

MG ALBA Media Content Acquisition and Commissioning Code

1. About MG ALBA

- 1.1. MG ALBA delivers media across a range of platforms to allow its audiences to be informed, entertained and educated through Gaelic.
- 1.2. Funded by the Scottish Government and regulated by Ofcom, MG ALBA aims to ensure that a wide and diverse range of high-quality media in Gaelic are made available to people in Scotland and beyond.
- 1.3. MG ALBA is committed to securing the distribution of Gaelic media on all digital platforms and a sustainable future for Gaelic broadcasting.
- 1.4. MG ALBA works with content suppliers to promote development, training and the use of Gaelic as the working language of the Gaelic content production sector.

2. Remit

- 2.1 The remit of MG ALBA is to ensure that persons in Scotland and other places are provided with “a wide and diverse range of high-quality programmes in Gaelic”.
- 2.2 MG ALBA uses the broader word “**content**” to describe;
 - programmes, which are video and audio items of long form duration for broadcast platforms; and
 - video and audio items of short form duration intended for broadcast, non-linear social media and video-sharing platforms.
- 2.3 MG ALBA is permitted either to produce or to finance content in Gaelic.
- 2.4 As a matter of policy, MG ALBA;
 - does not produce long form programmes for broadcast platforms;
 - does not produce short form video or audio content for audience enjoyment; but
 - does produce short form content of a marketing, engagement or promotional nature for non-linear digital platforms.
- 2.5 MG ALBA, therefore, acquires the majority of its video and audio content from third party providers, typically television production companies.
- 2.6 **Acquisition** relates to the purchase of existing video or audio content;
 - for publishing by MG ALBA or its partners in its original form; or
 - for versioning into Gaelic and/or into other video formats prior to being published by MG ALBA or its partners in its amended form.

2.7 **Commissioning** relates to the financing of a producer to create a new item of video or audio content according to a specification agreed as between the producer, the commissioner and, where appropriate, the publisher.

3. Exclusion From Public Procurement Rules

3.1 The development or production of programme material (“content”) for audio-visual or radio media service providers are excluded from the public procurement regulations, and therefore does not need to go through a regulated procurement exercise.

3.2 As such, MG ALBA’s spending on the development or production of content for publishing by audio-visual or radio media service providers (for example, BBC ALBA or BBC Radio nan Gàidheal) is governed by this MG ALBA Media Content Acquisition and Commissioning Code.

4. Principles and Standards

4.1 This Code sets out the standards for MG ALBA acquisition and commissioning of video and audio content in three important areas:

- A. Compliance with general principles of procurement.
- B. Provision of clear information to suppliers and potential suppliers.
- C. Conformity with requirements of publishers, including especially the BBC.

A. Compliance with MG ALBA’s general principles of procurement

4.2 Section 4 of the MG ALBA Procurement Policy set out five (5) general principles to be observed in all spending decisions, including the acquisition or commissioning of content:

1. Best value and competition;
2. Sustainability, giving due consideration to social, economic and environmental aims;
3. Ethical purchasing, including the requirement for suppliers to demonstrate that proper procedures are in place to deal with all labour related issues and working conditions;
4. Equality and transparency;
5. Good decision making, where conflicts of interest are identified and avoided, enough money exists to pay for the product, only certain persons have authority to agree contracts, and there is appropriate documentation and record keeping.

B. Clear Information

4.3 Potential suppliers must be provided with access to clear information.

C. Publishing Standards

- 4.4 The process of acquisition and commissioning must conform with the requirements of the publisher, including the broadcast or distribution platforms on which the content will be offered.

5. MG ALBA Commissioning

- 5.1 MG ALBA wants to harness the creative energy and technical innovation of its suppliers to offer compelling, authentic contemporary Gaelic content for its audiences.
- 5.2 MG ALBA is proud of the creative partnerships it has developed over the years and looks forward to building more of these, continuing to create popular and critical impact with award-winning, world-class content.
- 5.3 MG ALBA follows three different procedural models for commissioning:

Model 1: Seasonal Commissioning Rounds

Model 2: Multi-annual Production Commissioning

Model 3: Bespoke Commissioning

Model 1: Seasonal Commissioning Rounds

- 5.4 Seasonal Commissioning Rounds aim to encourage distinctiveness and deliver impactful content.
- 5.5 In a typical year, two seasonal commissioning rounds take place, but this can vary dependent on available funding.

Model 2: Multi-annual Production Commissioning

- 5.6 Multi-annual production contracts are larger package deals which deliver high volumes of content at a low unit cost over a longer term.
- 5.7 They provide the core of MG ALBA's commissioned content and also deliver benefits to suppliers, creating stability for the production supply sector and a basis for creative and commercial development.

Model 3: Bespoke Commissioning

- 5.8 MG ALBA will also occasionally consider proposals which fall outwith the seasonal or multi-annual commissioning timetable.
- 5.9 Typically, these proposals will be time-sensitive in nature and present unique and unexpected opportunities for impactful content.

6. Ensuring Compliance with MG ALBA's general principles of procurement

Best Value

- 6.1 MG ALBA seeks to obtain the optimum balance of cost and quality when commissioning content. Key factors that will be assessed include; -
- a) the expected budget for the type and genre of content;
 - b) the value of the content in respect of the intended platform or schedule slot;
 - c) the editorial specification and level of editorial ambition;
 - d) the proficiency of the supplier to deliver the content;
 - e) whether the proposal meets the published tariff and/or hourage requirement (only in cases where this has been stipulated by MG ALBA)

Sustainability: Social, Economic and Environmental Aims

- 6.2 When commissioning content MG ALBA will give due consideration to its wider social, economic and environmental aims.
- 6.3 MG ALBA's commissioning models seek to generate economic impact, support sustainability in the content production sector and help to join up audience outcomes with language, economic and cultural outcomes.
- 6.4 Diverse representation on and off screen, including socio-economic diversity is extremely important to MG ALBA and suppliers of programme content will be required to have a Diversity and Inclusion policy in place.
- 6.5 Considering environmental impact and transitioning to sustainable ways of working is also very important to MG ALBA.
- 6.6 When assessing submissions for content, the environmental and social impact of commissioning decisions will be taken into account and suppliers of programme content will be required to provide plans for sustainable production.
- 6.7 Guidance on best practice and other useful resources (for example *Albert*, the environmental sustainability scheme for the screen industries and the BBC's Net Zero plan) are made available to content suppliers through MG ALBA's commissioning documentation.

Ethical Purchasing

- 6.8 Suppliers of content must demonstrate that proper procedures are in place to deal with all labour related issues and working conditions.
- 6.9 MG ALBA is committed to providing a working environment where people are treated with respect and extends that requirement to its content suppliers by requiring a Respect at Work policy to be in place.

- 6.10 Guidance on best practice, policy templates and useful resources are made available to content suppliers through MG ALBA's commissioning documentation.
- 6.11 MG ALBA requires all suppliers of programme content to ensure that all production personnel are paid the appropriate Real Living Wage.

Equality and Transparency

- 6.12 MG ALBA is committed to ensuring open, fair and transparent procedures in relation to content commissioning.
- 6.13 All potential suppliers will have access to the same information and be judged on the same criteria.
- 6.14 MG ALBA undertakes to publish clear information and guidance for all potential suppliers in relation to seasonal and multi-annual commissioning rounds on its website (mgalba.com), including; -
- a) current content strategy and schedule priorities;
 - b) preferred genres, formats and durations;
 - c) guidance on what to include in a content proposal and the standards expected of a successful submission;
 - d) key dates including deadlines for submission of proposals and deadline for communication of commissioning decisions;
 - e) a contact email address for suppliers who have any questions relating to a commissioning round;
 - f) the assessment criteria for decisions on submissions (with relevant weightings if applicable);
 - g) any applicable technical considerations for specific genres (eg: sports production or other programming requiring Outside Broadcast facilities);
 - h) where opportunities for meetings are provided to potential suppliers any new information will be shared with all interested parties eg: by publication of FAQs on MG ALBA's website;
 - i) on completion of a commissioning round, feedback is offered to unsuccessful suppliers to explain commissioning decisions.

Good Decision Making

- 6.15 MG ALBA seeks to ensure the best commissioning decisions are carried out, with conflicts of interest identified and avoided and robust procedures in place before during and after content is commissioned.

- 6.16 MG ALBA staff engaged in any part of the commissioning process must have regard to all applicable MG ALBA policies, including but not limited to the Company Handbook and the Conflict-of-Interest guidelines.
- 6.17 Content submissions will be assessed by a commissioning team with specialist knowledge in relevant fields including editorial, business/finance and scheduling.
- 6.18 A clear and pre-approved financial provision will be set and approved in line with MG ALBA 's Financial Regulations before commencement of a content commissioning round.
- 6.19 Proposals selected for commission will proceed through editorial approval and business approval before proceeding to contract agreement.
- 6.20 Final authorisation of expenditure will be in line with MG ALBA's Financial Regulations which include procedures for separation of duties and approved financial authorisation levels.

7. Co-finance

- 7.1 MG ALBA's content strategy includes supporting programme suppliers to seek co-finance from third parties to deliver high quality content which is not otherwise possible on MG ALBA's budgets alone.
- 7.2 Co-finance projects extend the range, quality and ambition of programming for BBC ALBA and drive growth opportunities for programme suppliers in international territories as well as their own domestic market.
- 7.3 Co-financed programming can be funded through MG ALBA's three different procedural models for commissioning; Seasonal Commissioning, Multi-annual production, or Bespoke Commissioning.
- 7.4 MG ALBA and the other parties, broadcasters and funders involved will draw up bespoke contractual terms based on the circumstances of each co-financed project.

8. Content Acquisitions

- 8.1 As well as commissioning new content, MG ALBA also acquires various content that has already been commissioned and produced for other broadcasters.
- 8.2 Acquired content will typically include children's animation programmes and high-quality international documentaries and dramas that are considered a good fit for the audiences MG ALBA seeks to serve.
- 8.3 MG ALBA will seek to appoint suppliers to version the majority of acquired content into Gaelic.
- 8.4 The licencing of acquired content from distributors or third parties may be carried out by MG ALBA or the appointed supplier, depending on the nature of the content.

9. Commissioning Documents

- 9.1 MG ALBA acquires rights in commissioned programmes through a Programme Purchase Agreement.
- 9.2 The Programme Purchase Agreement terms may vary depending on the commissioning model being employed; Seasonal (standard) commissioning, Multi-annual Production commissioning or Co-financed commissioning.
- 9.3 MG ALBA undertakes to publish its standard Programme Purchase Agreement and accompanying Programme Purchase Conditions on its website (mgalba.com).
- 9.4 Acquired Content will be contracted under other Licence Agreements appropriate to the content type.