

Statement of Commitments

**By the Broadcasting Commission of Ireland to the
Department of Communications, Marine and
Natural Resources**

**1 August 2006
This document contains 8 pages**

Introduction

This Statement of Commitments document outlines an agreed framework for the mutual provision of services, resources, information and advice between the two organisations. It establishes commitments to be met in terms of delivery and communication of outputs, objectives and outcomes.

BCI and DCMNR commit to a process of open and regular communication on this Statement of Commitments, with a view to effective and efficient achievement of the objectives set out herein.

DCMNR recognises the independence of BCI as a statutory body with regard to each of the key functions of the Commission as under current legislation.

This statement does not in any way limit any additional actions or policies being implemented between the two organisations. Amendments or modifications to the statement may be made by agreement in writing of both parties.

1. BCI commitments to DCMNR

1.1 The relationship between BCI and DCMNR is underpinned by the Commission's statutory obligations in accordance with the provisions of the Radio and Television Act 1988 ("1988 Act"), the Broadcasting Act 2001 ("2001 Act") and the Broadcasting (Funding) Act 2003 ("2003 Act"). In this context, BCI has committed to providing a range of actions through its Sustaining Progress Action Plan ("Action Plan"), the BCI Strategic Plan 2004-2008 and the objectives agreed under the Chief Executive Performance Related Award Scheme ("CEO Performance Award Scheme").

2. Duration of the Statement

2.1 This statement will cover an initial rolling period of three years and is deemed to commence on August 1st, 2006. New commitments will be agreed and incorporated into the statement on an annual basis.

3. Background information

3.1 The BCI is broadly responsible, under the Radio and Television Act 1988, the Broadcasting Act 2001 and the Broadcasting (Funding) Act 2003, for:

- **Licensing**

The Commission licenses independent broadcasting services with a view to providing listener choice and diversity. This includes the licensing of a national television service (TV3), a national radio service (Today FM) along with regional, local, community and institutional radio services. The Commission is also responsible for the licensing of additional services on digital terrestrial, cable MMD and satellite systems.

- **Monitoring and Compliance**

The Commission monitors all of the above services to ensure that licence holders comply with their statutory obligations as well as the terms of their contract. Monitoring and compliance includes the assessment of ownership and control

structures, financial and trading performance, human resource management practices and transmission and studio facilities as well as an assessment of programme output to determine compliance with the relevant statutory rules and codes.

- Codes and Rules
The Commission is responsible for the development of codes and rules in relation to programming and advertising standards. When introduced, these codes apply to all broadcasters, both public and private.
- Development
The Commission provides support for training and development initiatives, in an effort to promote a culture of excellence in the independent broadcasting sector. The Commission also supports programming initiatives such as the New Adventures in Broadcasting Scheme.
- Research
The Commission undertakes and/or commissions research to assist the development of broadcast policy in Ireland, in the context of technological change, changes in EU legislation, new programming formats and international trends and experiences.
- Information
The Commission publishes and disseminates information to those working in the broadcasting sector as well as to the general public.
- Broadcasting Funding Scheme (Sound & Vision)
The Commission is responsible for the development and administration of a scheme for the granting of funds to support:
 - Broadcasting of new television and radio programmes on Irish culture, heritage, experience and adult literacy;
 - Broadcasting of such programmes in the Irish language; and
 - Development of archiving of programme material produced in the state.

4. Commitments

The BCI is committed to the achievement of the following in the period covered by this Statement:

- 4.1 *Licensing*
 - 4.1.1 Increase the range of licensed services including the completion of the BCI Radio Licensing Plan 2005-2007; the development of additional community radio services; the development of additional television services (including community services) and the development of policies on digital radio and TV services.
 - 4.1.2 Process radio licenses in accordance with Section 8(1) of the 1988 Act, within 3 months of receipt of applications, subject to all material being provided as requested.
 - 4.1.3 Provide full and comprehensive feedback, in accordance with Guide to Submission procedures, to unsuccessful licence applicants in a timely manner.

4.2 *Monitoring and Compliance*

- 4.2.1 Carry out monitoring of station output against statutory obligations and codes and rules in accordance with BCI Compliance Policy and the BCI Monitoring Plan 2006.
- 4.2.2 Develop and implement system for monitoring of obligations under the BCI Access Rules.
- 4.2.3 Ensure monitoring system is adapted as appropriate and personnel are trained in the new regulation (Code of Programme Standards and General Advertising Code).
- 4.2.4 Carry out annual station performance reviews in accordance with BCI Compliance Policy 2006 commitments.

4.3 *Codes and Rules*

- 4.3.1 Research, consult and develop a Code of Programme Standards and a General Advertising Code by end of 2006.
- 4.3.2 Develop implementation plans for the Code of Programme Standards and the General Advertising Code.
- 4.3.3 Undertake an operational review of Section 7 (Diet and Nutrition) of the Children's Advertising Code.
- 4.3.4 Examine on a case-by-case basis and, where appropriate, extend the Access Rules to incorporate targets for services licensed under the 2001 Broadcasting Act.
- 4.3.5 Review Access Rules after three years of implementation.
- 4.3.6 Review Children's Advertising Code after three years of implementation.

4.4 *Development*

- 4.4.1 Evaluate and revise as appropriate the BCI Training and Development Policy by December 2006.

4.5 *Information*

- 4.5.1 Provide information in accessible formats to members of the public, media and other relevant organisations/groups/agencies on key BCI functions and activities.
- 4.5.2 Undertake public promotion of the BCI Children's Advertising Code.
- 4.5.3 Respond to all FOI requests in a timely manner

- 4.5.4 Respond to all requests for information in a timely manner in keeping with the BCI Customer Service Charter.

- 4.6 *Broadcast Fund*
- 4.6.1 Complete resourcing and staffing of the Broadcast Fund Division to implement and manage the scheme.
- 4.6.2 Complete two rounds of the Sound and Vision Scheme in 2006 and review its implementation.
- 4.6.3 Develop the archiving project.

- 4.7 *Research and policy development*
- 4.7.1 Enhance the research function through the introduction of a comprehensive research policy.
- 4.7.2 Input for review and analysis, policy positions/submissions on key issues to the Department, as requested.

- 4.8 *Organisational development*
- 4.8.1 Develop implementation plan for BCI Organisational Development Policy, focusing on organisational culture, cross functional working and knowledge management.
- 4.8.2 Develop implementation plan for BCI PMD Policy.
- 4.8.3 Identify and implement appropriate training initiatives to support the Performance Management Development and Organisational Development Policies.
- 4.8.4 Carry out review of organisational training and development needs in the context of the Corporate Strategy and the implementation of the BCI PMD and Organisational Development policies.
- 4.8.5 Pilot BCI Stagiaire Policy, hosting two placements, one short term, one long term, to begin in 2006.
- 4.8.6 Carry out review of internal staff training and development policy and continue to support individual training and development needs in the context of this policy.
- 4.8.7 Undertake review of BCI Partnership Forum and implement recommendations.
- 4.8.8 Undertake review of BCI Recruitment Policy, taking cognisance of National Disability Authority recommendations.

The foregoing is intended only as a summary of (selected) high level commitments which the BCI is responsible for pursuing and achieving during the period of this Statement of Commitments. The Commission will continue to identify and pursue other strategic and

operational commitments as deemed appropriate by its Board and Executive Management Team.

5. Flexibility and Amendment of Targets

- 5.1 The BCI and DCMNR recognise that it may become necessary to change, modify, add to or otherwise alter, agreed commitment targets during the course of this contract. A necessity for amendments may be prompted by changes in e.g., legislation, government/ministerial priorities, prevailing operating circumstances and/or broader political, economic, financial or relates priorities.
- 5.2 Where amendments become necessary, the Department commits to engage in meaningful consultations with the BCI. Such consultation will be designed to quantify any increase or reduction in effort required to achieve amended commitments, while simultaneously ensuring that other commitments are modified to reflect total output requirements.

6. Communication and information sharing

- 6.1 The BCI and DCMNR commit to the promotion of proactive communications, cooperation and information sharing. Regular meetings (at least quarterly) will take place to identify and discuss e.g. performance against commitments, obstacles to the achievement of commitments, support and intervention requirements, the ongoing relevance of particular commitments, etc.
- 6.2 The BCI and DCMNR will be jointly responsible for proposing, agreeing and scheduling regular meetings. A meeting schedule will be agreed at the beginning of each calendar year. The schedule in respect of 2006 will be agreed in August 2006.
- 6.3 DCMNR in recognition of the independence of the BCI will consult with the Commission in a timely manner on any issues affecting the performance of the key functions of the Commission.
- 6.4 BCI normally draws down its funding bi-monthly, based on the budget profiles supplied to DCMNR for each year. Upon receipt of a request for payment DCMNR commit to processing such requests in a timely manner. DCMNR commit to introducing electronic payments for BCI.

7. Performance Evaluations

- 7.1 Formal evaluations of BCIs performance against specified commitments will be undertaken on an annual basis.
- 7.2 Evaluation of performance will be undertaken on an annual basis by an independent third party contracted by the BCI for such purpose.
- 7.3 Relevant representatives from BCI's management team will contribute to and inform the performance evaluation process.

7.4 Full details of the outcome of performance evaluations will be included in the BCI's Annual Report.

8. Performance Related Pay

8.1 Performance related pay for the BCI's Chief Executive will be determined by the BCI Remuneration Committee. The Committee will meet each year to assess the performance and agree the award to the Chief Executive in the previous year and to agree objectives and the weighting and award mechanism for the coming year.

8.2 Performance will be assessed with reference to the achievement of the agreed objectives and in accordance with the Statement of Commitments agreed between the BCI and DCMNR.

8.3 The Remuneration Committee will consist of Members of the Board of the BCI (including the Chairperson) and one representative of DCMNR.

9. Partnership and Responsiveness

9.1 The BCI and DCMNR are committed to the promotion of partnership, responsiveness and mutual cooperation in their ongoing interactions.

9.2 The BCI and DCMNR undertake to ensure that no unnecessary delays will arise in respect of e.g. decision making, responses to correspondence, information requests or related matters.

9.3 The BCI and DCMNR commit to keep each other fully appraised and updated on all key issues.

9.4 Where it is satisfied with the appropriateness of the request, business case and supporting information provided, the Department commits to support funding and/or other resource allocation applications on behalf of BCI.

9.5 Where it is satisfied with the appropriateness of the request, business case and supporting information provided, the Department will intervene to seek cooperation from other government departments/offices/agencies, which may be in a position to support BCI in the achievement of strategic and/or operational priorities.

10. Governance

10.1 The BCI commits to ensure ongoing awareness of, and compliance with, all of its corporate governance, reporting and related obligations.

11. Role of Board

11.1 In its oversight role, the Board commits to ensure that BCI meets its mandate, statutory obligations and specific performance commitments as outlined in this document. The Chairman undertakes to ensure that performance against commitments is monitored on an ongoing basis and that statutory and related obligations are met.

Signed: *Conrad J. Kelly Jr.*
on behalf of the Board

Signed: *Michael O'Keefe*
Chief Executive

Signed: *Pete Dineen*
Dept. Official - Position *Asst. Secretary*

Signed: *Shirley Smith*
Secretary General

