how public service content in languages other than English is able to be returned within search results. In particular, in order for Welsh-language content to appear in search results, the RTSS would need to be able both to read and interpret the relevant metadata and to interpret the user's search query'*<sup>8</sup>.
32. We note however that this is not addressed in the draft Code. If a range of Welsh language content is being hosted on a platform, then someone looking for such content programming should be able to search in that language. Providing search and other services in different languages is applied in many different scenarios and of course that includes such TV platforms. Therefore we see no reason why this cannot be fulfilled easily by the RTSS providers in terms of facilitating Welsh language text and voice search.
33. Ofcom therefore needs to require that the ability to search in Welsh either through voice or text *must* be provided.

### **Consultation question 14: Do you agree with our proposed draft Guidance, and our assessment of its associated impacts?**

#### 'Core' versus 'additional' terms

34. Is it important that when separating out what is 'core' for DIPS to provide to secure prominence that RTSS do not make this conditional on any 'additional terms'. We are concerned if this is not ensured that it could lead to payment having to be made for due accessibility and/or prominence. As an example, we understand that the 'continue watching' function, which brings the viewer back to a programme or series they had previously watched, can at present be subject to additional negotiation, rather than being provision within a core agreement. Ofcom therefore needs to specify within the final documents that payments other than a revenue share should also be specifically regulated.

#### Metadata

35. We note that it is considered 'reasonably necessary' within the guidance for DIPS providers to supply to the RTSS key metadata, including relating to 'audience needs and expectations' where it is provided for core prominence purposes, and that this should be without the need for payment<sup>9</sup>.

---

<sup>8</sup> [Prominence and Accessibility on Connected TV Platforms: Consultation on our draft Code of Practice and draft Guidance on the Agreement Objectives. Ofcom, January 2026, p50, para 3.155](#)

<sup>9</sup> [Draft Guidance on Agreement Objectives. Ofcom, January 2026, p9](#)

36. Such data has a potential commercial value to the RTSS. Therefore it is important that the Code and guidance are explicit that using the metadata supplied could not be used for other purposes unless specifically agreed as an 'additional term'.

#### Out of App data

37. In order for PSBs to maximise the audience gained through their presence on RTSS, they need to understand how audiences access their services. Knowing whether people are finding their services more through, for example, search or more through 'hero banners' will determine how PSBs seek to target audiences. This data should therefore be required to be provided to the PSBs free of charge by the RTSS providers.

**Question 16: Do you agree that 12 months is a reasonable period for all providers to bring themselves into compliance? Please provide your reasoning, and if possible, any supporting evidence.**

38. Since the passing of the Media Act, RTSS providers have known there would be requirements on PSB prominence in the near future and therefore should have been making progress towards being able to accommodate changes to key features such as app rails and search. We are concerned that a twelve-month delay will result in a lost period where PSBs will continue to be competing with commercial services without any of the prominence which Ofcom has described as 'urgent'. We would therefore urge Ofcom to adopt a more aggressive timetable of six months from the publication of the final Code and Guidance.