



EDITORIAL GUIDELINES

The BBC's Values and Standards

www.bbc.co.uk/editorialguidelines

In a perfect world, the BBC Editorial Guidelines would consist of one sentence: use your own best judgement. No set of rules or guidelines can ever replace the need for producers, editors and managers to use the wisdom that comes from experience, commonsense and a clear set of editorial and ethical values when confronted with difficult editorial challenges.

What makes the guidelines so valuable is that they are a distillation of exactly that – the experience, commonsense and values of BBC practitioners built up over many years. Not abstract or theoretical, but based on real cases and the lessons learned from real successes and real failures.

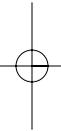
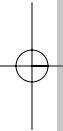
This latest edition of the guidelines is different from its predecessors in several ways. First, it is shorter and clearer and, we hope, easier to use. Second, it is designed for a multimedia world: the guidelines apply across all BBC content on radio, television, new media, and magazines. Third, it includes the lessons learned from one of the BBC's biggest editorial crises, the Gilligan-Kelly affair.

Many of the guidelines are advisory but some are mandatory and have the force of instructions. Yet the guidelines are intended to support creativity and innovation not to stifle them. They and the Editorial Policy team are there to assist people across the BBC to make programmes and content which are original and exciting as well as being grounded in the BBC's values.

So please read the guidelines and keep them by your side as you work. They should ensure that you stay within the BBC's regulatory framework, but they should also help you make programmes that we can all be proud of and which live up to the high standards which the public rightly expects of us.

Mark Thompson
Director General
June 2005

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I

THE BBC'S EDITORIAL VALUES

The BBC is committed to delivering the highest editorial and ethical standards in the provision of its programmes and services both in the UK and around the world.

We seek to balance our rights to freedom of expression and information with our responsibilities, for example, to respect privacy and protect children.

The BBC Editorial Guidelines are a statement of the values and standards we have set for ourselves over the years. They also codify the good practice we expect from the creators and makers of all BBC content, whether it is made by the BBC itself or by an Independent company working for the BBC and whether it is for:

- radio
- television
- online
- mobile devices
- interactive services
- the printed word.

As different technologies evolve, these guidelines apply to our content whoever produces it and however it is received.

The values and standards outlined in these guidelines should be observed regardless of location. Much of the BBC's output is now available globally. Content producers working on productions for the UK should bear in mind that material they produce may be broadcast back to the country concerned.

THE BBC'S EDITORIAL VALUES

Truth and Accuracy

We strive to be accurate and establish the truth of what has happened. Accuracy is more important than speed and it is often more than a question of getting the facts right. We will weigh all relevant facts and information to get at the truth. Our output will be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We will be honest and open about what we don't know and avoid unfounded speculation.

Impartiality and Diversity of Opinion

We strive to be fair and open minded and reflect all significant strands of opinion by exploring the range and conflict of views. We will be objective and even handed in our approach to a subject. We will provide professional judgments where appropriate, but we will never promote a particular view on controversial matters of public policy, or political or industrial controversy.

Editorial Integrity and Independence

The BBC is independent of both state and partisan interests. Our audiences can be confident that our decisions are influenced neither by political or commercial pressures, nor by any personal interests.

Serving the Public Interest

We seek to report stories of significance. We will be vigorous in driving to the heart of the story and well informed when explaining it. Our specialist expertise will bring authority and analysis to the complex world in which we live. We will ask searching questions of those who hold public office and provide a comprehensive forum for public debate.

Fairness

Our output will be based on fairness, openness and straight dealing. Contributors will be treated honestly and with respect.

Privacy

We will respect privacy and will not infringe it without good reason, wherever in the world we are operating. Private behaviour, correspondence and conversation will not be brought into the public domain unless there is a clear public interest.

Harm and Offence

We aim to reflect the world as it is, including all aspects of the human experience and the realities of the natural world. But we balance our right to broadcast and publish innovative and challenging content with our responsibility to protect the vulnerable.

Children

We will always seek to safeguard the welfare of children and young people who contribute to and feature in our content including their right to be heard, wherever in the world we operate. We will also schedule content which might be unsuitable for children appropriately.

Accountability

We are accountable to our audiences and will deal fairly and openly with them. Their continuing trust in the BBC is a crucial part of our contract with them. We will be open in admitting mistakes and encourage a culture of willingness to learn from them.

Any proposal to step outside these guidelines must be discussed with Controller Editorial Policy.

ABOUT THE GUIDELINES

EDITORIAL POLICY

REFERRALS

BBC CHARTER AND AGREEMENT

THE LAW

NATIONS AND REGIONS

BBC OCCUPATIONAL RISK MANAGEMENT

OTHER ADVICE

BBC FAIR TRADING GUIDELINES

OFCOM

RE-USE AND REVERSIONING OF BBC CONTENT

The BBC Editorial Guidelines apply to all of our content whoever creates or makes it and wherever and however it is received. The guidelines help BBC content producers, whether in-house or Independent, public service or commercial, to navigate their way through difficult editorial issues and produce distinctive and sometimes controversial programmes and other material to the highest ethical and editorial standards. The guidelines are approved by the Board of Governors and are kept under constant review by the BBC's Editorial Policy team, who also develop other editorial policy.

EDITORIAL POLICY

The Editorial Policy team are available to offer advice to all content producers on how to interpret and work within these guidelines 24 hours a day. The earlier a potentially contentious programme is referred the better.

Editorial Policy also produces guidelines dealing with specialised policy areas, for example, Conflicts of Interest, Online Services and the National Lottery, as well as advice notes.

The guidelines and advice notes can all be found on the BBC Editorial Guidelines website at www.bbc.co.uk/editorialguidelines.

REFERRALS

In-house production departments and Independent production companies carry the main responsibility in the referral system. Content producers should refer first to their manager or editor and in the case of Independents to their BBC commissioning editor. The more important or contentious the issue, the higher the referral needs to be.

Editorial Policy should always be consulted on:

- mandatory referrals
- queries on how to interpret the Editorial Guidelines
- any proposal to step outside the Editorial Guidelines

All mandatory referrals to Controller Editorial Policy are printed in red throughout these guidelines as well as being summarised near the beginning of each section. Other referrals to Editorial Policy, senior editorial figures in the divisions, commissioning editors for Independents and other relevant representatives are shown in bold.

Any request from output areas outside BBC News for interviews with, or exclusive appearances by, members of the **Royal Family** must be discussed with the BBC's Royal Liaison Officer.

BBC CHARTER AND AGREEMENT

The Agreement accompanying the BBC's Charter specifies that we should do all we can to treat controversial subjects with "due accuracy and impartiality" in our news services and other programmes dealing with matters of public policy or of political or industrial controversy. It also states that we are forbidden from expressing our own opinions on current affairs or matters of public policy other than broadcasting. The Accuracy, Impartiality and Politics and Public Policy sections of these guidelines constitute our code as required under section 5.3 of the Agreement, and give guidance as to the rules to be observed under section 5.1 (c) of the Agreement.

In addition, the Agreement forbids any BBC service funded by the licence fee or grant-in-aid from carrying advertising or sponsored programmes. To protect our editorial integrity and independence we have drawn up our own guidelines on standards for advertising and sponsorship for our commercial television and online services.

THE LAW

Broadcasting is now the subject of many different laws ranging from defamation and contempt to obscenity, incitement and health and safety. Legal problems may therefore arise not just with what we publish but with how we create our content. The BBC has its own programme lawyers, the Programme Legal Advice department (PLA) who should be consulted as early as possible about content which may run legal risks. **Any decision to proceed with a programme despite legal advice must be referred to the most senior editorial level and Controller Editorial Policy.**

When considering the issues raised by these guidelines it is often necessary to distinguish between the law and the BBC's ethics. There may be occasions when a programme is legally safe to transmit but raises editorial issues, for example, when

children are involved or privacy matters arise. In these circumstances the BBC seeks to behave ethically. While lawyers can therefore offer legal advice, the final decision remains an editorial one. See Section 16 – The Law.

NATIONS AND REGIONS

In the UK there are different national and regional sensitivities which we should respect and reflect. There are differences in the powers of Westminster, the Scottish Parliament and the assemblies of Wales and Northern Ireland. There are also big differences in the legal systems in the nations, as well as in the provision of education, health and social services. We must be both accurate and consistent in our coverage and avoid stereotypes or clichés.

Any content producers intending to produce programmes about Northern Ireland or significant projects involving the Republic of Ireland, should discuss their proposals at an early stage with Controller Northern Ireland. Similarly, content producers outside Scotland and Wales should inform the controller of the relevant nation in writing of their plans to produce programme material which deals significantly with national issues or themes, or which is based in the relevant nation. In Nations and Regions, the relevant controller must be informed of any issue that is a mandatory referral to Controller Editorial Policy.

BBC OCCUPATIONAL RISK MANAGEMENT

Occupational Risk Management (ORM) advises on occupational health, safety, security and environmental issues affecting the BBC. ORM has specialists on call 24 hours a day for urgent operational enquiries and to respond to emergencies.

OTHER ADVICE

The BBC is a source of its own specialist advice and expertise. These include, but are not confined to, the language services of the World Service, the specialist editors in Newsgathering, the Political Research Unit, the Religion and Ethics Department, the Science Department, and Natural History Unit.

BBC FAIR TRADING GUIDELINES

The BBC Editorial Guidelines are concerned with editorial issues and any on air references to commercial products and organisations. Advice on the BBC's commercial activities and commercial exploitation of the BBC brand – including

its use in association with third parties – can be found in the BBC's Fair Trading Guidelines. They cover questions such as the acceptability of BBC commercial ventures and how they should be undertaken, use of the BBC brand, off screen promotional activities and trading fairly.

OFCOM

The BBC's licence fee and grant-in-aid funded television and radio services are subject to the regulation of the Office for Communications (Ofcom) in the following six areas:

- Protecting the Under Eighteens
- Harm and Offence
- Crime
- Religion
- Fairness
- Privacy.

In addition, the BBC's commercial services, whether broadcasting to the UK, or from the UK to our international audiences, must comply with the whole of the Ofcom Broadcasting Code.

The regulator can impose a variety of sanctions on the BBC for breaches of the relevant sections of its Broadcasting Code including:

- broadcasting a correction or statement of finding
- ordering that a programme is re-edited before re-broadcast
- fines of up to £250,000 for serious or repeated breaches.

These guidelines reflect the relevant provisions of the Ofcom Broadcasting Code which is also set out in Section 18.

RE-USE AND REVERSIONING OF BBC CONTENT

When archive material is rescheduled and/or edited or otherwise reversioned it must comply with the BBC Editorial Guidelines whether for broadcast in the UK or overseas. Re-use of archive material should take into account any findings from the BBC Editorial Complaints Unit, the Governors' Programme Complaints Appeals Committee and Ofcom. The scheduling of a programme which has been the subject of an upheld complaint should be carefully considered or the programme edited in the light of the finding.

Any proposal to repeat a programme which has been the subject of an upheld complaint must be referred to the relevant output controller and Editorial Policy.

ACCURACY

GATHERING MATERIAL
FINDING CONTRIBUTORS
ADVERTISING FOR CONTRIBUTORS
CHECKING CONTRIBUTORS
NOTE-TAKING
FACT CHECKING
DIGITAL MANIPULATION
IDENTIFYING SOURCES
ANONYMOUS SOURCES
REPORTING ALLEGATIONS
MISLEADING AUDIENCES
RECONSTRUCTIONS
STAGING AND RE-STAGING EVENTS
USE OF THIRD PARTY MATERIAL IN NEWS AND FACTUAL OUTPUT
USE OF LIBRARY MATERIAL IN NEWS AND FACTUAL OUTPUT
USE OF LIBRARY MATERIAL IN DRAMAS AND DRAMA DOCUMENTARIES
ARCHIVE MATERIAL
REPORTING STATISTICS AND RISKS
CORRECTING MISTAKES
CHECKING PROGRAMMES

The BBC's commitment to accuracy is a core editorial value and fundamental to our reputation. Our output must be well sourced, based on sound evidence, thoroughly tested and presented in clear, precise language. We should be honest and open about what we don't know and avoid unfounded speculation.

For the BBC accuracy is more important than speed and it is often more than a question of getting the facts right. All the relevant facts and information should be weighed to get at the truth. If an issue is controversial, relevant opinions as well as facts may need to be considered.

We aim to achieve it by:

- the accurate gathering of material using first hand sources wherever possible.
- checking and cross checking the facts.
- validating the authenticity of documentary evidence and digital material.
- corroborating claims and allegations made by contributors wherever possible.

GATHERING MATERIAL

We should try to witness events and gather information first hand.

Where this is not possible, we should talk to first hand sources and, where necessary, corroborate their evidence.

We should be reluctant to rely on a single source. If we do rely on a single source, a named on the record source is always preferable.

We should normally only rely on an agency report if it can be substantiated by a BBC correspondent or if it is attributed to a reputable national or international news agency.

We should record our interviews with sources wherever possible.

In circumstances where recording might inhibit the source, full notes should be made, preferably at the time, or if not, then as soon as possible afterwards.

FINDING CONTRIBUTORS

We should not rely on outside bodies to find contributors for us. In particular, we should not use agencies who deal with actors and performers to find people to talk about matters outside their specific profession or experience. It can be useful to contact news and other specialist agencies but any information or contacts they supply must be verified.

We should not use third party websites, especially those that help people wanting to appear in the media, except when seeking contestants or audiences for entertainment programmes.

ADVERTISING FOR CONTRIBUTORS

We should only advertise for contributors to factual and factual entertainment programmes as a last resort when other research methods have been exhausted. When we do use adverts or make appeals within programmes we must word them carefully to avoid bringing the BBC into disrepute.

There are risks in advertising for contributors whether using posters or personal adverts in newspapers, specialist publications, or the internet. The people who reply are self-selecting and may seek to appear regularly as “serial guests”. We need to screen out those who are unsuitable or dishonest and those prone to exaggeration.

It may be appropriate for entertainment programmes to advertise for contestants and audiences. Even then all appropriate checks should be made to screen out unsuitable or untruthful contributors.

The proposed wording of all written adverts, including those for entertainment programmes, must be referred to the relevant divisional representative or for Independents to the commissioning editor.

Any proposal to use a chat room or message board to find contributors must be referred to the relevant divisional representative or for Independents to the commissioning editor.

CHECKING CONTRIBUTORS

We should make checks to establish the credentials of our contributors and to avoid being “hoaxed”. The precise nature of these checks should be appropriate to the nature and significance of their contribution and the genre.

We should consider whether it is appropriate to make more in depth checks about people who are the main subject of, or who are to make a significant contribution to, the programme. This may include ensuring they are interviewed and if necessary checked by more than one member of the production team using a combination of the following:

- documentary evidence to validate their identity and story.
- corroboration from people other than those suggested by the contributor.
- self declaration of personal information which may bring the BBC into disrepute, for example, criminal convictions or political affiliation. Asking some contributors to consent to a Criminal Records Bureau check may also be considered.

NOTE-TAKING

We must take accurate, reliable and contemporaneous notes of all significant research conversations and other relevant information.

We must keep records of research including written and electronic correspondence, background notes and documents. It should be kept in a way that allows double checking, particularly at the scripting stage, and if necessary by another member of the team.

We must keep accurate notes of conversations with sources and contributors about anonymity. A recording is preferable where possible.

When we broadcast serious allegations made by an anonymous source, full notes of interviews, conversations and information which provide the basis for the story must be kept.

When anonymity is essential no document, computer file, or other record should identify a source. This includes notebooks and administrative paperwork as well as video and audio tapes.

FACT CHECKING

We must check and verify information, facts and documents, particularly those researched on the internet. This may include confirming with an individual or organisation that they posted material and that it is accurate.

Even the most convincing material on the web may not be what it seems.

DIGITAL MANIPULATION

The ability to digitally create, manipulate and copy audio-visual material, including still photographs, video and documents poses ethical dilemmas and creates the potential for hoaxing.

We should ensure that any digital manipulation, including the use of CGI or other production techniques to create scenes or characters, does not distort the meaning of events, alter the impact of genuine material or otherwise seriously mislead our audiences.

IDENTIFYING SOURCES

We should normally identify on air and online sources of information and significant contributors, as well as providing their credentials, so that our audiences can judge their status.

ANONYMOUS SOURCES

Sometimes information the public needs to know is only available through anonymous sources or contributors, generally on an “off the record” basis.

Protecting sources is a key principle of journalism for which some journalists have gone to jail. We must take care when we promise anonymity that we are in a position to honour it, including the need to resist a court order.

When a source asks for anonymity as a condition of giving information, or a contributor demands anonymity when taking part, we must agree with them precisely the way they are to be described. However, with an anonymous source, especially a source making serious allegations, we must give the audience as much information about them as is compatible with protecting their identity, and in a way that does not mislead the audience about their status. See Section 7 Crime and Anti-Social Behaviour.

Whenever a BBC story involves an anonymous source, the relevant editor has the right to be told their identity. In cases involving serious allegations we should resist any attempt by an anonymous source to prevent their

identity being revealed to a senior BBC editor: If this happens, the reporter should make it clear that the information obtained confidentially may not be broadcast.

When anonymity is agreed everyone must be clear about its extent.

It may be sufficient to ensure that contributors are not readily recognisable to the general public, or in the case of significant contributors it may be necessary to ensure they cannot even be identified by friends and family.

We must ensure that if anonymity is necessary it is effective. Both picture and voice may need to be disguised. A “voice-over” by another person is usually better than technically induced distortion, which can be reversed, but audiences should be told what they are hearing. Blurring rather than “pixilation”, which can be reversed, is the best way of ensuring anonymity in pictures.

Our promises of anonymity may also need to include, for example, blurring car number plates and taking care not to reveal the location of a contributor’s home in order to avoid any risk of “jigsaw identification”.

We may need to disguise the identity of contributors if their safety may be compromised when material originally recorded for the BBC’s UK services is rebroadcast on our international services.

REPORTING ALLEGATIONS

We should not normally use live unscripted two-ways to report allegations. It must be the editor’s decision as to whether they are an appropriate way to break a story. When BBC colleagues follow up a story they must ensure they understand the terms in which the allegations are to be reported and do so accurately.

Any proposal to rely on a single unnamed source making a serious allegation or to grant anonymity to a significant contributor must be referred to a senior editorial level, or for Independents to the commissioning editor. In the most serious cases it may also be necessary to refer to Controller Editorial Policy and Programme Legal Advice. We will need to consider:

- whether the story is of significant public interest.
- whether the source is of proven credibility and reliability and in a position to have sufficient knowledge of the events featured.

- any legal issues.
- safety concerns e.g. whistleblowers.
- whether a response to serious allegations has been sought from the people or organisations concerned.

See Section 5 Fairness – Right of Reply.

- sensitive and personal issues such as whether the serious allegation was made or substantiated “off the record”.

We should script carefully the reporting of allegations made by an anonymous source to explain:

- the nature of the allegation.
- that the allegation is being made by an anonymous source and not the BBC.
- whether the allegation has been independently corroborated.

MISLEADING AUDIENCES

We should not distort known facts, present invented material as fact, or knowingly do anything to mislead our audiences. We may need to label material to avoid doing so.

RECONSTRUCTIONS

In factual programmes, reconstructions should not over dramatise in a misleading or sensationalist way. Reconstructions are when events are quite explicitly re-staged. They should normally be based on a substantial and verifiable body of evidence and be labelled as reconstructions. If unlabelled they should be differentiated in some way from the visual style of the rest of the programme such as using slow motion or black and white images in a consistent and repeated way.

News programmes should not generally stage reconstructions of current events because of the risk of confusing the audience. But reconstructions staged by others may be reported in the usual way.

See Section 7 Crime and Anti-Social Behaviour - Crime Reconstructions.

STAGING AND RE-STAGING EVENTS

There are very few recorded programmes which do not involve some intervention from the director, but there are acceptable and unacceptable production techniques. The acceptable production techniques include using cutaway shots, set-up shots to establish interviewees and asking contributors to repeat insignificant actions or perform an everyday activity.

However, unless clearly signalled to the audience, or using reconstructions, it is normally unacceptable in news and factual programmes to:

- stage or re-stage significant action or events which are **significant to the development of the action or narrative**, for example, the moment of discovery in a scientific documentary.
- inter-cut shots and sequences to suggest they were happening at the same time, if the resulting juxtaposition of material leads to a distorted and misleading impression of events.

Commentary must never be used to give the audience a misleading impression of events.

USE OF THIRD PARTY MATERIAL IN NEWS AND FACTUAL OUTPUT

We should only use material supplied by third parties if it is credible and reliable. This includes weather reports, financial markets information and music charts. We need to ensure that any credit given for the use of third party material is in accordance with BBC credit guidelines.

We should only broadcast material from third parties who may have a personal or professional interest in its subject matter if there is a clear editorial justification. The material should be labelled. This includes material from the emergency services, charities, and environmental groups.

We should be very reluctant to use video and audio news releases or other material. We do not normally use any extracts from such releases if we are capable of gathering the material ourselves. If it is editorially justified to use it then we must explain the circumstances and clearly label the material on air.

USE OF LIBRARY MATERIAL IN NEWS AND FACTUAL OUTPUT

When library material is used to illustrate a current issue or event it must be clearly labelled if there is any risk of misleading the audience.

We should not use library material of one event to illustrate another in such a way as to suggest the audience is seeing something it is not.

We should ensure that we do not give a misleading impression by using out of date library footage to illustrate our stories, for example of places, people or industrial production processes.

See Section 6 Privacy and Section 7 Crime and Anti-Social Behaviour.

USE OF LIBRARY MATERIAL IN DRAMAS AND DRAMA DOCUMENTARIES

We should only use library material in dramas and drama documentaries when it can be editorially justified.

We should try and avoid causing unjustified embarrassment, surprise or offence to identifiable people featured in the library material. We should take particular care when re-using material of past events involving suffering or trauma, or contentious material such as riot footage.

So far as is reasonably practicable we should inform contributors of our plans to re-use material when it may cause them possible distress, such as re-use of funeral footage.

We must check all original consents and observe any restrictions placed on the re-use of the library material.

See Section 6 Privacy – Use of Library Material of Scenes of Suffering, Distress and Trauma.

ARCHIVE MATERIAL

When we repeat programmes it may be possible to justify broadcasting them in their original form. But when we are aware that factual material has become inaccurate or out of date for other reasons we must make this clear to our audiences. **We should clearly label archive material and wherever possible indicate the date of its first broadcast or publication.**

In the on-demand digital world our content may be accessible long after its original broadcast or publication as a valuable resource for our audiences. However, it is important that archive material does not cause unfairness to individuals or organisations. It may be necessary to edit or remove it to achieve this. In addition it may be necessary to remove links to archived stories online when legal proceedings become active if the information contained in a linked article could risk substantially prejudicing a trial.

REPORTING STATISTICS AND RISKS

We should report statistics and risks in context, taking care not to worry the audience unduly, especially about health or crime. It may also be appropriate to report the margin of error and the source of figures to enable people to judge their significance. This may involve giving trends, taking care to avoid giving figures more weight than can stand scrutiny. If reporting a change, consideration should be given to making the baseline figure clear. For example, a doubling of a problem affecting one in two million people will still only affect one in a million.

We should consider the emotional impact pictures and personal testimony can have on perceptions of risk when not supported by the balance of argument. If a contributor's view is contrary to majority scientific or professional opinion, the demands of accuracy may require us to make this clear.

CORRECTING MISTAKES

We should normally acknowledge serious factual errors and correct mistakes quickly and clearly. Inaccuracy may lead to a complaint of unfairness. An effective way of correcting a mistake is saying what was wrong as well as putting it right. Where we may have broadcast a defamatory inaccuracy Programme Legal Advice should be consulted about the wording of a correction.

CHECKING PROGRAMMES

We must check programmes recorded some time before transmission or being repeated to make sure they have not been overtaken by events, such as the known death of a contributor, the charging of an offender, or significant life changes. In some cases an on air announcement will be required, in others, the alteration or removal of some material.

IMPARTIALITY AND DIVERSITY OF OPINION

ACHIEVING IMPARTIALITY

“CONTROVERSIAL SUBJECTS”

WHERE BBC CONTENT OR THE BBC IS THE STORY

IMPARTIALITY IN SERIES

IMPARTIALITY AND DRAMA

PERSONAL VIEW AND AUTHORED PROGRAMMES AND WEBSITES

Impartiality lies at the heart of the BBC's commitment to its audiences. It applies across all of our services and output, whatever the format, from radio news bulletins via our web sites to our commercial magazines and includes a commitment to reflecting a diversity of opinion.

The Agreement accompanying the BBC's Charter requires us to produce comprehensive, authoritative and impartial coverage of news and current affairs in the UK and throughout the world to support fair and informed debate. It specifies that we should do all we can to treat controversial subjects with due accuracy and impartiality in our news services and other programmes dealing with matters of public policy or of political or industrial controversy. It also states that the BBC is forbidden from expressing an opinion on current affairs or matters of public policy other than broadcasting.

Special considerations apply during the campaign periods for elections. See Section 10 Politics and Public Policy.

In practice, our commitment to impartiality means:

- we seek to provide a properly balanced service consisting of a wide range of subject matter and views broadcast over an appropriate time scale across all of our output. We take particular care when dealing with political or industrial controversy or major matters relating to current public policy.
- we strive to reflect a wide range of opinion and explore a range and conflict of views so that no significant strand of thought is knowingly unreflected or under represented.
- we exercise our editorial freedom to produce content about any subject, at any point on the spectrum of debate, as long as there are good editorial reasons for doing so.
- we can explore or report on a specific aspect of an issue or provide an opportunity for a single view to be expressed, but in doing so we do not misrepresent opposing views. They may also require a right of reply.
- we must ensure we avoid bias or an imbalance of views on controversial subjects.

- the approach to, and tone of, BBC stories must always reflect our editorial values. Presenters, reporters and correspondents are the public face and voice of the BBC, they can have a significant impact on the perceptions of our impartiality.
- our journalists and presenters, including those in news and current affairs, may provide professional judgments but may not express personal opinions on matters of public policy or political or industrial controversy. Our audiences should not be able to tell from BBC programmes or other BBC output the personal views of our journalists and presenters on such matters.
- we offer artists, writers and entertainers scope for individual expression in drama, arts and entertainment and we seek to reflect a wide range of talent and perspective.
- we will sometimes need to report on or interview people whose views may cause serious offence to many in our audiences. We must be convinced, after appropriate referral, that a clear public interest outweighs the possible offence.
- we must rigorously test contributors expressing contentious views during an interview whilst giving them a fair chance to set out their full response to our questions.
- we should not automatically assume that academics and journalists from other organisations are impartial and make it clear to our audience when contributors are associated with a particular viewpoint.

ACHIEVING IMPARTIALITY

Impartiality must be adequate and appropriate to our output. Our approach to achieving it will therefore vary according to the nature of the subject, the type of output, the likely audience expectation and the extent to which the content and approach is signposting.

Impartiality is described in the Agreement as “due impartiality”. It requires us to be fair and open minded when examining the evidence and weighing all the material facts, as well as being objective and even handed in our approach to a subject. It does not require the representation of every argument or facet of every argument on every occasion or an equal division of time for each view.

News, in whatever form, must be presented with due impartiality.

“CONTROVERSIAL SUBJECTS”

In the United Kingdom controversial subjects are issues of significance for the whole of the country, such as elections, or highly contentious new legislation on the eve of a crucial Commons vote, or a UK wide public sector strike. [See Section 10 Politics and Public Policy.](#)

In the nations and regions of the UK, controversial subjects are those which have considerable impact on the nation or region. They include political or industrial issues or events which are the subject of intense debate or relate to a policy under discussion or already decided by local government.

In the global context, some controversial subjects such as national elections or referendums will obviously have varying degrees of global significance but will be of great sensitivity in the country or region in which they are taking place. We should always remember that much of the BBC’s output is now available in most countries across the world.

We must ensure a wide range of significant views and perspectives are given due weight in the period during which a controversial subject is active. Opinion should be clearly distinguished from fact. When the issues involved are highly controversial and/or a decisive moment in the controversy is expected we will sometimes need to ensure that all of the main views are reflected in our output. This may mean featuring them in a single programme, or even a single item.

BBC online sites covering controversial subjects may offer links to external sites which, taken together, represent a reasonable range of views about the subject. We should normally try to ensure that when we link to third party sites this does not give strong grounds for concern that this breaches the law or the BBC Editorial Guidelines on harm and offence.

Any approach by a government department to relay official messages or information films which involve a degree of public or political controversy must be referred to Chief Adviser Politics.

WHERE BBC CONTENT OR THE BBC IS THE STORY

Our reporting must remain accurate, impartial and fair even when our content, or the BBC itself, becomes the story. We need to ensure that our impartiality is not brought into question and presenters or reporters are not placed in a potential conflict of interest. It will be inappropriate to refer to either the BBC as “we” or the content as “our”. There should also be clear editorial separation between those reporting the story and those responsible for presenting the BBC’s case.

IMPARTIALITY IN SERIES

In achieving impartiality a series of programmes on the same service may be considered as a whole. The Agreement states that in this case due impartiality does not require absolute neutrality on every issue or detachment from fundamental democratic principles. For this purpose there are two types of series:

Programmes dealing with the same or related issues, within an appropriate period and clearly linked. In this case a series can include a strand with a common title, or two programmes (such as a drama and a debate about the drama) or a season of programmes on the same subject. These programmes need to achieve impartiality across the series or over a number of programmes within the series. The intention to achieve impartiality across a number of programmes should be planned in advance and normally made clear to the audience when the first programme is transmitted or when practicable.

Programmes dealing with widely disparate issues from one programme to the next but also clearly linked as a strand with a common title. These should normally achieve impartiality within individual programmes, or across two or three editorially linked programmes, rather than across the strand as a whole.

We cannot achieve impartiality in this context by ensuring other views will be heard on other services.

IMPARTIALITY AND DRAMA

When drama realistically portrays living people or contemporary situations in a controversial way it has an obligation to be accurate and to do justice to the main facts. If the drama is accurate but is a partisan or partial portrayal of a controversial subject we should normally only proceed if we believe that its insight and excellence justify the platform offered. Even so we must ensure that its nature is clearly signposted to our audience. When a drama is likely to prove particularly controversial we must consider whether to offer an alternative view in other output on the same service.

PERSONAL VIEW AND AUTHORED PROGRAMMES AND WEBSITES

We have a tradition of allowing a wide range of individuals, groups or organisations to offer a personal view or opinion, express a belief, or advance a contentious argument in our programmes or on our websites. Personal views can range from the outright expression of highly partial views by a campaigner, to the authored

view of a specialist or professional including an academic, scientist, or BBC correspondent, to those expressed through contributions from our audiences. Each can add to the public understanding and debate, especially when they allow our audience to hear fresh and original perspectives on well known issues.

Content reflecting personal views, or authored by an individual, group or organisation, or contributed by our audiences, particularly when dealing with controversial subjects, should be clearly signposted to audiences in advance.

Personal view and authored programmes and websites have a valuable part to play in our output. However when covering controversial subjects dealing with matters of public policy or political or industrial controversy we should:

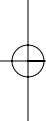
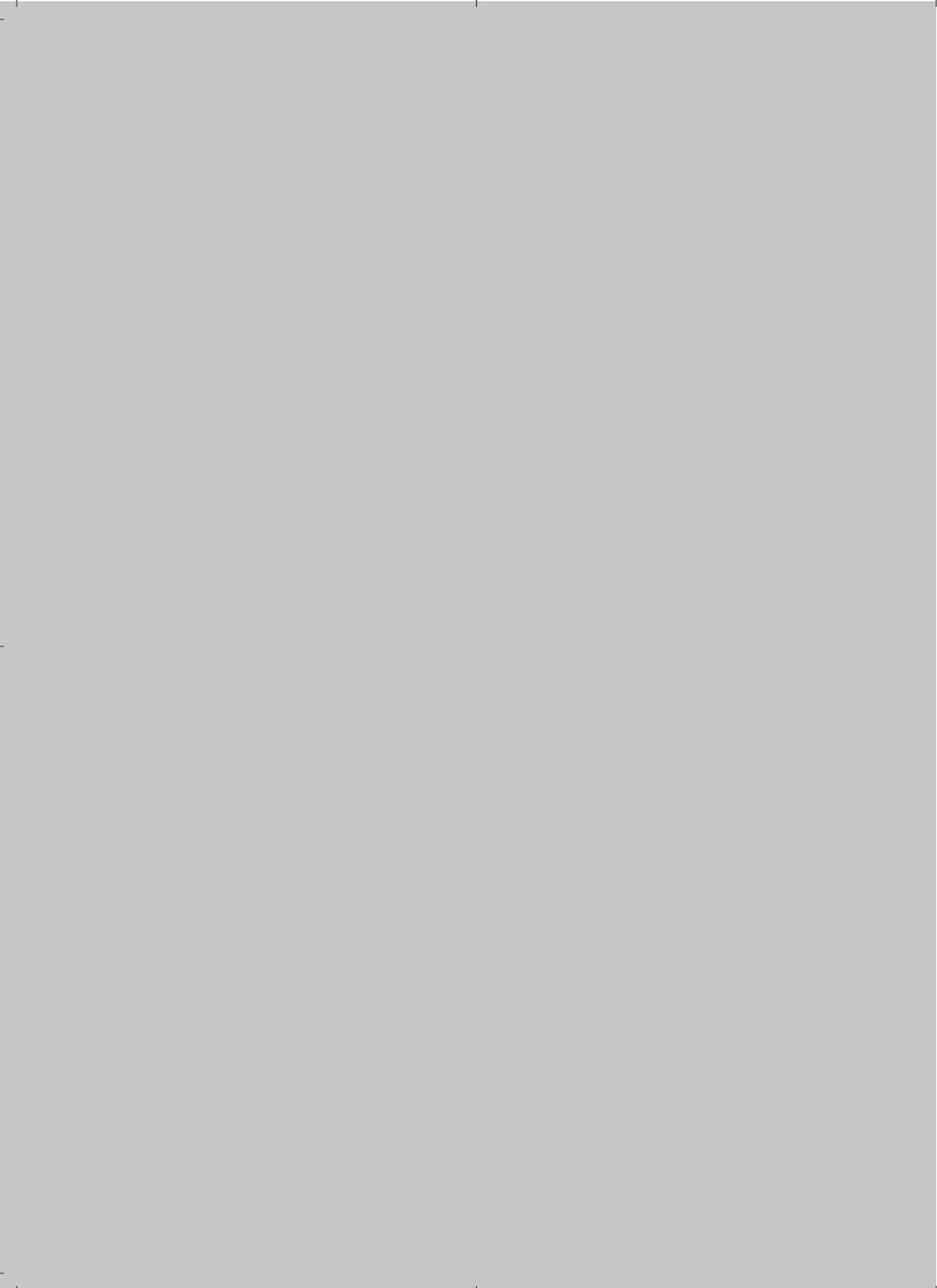
- retain a respect for factual accuracy.
- fairly represent opposing viewpoints when appropriate.
- provide an opportunity to respond when appropriate for example in a pre-arranged discussion programme.
- ensure that a sufficiently broad range of views and perspectives is included in output of a similar type and weight and in an appropriate time frame.

It is not normally appropriate for BBC staff or for regular BBC presenters or reporters associated with news or public policy related programmes to present personal view programmes on controversial subjects.

Online we may provide people with information and a place to meet and campaign on specific issues including matters of political or industrial controversy or matters relating to current public policy. However it is important that we observe the following:

- the BBC cannot endorse or support any personal views or campaigns.
- there should be a clear distinction between BBC content and content created by our users. It should also be clear what resources we are providing.

- users should not campaign explicitly for or against political parties or candidates. This is particularly important in the period before an election (usually 25 working days before polling day).
- the site should not be used to promote commercial campaigns or fundraising.
- broadcast coverage of campaigns featured on a BBC site should treat these campaigns in exactly the same way as any other campaigns.
- candidates in a forthcoming election must not contribute to the site.



FAIRNESS, CONTRIBUTORS AND CONSENT

FAIRNESS EDITORIAL PRINCIPLES

FAIRNESS MANDATORY REFERRALS TO CONTROLLER EDITORIAL POLICY

CONTRIBUTORS AND INFORMED CONSENT

FAIRNESS TO CONTRIBUTORS

RIGHT OF REPLY

DECEPTION

PORTRAYAL OF REAL PEOPLE IN DRAMA

FAIR PORTRAYAL IN DRAMA

CONTRIBUTORS AND EDITORIAL INDEPENDENCE

REFUSALS TO TAKE PART

WITHDRAWAL OF CONSENT

ACCESS AGREEMENTS AND CONSENT

INDEMNITY FORMS

SAFETY OF CONTRIBUTORS

WORKING ABROAD

The BBC strives to be fair to all – fair to those we’re making programmes about, fair to contributors, and fair to our audiences.

FAIRNESS EDITORIAL PRINCIPLES

- We will be open, honest and straightforward in our dealings with contributors and audiences, unless there is a clear public interest in doing otherwise, or we need to consider important legal issues or issues of confidentiality.
- People will normally have consented to contribute to our output.
- Where allegations are being made, the individuals or organisations concerned should normally have the right of reply.

FAIRNESS MANDATORY REFERRALS TO CONTROLLER EDITORIAL POLICY

Content producers must refer any proposal to:

- **broadcast a serious allegation resulting from our own journalism without giving those concerned an opportunity to reply. The allegation must be in the public interest and there must be strong reasons for believing it to be true.** See Section 3 Accuracy – Reporting Allegations.
- **portray a real person in a significant way in a drama without the approval of the individual portrayed, or their surviving near relatives.**

CONTRIBUTORS AND INFORMED CONSENT

We obtain informed consent from our contributors in a variety of ways depending on the circumstances of their contribution. Wherever practicable we should obtain consent in a form capable of proof, preferably in writing or recorded.

In many cases contributors will give their consent by simply agreeing to be recorded for radio or television or to contribute online. This will usually apply to people who are interviewed at short notice for any of our services, including people in the news and people who take part in “vox pops”. It is clearly impractical to obtain written consent for time sensitive contributions, including those to local radio, 24 hour news and other news outlets.

Occasionally there may also be circumstances in which contributors give their verbal consent at the start of a project and their continued consent is implicit through their ongoing involvement in the making of the programme.

Young people and vulnerable adults may not always be in a position to give informed consent. For example, people with learning difficulties or forms of dementia, the bereaved, and people who are sick or terminally ill. In such cases, someone over eighteen with primary responsibility for their care should normally give consent on their behalf, unless it is editorially justified to proceed without it. However, we should normally avoid asking someone who is unable to give their own consent for views on matters likely to be beyond their capacity to answer properly.

People recorded clearly committing an offence or behaving in an anti-social manner in a public place will not normally be asked for consent. We would also normally reveal their identity although there are circumstances when it is important not to do so. [See Section 7 Crime and Anti-Social Behaviour – Disguising Identities.](#)

FAIRNESS TO CONTRIBUTORS

Our commitment to fairness is normally achieved by ensuring that people know:

- why they are being asked to contribute to BBC output and where it will first appear.
- the context of the programme or website.
- the nature of their involvement.

The more significant their contribution, the more detail we should provide.

When inviting people to contribute to our output we should normally explain:

- the kind of contribution they are expected to make. If it is a discussion or debate we should tell them in advance about the range of views being represented and, wherever possible, the names of other likely contributors.
- whether their contribution will be live or recorded and/or edited. When recorded, we should not guarantee it will be broadcast.

- we can only give a broad outline of question areas because the direction the interview takes will be dependent on what is said.
- we will normally make them aware of significant changes to the programme as it develops which might reasonably affect their original consent to participate.
- the final content will be a fair and truthful representation of what they say and do.
- their contribution may be used by other BBC outlets or streamed online.
- we do not normally allow a preview of BBC content. However, when a preview is considered for editorial, ethical or legal reasons, we must be able to demonstrate the terms under which it was offered. It is best to do this in writing in advance. We should always make it clear that we are not surrendering editorial control and that any changes made as a result will generally only relate to the correction of agreed factual inaccuracies, concerns about the welfare of children, or for reasons of personal safety, or national security. See Section 5 Fairness – Access Agreements and Release of Untransmitted Material to Third Parties.
- their contractual rights and obligations and those of the BBC in relation to their contribution. For example, we expect contributors to be honest, straightforward and truthful.
- we may ask contributors to sign a contract which formalises the terms of their dealings with us, and includes a declaration of personal information which may bring the BBC into disrepute, for example, criminal convictions, or which may involve possible conflicts of interest. See Section 3 Accuracy – Checking Contributors.
- there may be occasions when people are discussed, referred to or appear in material provided by a contributor without their knowledge or consent. They may be public figures or private individuals and the material may include photographs, video and correspondence in which they feature. We should be fair and accurate in our portrayal of these people and where appropriate respect their privacy.

RIGHT OF REPLY

When we make allegations of wrong doing, iniquity or incompetence or lay out a strong and damaging critique of an individual or institution the presumption is that those criticised should be given a “right of reply”, that is, given a fair opportunity to respond to the allegations before transmission.

Our request for a response must be properly logged with the name of the person approached and the key elements of the exchange. We should always describe the allegations in sufficient detail to enable an informed response. The response should be reflected fairly and accurately and should normally be broadcast in the same programme, or published at the same time, as the allegation. There may be occasions when this is inappropriate (usually for legal or overriding ethical reasons) in which case a senior editorial figure or commissioning editor for Independents should be consulted. It may then be appropriate to consider whether an alternative opportunity should be offered for a reply at a subsequent date.

In very rare circumstances where we propose to broadcast a serious allegation resulting from our own journalism without giving those concerned an opportunity to reply the proposal must be referred to a senior editorial figure and Controller Editorial Policy or for Independents to the commissioning editor and Controller Editorial Policy. The allegation must be in the public interest and there must be strong reasons for believing it to be true. Our reasons for deciding to make the information public without requesting a response from the individuals or organisations concerned may include possible interference with witnesses or the possibility of legal action to delay or even prevent transmission. See Section 3 Accuracy – Anonymous Sources.

DECEPTION

In news and factual programmes, where there is a clear public interest and when dealing with serious illegal or anti-social behaviour, it may occasionally be acceptable for us not to reveal the full purpose of the programme to a contributor. The deception should be the minimum necessary in proportion to the subject matter. See Section 6 Privacy – Secret Recording.

Any proposal to use deception must be referred to a senior editorial figure or for Independents to the commissioning editor and in the most serious cases to Controller Editorial Policy. See Section 7 Crime and Anti-Social Behaviour – Investigations.

PORTRAYAL OF REAL PEOPLE IN DRAMA

Whenever appropriate, and where their role is significant, living people portrayed in a drama or their surviving near relatives should be notified in advance and, where possible, their co-operation secured. **Any proposal to go ahead without the consent of the individual portrayed or their surviving near relatives must be referred to Controller Editorial Policy for approval before a commitment is made to the production.** See Section 16 Law – Defamation.

Approval will only be given when it can be shown that the following three criteria are met:

- there is a clear public interest.
- the portrayal is fair.
- the portrayal is based, whenever practicable, on a substantial and verifiable body of evidence.

FAIR PORTRAYAL IN DRAMA

When our drama realistically portrays living people in contemporary situations, particularly a controversial or sensitive event, the same standards of fairness which apply to factual programmes should generally be observed. It is inevitable that the creative realisation of some dramatic elements such as characterisation, dialogue and atmosphere, will introduce a fictional dimension, but we have an obligation to be accurate and to ensure the drama does not unduly distort the known facts and thus become unfair. It is important to explain the nature of the content to our audiences by clearly signposting the output.

CONTRIBUTORS AND EDITORIAL INDEPENDENCE

Contributors sometimes try to impose conditions on us before agreeing to take part. We must not surrender editorial control. Any contractual agreement with a contributor, their agent, or a production company must allow us to ask questions our audience would reasonably expect. See Section 5 Fairness – Access Agreements.

If a contributor refuses to give an interview unless questions are rigidly agreed in advance or unless certain subjects are avoided, we must consider carefully whether it is appropriate to proceed at all. If we decide to do so we should make clear on air the conditions under which the interview was obtained.

REFUSALS TO TAKE PART

Anyone has the right to refuse to contribute to our output and it is not always necessary to mention their refusal. However, the refusal of an individual or an organisation to make a contribution should not be allowed to act as a veto on the appearance of other contributors holding different views, or on the programme itself.

When our audience might reasonably expect to hear counter-arguments or where an individual, viewpoint or political party is not represented it may be appropriate to explain the absence. This should be done in terms that are fair to the missing contributor. We should consider whether we can represent their views based on what we already know. We should strive not to exclude a missing view altogether. See Section 6 Privacy – Door-stepping with Prior Approach.

WITHDRAWAL OF CONSENT

Occasionally people who have willingly contributed to our output try to withdraw their consent prior to broadcast. Generally no one has the right to prevent their contribution being used, but we should listen carefully to any reasonable objections. There may be exceptions, for example, where we have contractual obligations.

ACCESS AGREEMENTS AND CONSENT

Many organisations, ranging from police forces to schools, require the BBC to enter into written agreements in return for facilitating access to their premises or staff. This can be a useful way of formalising the terms under which consent for access or other contributions is granted.

We must not sign access agreements that surrender the BBC's editorial control, or otherwise compromise our editorial integrity.

Editorial control requires the BBC or Independents working for the BBC to retain the right to record material as freely as possible, as well as to edit accurately, impartially and fairly.

If unacceptable conditions are imposed we should withdraw from the project. Advice is available from Editorial Policy. When access agreements cover other areas, including rights, re-use and facility fees, Legal and Business Affairs should be consulted. See Section 6 Privacy – Requests for Transmitted Material.

INDEMNITY FORMS

Indemnity forms are the legal agreements by which an organisation providing a facility to the BBC clarifies liability if something goes wrong – either during recording or as a result of the broadcast. They may be stand-alone documents or an indemnity clause within a broader Access Agreement. **Editorial Policy and/or Programme Legal Advice should be consulted before agreeing an indemnity clause.**

The BBC has agreed a standard indemnity form with the Association of Chief Police Officers. Copies are available in electronic form on the BBC Editorial Guidelines website. Content producers who are presented with indemnity forms by police forces in England and Wales may sign them only if their wording precisely matches the standard form. See Section 6 Privacy – Tag Along Raids.

SAFETY OF CONTRIBUTORS

We should not ask contributors to expose themselves to significant health and safety risks while taking part in our output unless we have completed a BBC risk assessment form and conducted rigorous fitness and psychological checks as appropriate.

We must ensure that our contributors recognise and accept all the identified risks in writing.

We must ensure we do not encourage contributors to put themselves at risk when using recording equipment, including small cameras and video phones, to gather material.

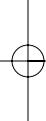
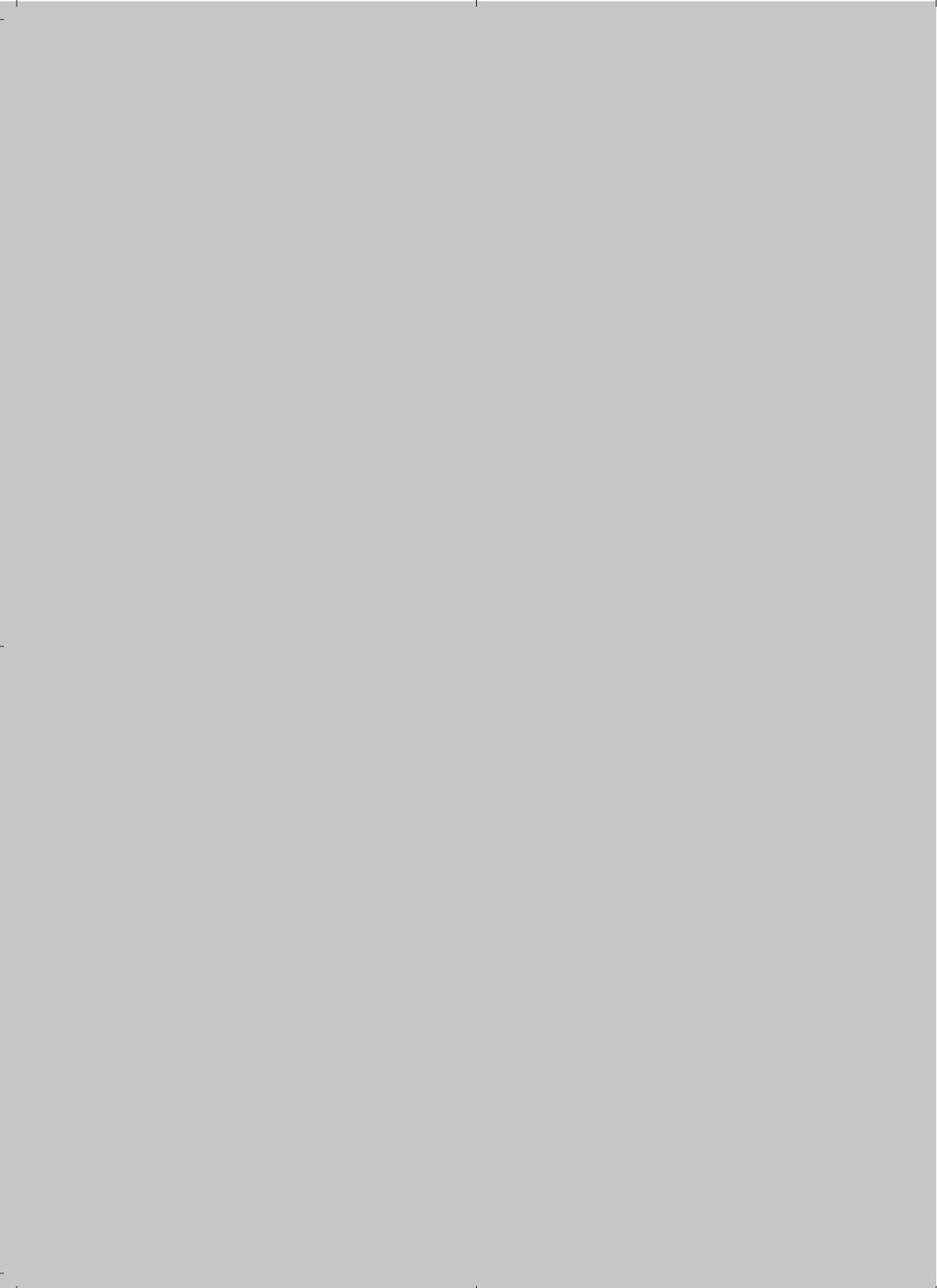
If any material is gathered by ourselves or by contributors, by recklessly or wilfully endangering anyone, the BBC may decide not to broadcast it and may take disciplinary action. Those responsible may also be liable to prosecution.

WORKING ABROAD

We should normally be open about our intentions when entering countries to work.

Any proposal to use a tourist visa to avoid visa restrictions and to enter and work for the BBC in that country, should be referred to a senior editorial figure, or for Independents to the commissioning editor, who may consult Controller Editorial Policy.

When use of a tourist visa in this way is approved, Newsgathering and the Head of the relevant World Service region should also be informed.



PRIVACY

PRIVACY EDITORIAL PRINCIPLES
PUBLIC INTEREST
PUBLIC AND SEMI-PUBLIC PLACES
BEHAVIOUR
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PRIVACY MANDATORY REFERRALS TO CONTROLLER EDITORIAL POLICY
SECRET RECORDING
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RESEARCH
DOOR-STEPPING FOR FACTUAL PROGRAMMES WITH PRIOR APPROACH
DOOR-STEPPING FOR FACTUAL PROGRAMMES WITHOUT PRIOR APPROACH
DOOR-STEPPING FOR COMEDY AND ENTERTAINMENT PROGRAMMES
RECORDING TELEPHONE CALLS FOR NEWS AND FACTUAL PROGRAMMES
RECORDING ON PRIVATE PROPERTY
TAG ALONG RAIDS
REPORTING SUFFERING AND DISTRESS
FUNERALS
REVISITING PAST EVENTS
USE OF LIBRARY MATERIAL OF SCENES OF SUFFERING, DISTRESS AND TRAUMA
MISSING PEOPLE
CCTV WEBCAMS AND OTHER MATERIAL FROM OUTSIDE SOURCES
PERSONAL INFORMATION

The BBC must not infringe privacy without good reason wherever in the world it is operating. It is essential in order to exercise our rights of freedom of expression and information that we work within a framework which respects an individual's privacy and treats them fairly, while investigating and establishing matters which it is in the public interest to reveal. Private behaviour, correspondence and conversation should not be brought into the public domain unless there is a clear public interest. There are also a number of ways in which the law protects privacy in the United Kingdom, including the Human Rights Act 1998.

PRIVACY EDITORIAL PRINCIPLES

The BBC seeks to:

- balance the public interest in freedom of expression with the legitimate expectation of privacy by individuals.
- balance the public interest in the full and accurate reporting of stories involving human suffering and distress with an individual's privacy and respect for their human dignity.
- justify intrusions into an individual's private life without consent by demonstrating a clear public interest.
- normally only report the private legal behaviour of public figures where broader public issues are raised either by the behaviour itself or by the consequences of its becoming widely known. The fact of publication by other media may not justify the BBC reporting it.

PUBLIC INTEREST

There is no single definition of public interest, it includes but is not confined to:

- exposing or detecting crime.
- exposing significantly anti-social behaviour.
- exposing corruption or injustice.
- disclosing significant incompetence or negligence.
- protecting people's health and safety.

- preventing people from being misled by some statement or action of an individual or organisation.
- disclosing information that allows people to make a significantly more informed decision about matters of public importance.

There is also a public interest in freedom of expression itself. When considering what is in the public interest we also need to take account of information already in the public domain or about to become available to the public.

PUBLIC AND SEMI-PUBLIC PLACES

An individual's right to privacy is qualified by location.

We should therefore not normally reveal information which discloses the precise location of a person's home or family without their consent, unless it is editorially justified.

People in public places or in semi-public places such as airports, railway stations and shopping malls cannot expect the same degree of privacy as in their own homes. However, there may be circumstances where people can reasonably expect privacy even in a public place, for example, there is a greater expectation of privacy when someone is receiving medical treatment in a public or semi-public place.

We should operate openly wherever we are unless we have approval for secret recording. This is particularly important when our audio-visual equipment is not very obvious as in the case of small video cameras, mobile phone cameras or fixed webcams. We may need to use notices to make people aware that we are recording and to allow them to avoid us. At a live event or outside broadcast we should work in a defined area and tell people via information on posters or tickets that we are recording material and/or operating a webcam.

BEHAVIOUR

An individual's right to privacy is also qualified by their behaviour. People are less entitled to privacy where their behaviour is criminal or seriously anti-social.

CONSENT

We will not seek to infringe privacy unless justified by a clear public interest or we have obtained consent. In potentially sensitive places, for example, ambulances,

hospitals, schools and prisons, we should normally obtain two separate consents, one for gathering the material and the other for broadcasting it, unless it is editorially justified not to obtain such consents.

If an individual or organisation asks us to stop recording or live broadcasting, because of a concern about privacy, we should normally do so, unless it is editorially justified to continue.

See Section 16 The Law – Privacy.

PRIVACY MANDATORY REFERRALS TO CONTROLLER EDITORIAL POLICY

Content producers must refer any proposal to:

- **use unattended recording equipment on private property without the consent of the owner, occupier or agent.**
- **broadcast any recording, including a telephone call, originally made for note-taking purposes.**
- **record an interview with someone who is not expecting to be approached and has not previously been approached (“door-stepping” without prior approach) except for daily news gathering. Approval must first be obtained at a senior editorial level before referral to and approval by Controller Editorial Policy.**
- **feature people in live broadcasts of comedy and entertainment programmes without their knowledge.**
- **broadcast secretly recorded material made by others and not gathered according to BBC Editorial Guidelines.**
- **gather material illegally outside the UK by disregarding privacy or other laws.**

SECRET RECORDING

Secret recording must be justified by a clear public interest. It is a valuable tool for the BBC because it enables the capture of evidence or behaviour that our audiences would otherwise not see or hear. However, secret recording should

normally be a method of last resort – misuse or overuse could discredit or devalue its impact.

The BBC will normally only use secret recording for the following purposes:

- as an investigative tool to expose issues of public interest where:
 - there is clear existing documentary or other evidence of such behaviour or of an intention to commit an offence.
 - it can be shown that an open approach would be unlikely to succeed.
 - the recording is necessary for evidential purposes.
- to obtain material outside the UK where a country's laws make the normal and responsible gathering of material extraordinarily difficult or impossible.
- as a method of consumer, scientific or social research in the public interest, where no other methods could naturally capture the attitudes or behaviour in question. The results should be edited to provide a fair and accurate representation of what happened, and consent obtained retrospectively, or identities obscured.
- for comedy and entertainment purposes where the secret recordings, and any deception involved, are themselves an integral part of the programme and consent obtained retrospectively, or identities obscured.

Secret recording is defined as:

- the use of hidden cameras and microphones.
- the deliberate use of audio-video equipment including long lenses, small video cameras, mobile phone cameras or radio microphones, either to conceal the equipment from targeted individuals or to give the impression of recording for purposes other than broadcasting, for example, a holiday video.
- the general use of audio-video equipment including long lenses, small video cameras, mobile phone cameras, webcams and radio microphones when

people are unaware they are being recorded.

- recording phone calls for broadcast without asking permission.
- deliberately continuing a recording when the other party thinks that it has come to an end.

The following rules apply to any proposal to secretly record, whether for news, factual or comedy and entertainment purposes.

- **All proposals to record secretly must be approved in advance by the relevant senior editorial figure in each Division or for Independents by the commissioning editor who may consult Editorial Policy.** Each Division is responsible for maintaining these records to enable the BBC to monitor and review the use of such techniques across its output.
- A signed record must be kept of the approval process, even if the request is turned down, and secretly recorded material must be logged. This record is required even if the material gathered isn't broadcast.
- The gathering and broadcast of secretly recorded material is always a two stage process. The decision to gather is always taken separately from the decision to transmit.
- **Any deception required for the purposes of obtaining material and secret recording should be the minimum necessary and proportionate to the subject matter and must be referred to the relevant senior editorial figure or for Independents to the commissioning editor.**
- **The re-use of secretly recorded material must be referred to a senior editorial figure or for Independents to the commissioning editor before transmission and a record kept of the decision.**

See Section 7 Crime and Anti-Social Behaviour – Investigations.

Secret recording for news and factual programmes

- The BBC requires a higher public interest test for secretly recording in a

private place where the public do not have access.

- The BBC requires a higher public interest test for secretly recording medical treatments.
- The BBC requires a higher public interest test for secretly recording identifiable people in grief or under extremes of stress both in public and semi-public places.
- We must not go on “fishing expeditions” – that is secretly recording on private property in search of crime or anti-social behaviour by identifiable individuals or a group when there is no clear or current evidence against them of that behaviour.
- We must never use unattended recording equipment on private property without permission of the owner, occupier or agent unless for the purpose of gaining evidence of serious crime. **Any proposal to do this must be referred to Controller Editorial Policy and Programme Legal Advice.**

Secret recording for comedy and entertainment programmes

- **A proposal to feature people in a live broadcast without their knowledge, whether in person or on the phone, must be approved in advance by Controller Editorial Policy.**
- People who feature prominently in the recordings must give their consent before the material is broadcast. If the recording might cause embarrassment to other recognisable individuals caught on camera where consent has not been obtained, they must be disguised.
- Anyone secretly recorded on the phone must give their consent before the call is broadcast.
- Secretly recorded material should not expose people to hurtful ridicule or otherwise exploit them.
- If people realise they are being secretly recorded and ask us to stop, we must do so. We must also destroy any material recorded of them, if asked to do so.

Secret recordings from outside sources

Secret recordings made by others and offered to the BBC for broadcast should pass the same tests we use for gathering our own material. If it was not gathered according to BBC Editorial Guidelines it should not normally be broadcast. **Any proposal to broadcast such material must be referred to Controller Editorial Policy. Approval will only be given if there is a clear public interest in broadcasting it, however it was obtained.**

ELECTRONIC NOTE-TAKING

We can record our conversations in both audio and video, for example, by using small cameras or telephones, for note-taking purposes without obtaining consent. Electronic note-taking can ensure accuracy in our reporting, or enable us to gather evidence to defend the BBC against possible legal action or complaints. The intention of such recordings must be for note-taking and research, not for broadcast. See Section 3 Accuracy – Achieving Accuracy: Gathering Material.

We do not normally broadcast any recordings originally made for note-taking purposes. Any proposal to broadcast recordings originally made for note-taking purposes must be referred to Controller Editorial Policy. Retrospective permission to broadcast material gathered in this way will only be granted in exceptional circumstances.

DOOR-STEPPING

Door-stepping is when we confront and record, or attempt to record, an interview with someone for broadcast, or announce that a phone call is being recorded for broadcast, when that person is not expecting to be interviewed because we have not made an arrangement with them to do so.

Door-stepping can be in person or on the phone. It can take place on public or private property. It can be for news and factual programmes as well as comedy and entertainment.

The BBC has rules about door-stepping that all content producers must follow. This is because door-stepping should normally be a last resort. However, the rules are not intended to prevent the legitimate gathering of material either for the daily news agenda or for research purposes.

DAILY NEWS GATHERING

When public figures and other people are the subject of news stories they must expect media attention and may be asked questions and their answers recorded for broadcast, without prior arrangement, as they come and go from buildings, airports and so on.

MEDIA SCRUMS

We should be aware that when media representatives congregate in large numbers to cover a news story the resulting media scrum can become intimidating or unreasonably intrusive. Sometimes it will be appropriate to make pooling arrangements with other media organisations, at other times we may judge it proper to withdraw.

RESEARCH

The BBC's rules on door-stepping are not intended to prevent researchers, who are not recording for broadcast, from making cold calls to people, either by phone or in person, or approaching people opportunistically, for example, when conducting vox pops.

DOOR-STEPPING FOR FACTUAL PROGRAMMES WITH PRIOR APPROACH

All proposals to door-step, whether in person or on the phone, where we have tried to make an appointment for an interview with the individual concerned (door-stepping with prior approach) must be approved in advance by a senior editorial figure or for Independents by the commissioning editor. Approval will normally only be given when there is evidence of crime or anti-social behaviour and for one, or more, of the following reasons:

- the subject of a door-step has failed to respond to repeated interview requests.
- a request for an interview has been repeatedly refused without good reason.
- there is a history of failure to respond to interview requests or refusal to be interviewed.

DOOR-STEPPING FOR FACTUAL PROGRAMMES WITHOUT PRIOR APPROACH

Any proposal to record an interview with someone, whether in person or on the phone, who is not expecting to be interviewed and where we have also not previously tried to make an appointment for an interview with them (door-stepping without prior approach) must be approved in advance by Controller Editorial Policy (except for daily news gathering).

Approval will normally only be given if there is:

- clear evidence of crime or significant wrong doing and
- good reason to believe that an investigation will be frustrated or allegations avoided if the individual is approached openly.

DOOR-STEPPING FOR COMEDY AND ENTERTAINMENT PROGRAMMES

All proposals to door-step for comedy and entertainment purposes must be approved in advance by a senior editorial figure or for Independents by the commissioning editor. People who are door-stepped must give their consent before the material is broadcast unless their identity is disguised.

RECORDING TELEPHONE CALLS FOR NEWS AND FACTUAL PROGRAMMES

We should normally inform people at the start of a telephone conversation that we are recording the call for possible broadcast and obtain consent. The exceptions are:

- **telephone door-steps** when we say that a call is being recorded for broadcasting, has been recorded for broadcast, or broadcasting the call live when the individual is not expecting to be interviewed and with or without prior approach. See door-step rules above.
- **secretly recording a phone call for broadcast. This must be approved in advance by a senior editorial figure or for Independents by the commissioning editor** and will normally only be authorised as an investigative tool, as a method of consumer, scientific or social research, or for comedy and entertainment purposes. See secret recording rules above.

RECORDING ON PRIVATE PROPERTY

We normally obtain consent before recording on private property.

However, recording without prior permission may be justified in places where the public has general access, for example, a shopping mall, railway station or airport, or where we have reason to believe illegal or anti-social behaviour is being exposed.

We normally leave private property when asked to do so by the legal occupier.

We should be aware of the law of trespass. Accessing private property without consent can constitute a civil wrong in which the police have no jurisdiction. Always seek advice from Programme Legal Advice if you do not know how to proceed.

TAG ALONG RAIDS

A tag along raid is when we accompany police, customs, immigration or environmental health officers or other public authorities on operational duties.

We should only go on tag along raids when there is a clear public interest and after careful consideration of editorial and legal issues including privacy, consent and trespass.

When we decide to go on a tag along raid on private property we should normally:

- ensure people understand we are recording for the BBC.
- obtain consent from the occupier.
- leave immediately if consent is refused unless there is a clear public interest.

Exceptions may include where we have reason to believe illegal or anti-social behaviour is being exposed.

REPORTING SUFFERING AND DISTRESS

We must always balance the public interest in full and accurate reporting against the need to be compassionate and to avoid any unjustified infringement of privacy when we report accidents, disasters, disturbances or war.

We will always need to consider carefully the editorial justification for portraying graphic material of human suffering and distress. There are almost no circumstances in which it is justified to show executions and very few circumstances in which it is justified to broadcast other scenes in which people are being killed. It is always important to respect the privacy and dignity of the dead. We should never show them gratuitously. We should also avoid the gratuitous use of close ups of faces and serious injuries or other violent material.

The passage of time is an important factor when it comes to making difficult judgements about the broadcasting of graphic material. In the immediate aftermath of an event the use of more graphic material is normally justified to provide a reasonable illustration of the full horror, although a good script is equally important in conveying the reality of tragedy. However, as the story unfolds it may become more difficult to justify its continued use. Then when it comes to marking the anniversary of an event or when considering it in a contemporary historical context, it may again be editorially justified to re-use it.

We also need to consider the cumulative effect of the use of graphic material on our continuous news channels.

We should normally request interviews with people who are injured or grieving following an accident or disaster by approaching them through friends, relatives or advisers. We should not:

- put them under pressure to provide interviews.
- harass them with repeated phone calls, emails, text messages or knocks at the door.
- stay on their property if asked to leave.
- normally follow them if they move on.

However, it is important that we do not inadvertently censor our reporting. For example, public expressions of grief and the extent to which it is regarded as an intrusion into someone's private life to show them, vary around the world. There are two key considerations when judging what to broadcast, the people we record and our audience. Graphic scenes of grief are unlikely to offend or distress those victims and relatives who consented to our recording them, but they may upset or anger some of our audience. A few words of explanation when introducing scenes of extreme distress or suffering may help to prevent misunderstandings.

FUNERALS

We should normally only record at private funerals with the consent of the family. There must be a clear public interest if we decide to proceed against requests for privacy.

REVISITING PAST EVENTS

We must consider how to minimise any possible distress to surviving victims and relatives when we intend to examine past events which involved suffering and trauma. This applies even if the events or material to be used were once in the public domain. The way we achieve this will depend on, for example, the scale and location of the original incident. But so far as is reasonably practicable, surviving victims or the immediate families of the dead people who are to feature in the programme should normally be notified of our plans. We should proceed against any reasonable objections of those concerned only if there is a clear public interest.

USE OF LIBRARY MATERIAL OF SCENES OF SUFFERING, DISTRESS AND TRAUMA

We must ensure that the repeated use of traumatic library material, particularly when it features identifiable people, is editorially justified. It should never be used as “wallpaper” or to illustrate general themes. Any restrictions placed on the re-use of library material must be observed.

We must consider contributor sensitivities when re-using, reformatting or reversioning transmitted programmes and other content. Archive material involving illness, death, emotional trauma or intimate personal revelation may become more sensitive over time, for example, material which depicts contributors as children when they may have been unable to give informed consent. When re-use may cause possible distress to the contributors or their relatives or close friends, their view should be sought where possible.

If contributors object to re-use any proposal to repeat the material must serve a clear public interest and be approved by a senior editorial figure or for Independents by the commissioning editor.

Any proposal to use library pictures of identifiable grieving or distressed people must be referred to a senior editorial figure or for Independents to the commissioning editor. See Section 3 Accuracy – Use of Library Material.

MISSING PEOPLE

The BBC sometimes helps to trace people by broadcasting details provided by relatives and friends. We should take editorial responsibility for the content of the message. This could involve holding back information the missing person might regard as private, embarrassing or distressing. We should also be aware that not every missing person wishes to be found.

CCTV, WEBCAMS AND OTHER MATERIAL FROM OUTSIDE SOURCES

Recordings made by others may pose issues of privacy, accuracy, anonymity, defamation, contempt of court or data protection. They include Close Circuit Television Video (CCTV), material from webcams and recordings provided by the emergency services (including 999 calls), Customs and Excise, or other public authorities, organisations or individuals.

We should take care about using such material if we do not have an established relationship with the outside source. In all cases we should research its origins before we decide whether to broadcast it. **Any proposal to put a third party's webcam feed on a BBC site or platform must be referred to a senior editorial figure or for Independents to the commissioning editor who may also consult Editorial Policy.** If approved we should retain editorial responsibility for monitoring its output.

PERSONAL INFORMATION

People trust the BBC and we must be transparent with them. We should make it clear to people how we intend to use their personal information. This can be as little as an email address or a phone number. It is collected, for example, when people enter competitions, register with an interactive community or become part of a database of contributors. See Section 16 The Law – Data Protection Act.

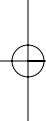
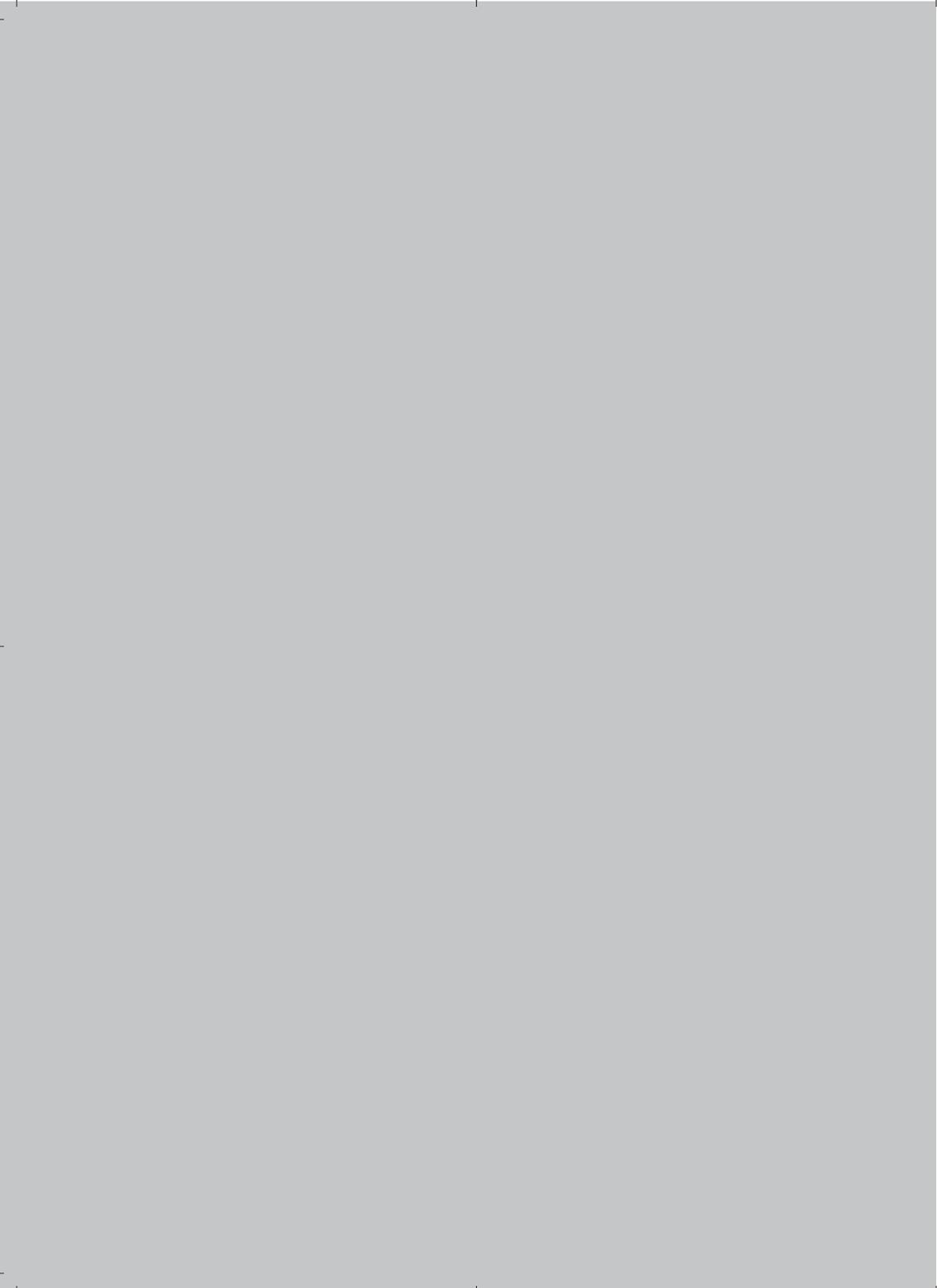
Contributor's personal details, comments or other personal information should not normally be given to third parties without the consent of the contributor or, if consent cannot be obtained, this should be referred to a senior editorial figure or for Independents to the commissioning editor who may wish to consult Regulatory Legal. If we have consent a contract should require the third party to use the information only for the use agreed between the contributor and the BBC.

We should not send emails (spam) to people who have not agreed to receive them.

If personal information is going to be used for promotion, marketing, research or any other secondary purpose, our users must “opt in”. For example, we should not send promotional emails about our output when people have originally given us their email address in order to enter a competition.

Any proposal to collect personal information on a BBC publicly funded site which might be disclosed to third parties, including BBC Worldwide, must be referred to a senior editorial figure or for Independents to the commissioning editor who may wish to consult Regulatory Legal and Fair Trading.

We should take particular care when collecting personal information from children. See Section 9 Children – Online Child Protection.



CRIME AND ANTI-SOCIAL BEHAVIOUR

CRIME EDITORIAL PRINCIPLES

CRIME MANDATORY REFERRALS

REPORTING CRIME

INVESTIGATIONS INTO CRIME AND SERIOUS ANTI-SOCIAL BEHAVIOUR

DISGUIISING IDENTITIES

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PAEDOPHILES AND OTHER SEX OFFENDERS

CRIME RECONSTRUCTIONS

CRIME LIBRARY MATERIAL

REQUESTS FOR UNTRANSMITTED MATERIAL

REQUESTS FOR UNTRANSMITTED MATERIAL FROM THE POLICE

REQUESTS FOR TRANSMITTED MATERIAL

Our reporting of crime and anti-social behaviour aims to give audiences the facts in their context. It must not add to people's fears of becoming victims of crime when statistically they are very unlikely to be so.

CRIME EDITORIAL PRINCIPLES

- We will ensure that material likely to encourage or incite the commission of crime, or likely to lead to disorder, is not included on our services unless clearly editorially justified.
- We will seek to balance the public interest in freedom of expression with respect for a victim's privacy and dignity when reporting crime.
- We will ensure that detailed descriptions or demonstrations of criminal techniques which could enable the commission of crime are not included on our services unless clearly editorially justified.

CRIME MANDATORY REFERRALS

Content Producers must refer to Controller Editorial Policy any proposal to:

- **interview a criminal active in or wanted in the UK.**
- **contact or interview escaped prisoners or people wanted by the police in the UK.**
- **grant anonymity to anyone seeking to evade UK law.**
- **enter a UK prison to interview a prisoner for broadcast without permission from the prison authorities.**
- **publish the name or picture of a paedophile or sex offender who has served a sentence and been released from prison but whose name has not been made public by the UK police.**
- **witness or record a specific and serious illegal activity.**
- **pay, promise to pay or make a payment in kind to criminals or former criminals, directly or through agents, for an interview or**

other contribution relating to their crimes. In general the same applies to their associates, who may include family, friends or colleagues.

- pay, or promise to pay, a witness, or anyone who may reasonably be expected to be called as a witness, during active criminal proceedings or where proceedings are likely and foreseeable.
- pay people whose behaviour is either seriously anti-social or whose activities have attracted serious notoriety.
- hand over transmitted material in connection with litigation.
- play or hand over untransmitted rushes to a third party (excluding programme previews).
- employ someone known to have a criminal record or background of illegal activity to work on a BBC investigation into crime or serious anti-social behaviour. This includes editorial members of the production team and undercover operatives.
- approve a job application by an undercover operative working on a BBC investigation.

REPORTING CRIME

In our reporting of crime we aim to ensure that our content is clearly editorially justified. We are particularly vigilant about the following issues:

Dealing with criminals. Any proposal to interview a criminal active in, or wanted in, the UK must be referred to Controller Editorial Policy.

Contacting escaped prisoners or people wanted by the police in the UK. In some circumstances this may constitute a criminal offence. **Any proposal to contact or interview such people must be referred to Controller Editorial Policy and Programme Legal Advice.**

Interviews with active or convicted criminals must not:

- glamorise wrong doing.
- reveal too much detail about a crime that could be copied.

- celebrate the flouting of the judicial process.

Witnessing illegal activity. When investigating criminal activity we may, on rare occasions, want to record a specific crime. When that might raise questions about our relationship with the criminal or **involves witnessing serious criminal activity it must be referred to a senior editorial figure or for Independents to the commissioning editor, as well as Controller Editorial Policy and Programme Legal Advice.** Approval to be present at or record serious illegal activity will be given only if it is clearly in the public interest, even then we must avoid:

- condoning, aiding or abetting criminal behaviour.
- encouraging or provoking behaviour which would not otherwise have occurred.
- directing the activity in any way.

Anyone admitting to or carrying out an illegal act could be prosecuted after transmission. Our research notes, diaries, emails and other paperwork as well as untransmitted rushes may be obtained by the police by court order. This material may also have to be disclosed as evidence to a court, tribunal or inquest. See Section 3 Accuracy – Note-taking and Anonymous Sources and Section 7 Crime – Investigations.

Demonstration of illegal activities. We should not normally demonstrate or depict criminal techniques, for example, how to hotwire a car unless editorially justified. Even then it is important to avoid revealing too much detail or the ways in which an activity can be made more effective. Illegal activities like drug use or joy riding should not be portrayed as problem free or glamorous.

Recording illegal activities involving animals. In the UK, bull fighting, dog fighting and cock fighting are illegal. It will rarely be justified to broadcast such scenes whether recorded here or overseas and **any proposal to do so must be referred to a senior editorial figure or for Independents to the commissioning editor.** However there may be times when in the public interest we may be justified in recording the harming of animals by third parties for the purpose of gathering evidence or to illustrate malpractice, cruel, anti-social or controversial behaviour. **Any such proposal must be referred to a senior editorial figure or for Independents to the commissioning editor.**

Dealing with anyone under eighteen involved as a witness, victim or accused when reporting an investigation into an alleged criminal offence in the UK. We must make very careful judgements about revealing their name, address, identity of school or other educational establishment, place of work, or any still or moving picture of them. A public interest or clear editorial justification is also required for the broadcast of such material related to the identity of anyone under eighteen who is involved as a potential defendant. If criminal proceedings follow there are legal restrictions surrounding the publication of information leading to the identity of anyone under eighteen who is a witness or the accused. The legal position differs before and after charge. For further information contact Programme Legal Advice.

Interviewing witnesses or potential witnesses. We must be scrupulous about our interviews with witnesses, both in the UK and overseas, to ensure that we do not interfere in the legal process. When conducting news interviews with people who have recently witnessed a crime we should be aware of the possibility of contempt of court.

Witnesses should not normally be interviewed about their evidence once proceedings are under way and until the verdict has been reached. Any proposal to do so must be referred through a senior editorial figure, or for Independents through the commissioning editor, to Programme Legal Advice and Editorial Policy. Witnesses sometimes claim to have been coached by a journalist. To protect ourselves against any unfair accusation and with the knowledge of the interviewee we should record and keep the whole interview, including any pauses, interruptions, prompting, repeat questions, or re-takes.

Identifying victims, witnesses and sources. There may be legal reasons why the identity of one or more of those involved in a trial may not be reported. Reporting what a judge has forbidden to be reported, or a statutory restriction such as not revealing the identity of a victim of a sexual offence, would be contempt of court. If it is necessary to protect the identity of crime victims and witnesses, anonymity normally means no name, no address, no photograph, or any other clue as to identity. We should also take care not to identify people indirectly because of what is known as the “jigsaw effect”. This occurs when separate reports, which could be in different media, give different details of a case which when pieced together, reveal the identity of the person involved. The risk is at its highest when reporting sexual crime within the family. We should not use the word incest where someone might be identified as the victim. Incest should be described as a “serious sexual offence.” See Section 16 Law – Contempt.

When we report crime, particularly past stories, some of those involved – offenders, suspects, witnesses, relatives or victims – **may have changed their names or addresses** in order to re-establish their lives. Careful consideration should be given to the extent to which we identify them or their whereabouts. See Section 3 Accuracy – Anonymity.

The impact our reporting of crime may have on our audiences. We report current crime stories, but we also examine, reconstruct or dramatise past events which could cause possible distress to victims and/or their families. This can be minimised if we tell them in advance about our plans. We should, as far as is reasonably practicable, contact surviving victims, and/or the immediate families of the deceased. If we contact people through an intermediary, such as the police or social services, it is our responsibility to check the victim and/or immediate family have been informed and have the necessary details to allow them to contact us.

Considering the families of criminals. Reporting the facts about criminals may include detailing their family circumstances, but we should avoid causing unwarranted distress to their family. Also we should not imply guilt by association without evidence.

Political activities and crime. Internationally there are different definitions of crime. In some countries, for example, political dissidents and activists are defined as criminals, but interviews with them can be important in enabling us to provide a full understanding of events. However, for people motivated by personal gain from their criminal activities we must apply the same principles as in the UK. For proposals to interview people who use or encourage the use of violence see Section 11 – War, Terror and Emergencies.

INVESTIGATIONS INTO CRIME AND SERIOUS ANTI-SOCIAL BEHAVIOUR

Investigations are an important way of uncovering matters of significant public interest. They must be clearly editorially justified and real evidence must exist of the issue to be exposed. We will normally begin an investigation not knowing exactly how events will unfold. It is therefore important that we consider how to carry out the investigation and the possible consequences of our plans.

Any proposal to undertake an investigation into crime or serious anti-social behaviour must be referred to a senior editorial figure or for Independents to the commissioning editor, who may need to consult Editorial Policy and Programme Legal Advice.

It is good practice before an investigation is commissioned and before seeking editorial approval and legal advice to consider the following:

- background and motivation of sources.
- justification for using deception, undercover work or secret recording to gather further evidence.
- whether this is the only way to proceed.
- possible consequences of our actions.

But care must be taken not to identify anonymous sources in this material.

In the course of a BBC investigation the use of secret recording must be kept under constant review. Specific approval must be obtained for each proposed case of secret recording. No blanket approval can be obtained for it. Controller Editorial Policy will only give retrospective permission for the use of secretly recorded material that was not approved in accordance with these guidelines in the most exceptional circumstances. See Section 6 Privacy – Secret Recording for News and Factual Programmes.

Controller Editorial Policy must approve any proposal to employ someone known to have a criminal record or background of illegal activity to work on a BBC investigation. This includes editorial members of the production team and undercover operatives. Controller Editorial Policy must also approve a job application by an undercover operative working on a BBC investigation.

If an investigation is successful the BBC's involvement may continue way beyond the original broadcast. The police or other prosecuting authorities may wish to interview members of our production team including undercover operatives, and the crew(s) who recorded the programme material, about the methods we used and events we witnessed. Following an official investigation we may be called as witnesses in the prosecution.

BBC Occupational Risk Management must be consulted, in good time, about any proposed "High Risk Activities", that is, investigations involving covert surveillance or filming and/or confrontation of terrorist, serious criminal or extremist or violent political groups. They must also be consulted for any "High Risk Events" including riots, civil disturbance or extreme public disorder, terrorist or armed criminal incidents such as hi-jacking or siege. See Section 10 – War, Terror and Emergencies.

DISGUIISING IDENTITIES

When someone is clearly involved in criminal or anti-social behaviour the BBC's normal approach is to reveal their identity. However, there are circumstances when it is important to disguise identities. These include:

- legal reasons e.g. possible contempt of court or defamation.
- when anonymity has been granted to a contributor see Section 3 Accuracy – Anonymity.
- exposure of anti-social or criminal practice when individuals are simply illustrative of the practice.
- exposure of anti-social or criminal practice when individuals are not sufficiently culpable or responsible for their actions.
- when there is clear existing documentary or other evidence against a group of people, but not against known individuals in that group. For example, the overcharging of visitors by some people in tourist service industries or the exploitation of the elderly by some home repair workers.
- when identification of innocent parties, for example in a tag along raid, would imply some form of wrong doing.
- when it is difficult to obtain consent, e.g. people with learning difficulties, mental health problems, brain damage or forms of dementia.
- when clearly recognisable people are caught on camera, whether in a public or private place, and where the audience might wrongly but reasonably conclude they're involved in wrong doing.
- our international services often rebroadcast material originally recorded for the BBC's UK services. If this material might compromise the safety of contributors when it is rebroadcast, it may be appropriate to disguise the identity of those concerned.

INTERVIEWS WITH PRISONERS

It is always advisable to contact Programme Legal Advice and the relevant World Service region when proposing to work overseas because of the different legal

systems that apply in different countries.

Prior to visiting a UK prison and conducting an interview with a prisoner for broadcast we should normally ask permission from the UK prison authorities.

Any proposal to enter a UK prison without permission must be referred to Controller Editorial Policy.

Prior to visiting an overseas prison and conducting an interview with a prisoner for broadcast we should normally ask permission from the prison authorities.

Any proposal to enter an overseas prison without permission must be referred to a senior editorial figure or for Independents to the commissioning editor who may consult Controller Editorial Policy. If approved the relevant World Service Head of Region and Head of Newsgathering should be informed.

Prisoners may have access to public telephones and mobile phones, though their use may be restricted by prison rules. **The following proposals for phone interviews must be referred to a senior editorial figure or for Independents to the commissioning editor who may consult Controller Editorial Policy:**

- **inviting a prisoner to initiate a call for broadcast purposes from a public or mobile telephone in prison.**
- **broadcasting an unsolicited call from a prisoner which was not referred before it was recorded.**
- **broadcasting live an unsolicited call from a prisoner.**

PAYMENTS

The BBC does not normally make payments, promise to make payments, or make payments in kind, whether directly or indirectly, to criminals or generally to former criminals, who are simply talking about their crimes. In general the same should apply to families or relatives of criminals or former criminals. This is to protect our reputation, the credibility of our interviewees and sources, the integrity of the judicial process, as well as respecting the sensitivities of the victims of crime.

Payment of a fee will only be approved for a contribution of remarkable importance, with a clear public interest, which could not be obtained

without payment. In such cases, only actual expenditure or loss of earnings necessarily incurred during the making of a programme contribution will normally be reimbursed.

Any proposal to pay criminals, former criminals, their families and their associates, or witnesses to a trial before a verdict has been reached must be referred through a senior editorial figure or for Independents through the commissioning editor, to Controller Editorial Policy.

Witnesses, or anyone who may reasonably be expected to be called as a witness during active criminal proceedings, must not be paid, or promise of payment made, directly or indirectly, for their story. Nor should any payment be suggested or made dependent on the outcome of the trial. Only actual expenditure or loss of earnings necessarily incurred during the making of a contribution may be reimbursed.

People who might reasonably be expected to be witnesses where criminal proceedings are likely and foreseeable should not be paid unless there is a clear public interest, such as investigating crime or serious wrongdoing, and the payment is necessary to elicit the information. Where such a payment is made it will be appropriate to disclose the payment to both defence and prosecution if the person becomes a witness in any subsequent trial.

People whose behaviour is either seriously anti-social or whose activities have attracted such notoriety must not normally be paid for a contribution if such a payment would be inappropriate. Any exception must be referred through a senior editorial figure or for Independents through the commissioning editor to Controller Editorial Policy.

PAEDOPHILES AND OTHER SEX OFFENDERS

When paedophiles and other sex offenders have served their sentences and been released back into the community, strong passions can be aroused in the place where they live. We should report such matters where there is a clear public interest while trying to avoid the following possible consequences:

- vigilante action.
- mistaken identity.
- driving the offender underground away from supervision where s/he

is far more likely to re-offend.

- intrusion into an offender's privacy.
- negative impact on the victims and their families, or the family of the offender.

The BBC will normally only consider publishing the names or pictures of paedophiles or sex offenders who have served their sentences and been released from prison where the police have made these details public. Publication by other media is not a sufficient justification in itself. Any proposal to name a convicted paedophile or other sex offender, when their name has not been made publicly available by the police, or to publish pictures, must be referred to Controller Editorial Policy.

When reporting on paedophiles and other sex offenders or when exposing potential paedophiles or sex offenders we can name the town or city where they live, but should generally avoid giving sensitive details or addresses. We should also consider consulting with the relevant police force if we intend to report sensitive information or show a picture, to enable the police to address management issues in relation to the victim, victim's family, offender and offender's family.

Interviews with paedophiles or other sex offenders will only occasionally be clearly editorially justified. Any proposal to interview a paedophile or other sex offender who has been convicted of serious offences, in prison or on release from prison, should be referred to a senior editorial figure or for Independents to the commissioning editor, who may also consult Controller Editorial Policy. See Section 6 Privacy – Reporting Suffering and Distress.

CRIME RECONSTRUCTIONS

News programmes may report crime reconstructions staged by the police for the purpose of gathering evidence. They should not normally commission crime reconstructions except for use at the conclusion of a trial. Revisiting the scene of a crime and/or interviewing a victim or witness do not in themselves constitute a reconstruction.

Factual programmes should restrict the use of reconstructions to the conveying of factual information. They should not be used simply to attract or entertain audiences. It should also be obvious to the audience where a reconstruction begins and ends.

CRIME LIBRARY MATERIAL

The use of library material relating to crimes and to victims of crime requires careful editorial judgements. We should:

- avoid using the same incident to illustrate a general theme, for example, the same driver being breathalysed repeatedly may be unfair.
- not use library material of one identifiable crime to illustrate another.
- take care when using library shots of prisoners to illustrate a specific crime or type of crime. Individuals should not be clearly identifiable if they were not involved in the crime in question.
- check with Programme Legal Advice about any proposed use of library material of a crime if court proceedings are pending or in progress.

REQUESTS FOR UNTRANSMITTED MATERIAL

All requests to see or obtain untransmitted material must be referred to Controller Editorial Policy. In addition, all requests made in connection with court proceedings or pending or active complaint procedures, for example medical negligence, must be referred pre-transmission to Programme Legal Advice and post-transmission to Litigation.

The BBC will not normally hand over untransmitted material to third parties without a court order. Sometimes it is appropriate to accede immediately to such an order; at other times it will be necessary to contest it and appeal it to higher courts.

We never voluntarily allow access to untransmitted material:

- when to do so would endanger people who work for the BBC contribution.
- when it would make it more difficult to gather such material in the future.
- if the request appears to be “fishing” for evidence.
- if the material contains information that identifies a confidential source or contributor.
- when it conflicts with our contractual obligations.

- when it shows third parties whose rights may be impaired by handing it over.

The BBC's editorial integrity could also be damaged if other organisations and individuals are allowed access to untransmitted material for their own use. For example, we do not normally release untransmitted material to organisations for training and public relations purposes.

There is no legal obligation for us to keep documents, records or untransmitted material gathered in the production of a programme unless and until they are the subject of a request from the police or the courts or there is a threat of litigation. See Section 3 Accuracy – Note-taking.

REQUESTS FOR UNTRANSMITTED MATERIAL FROM THE POLICE

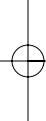
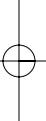
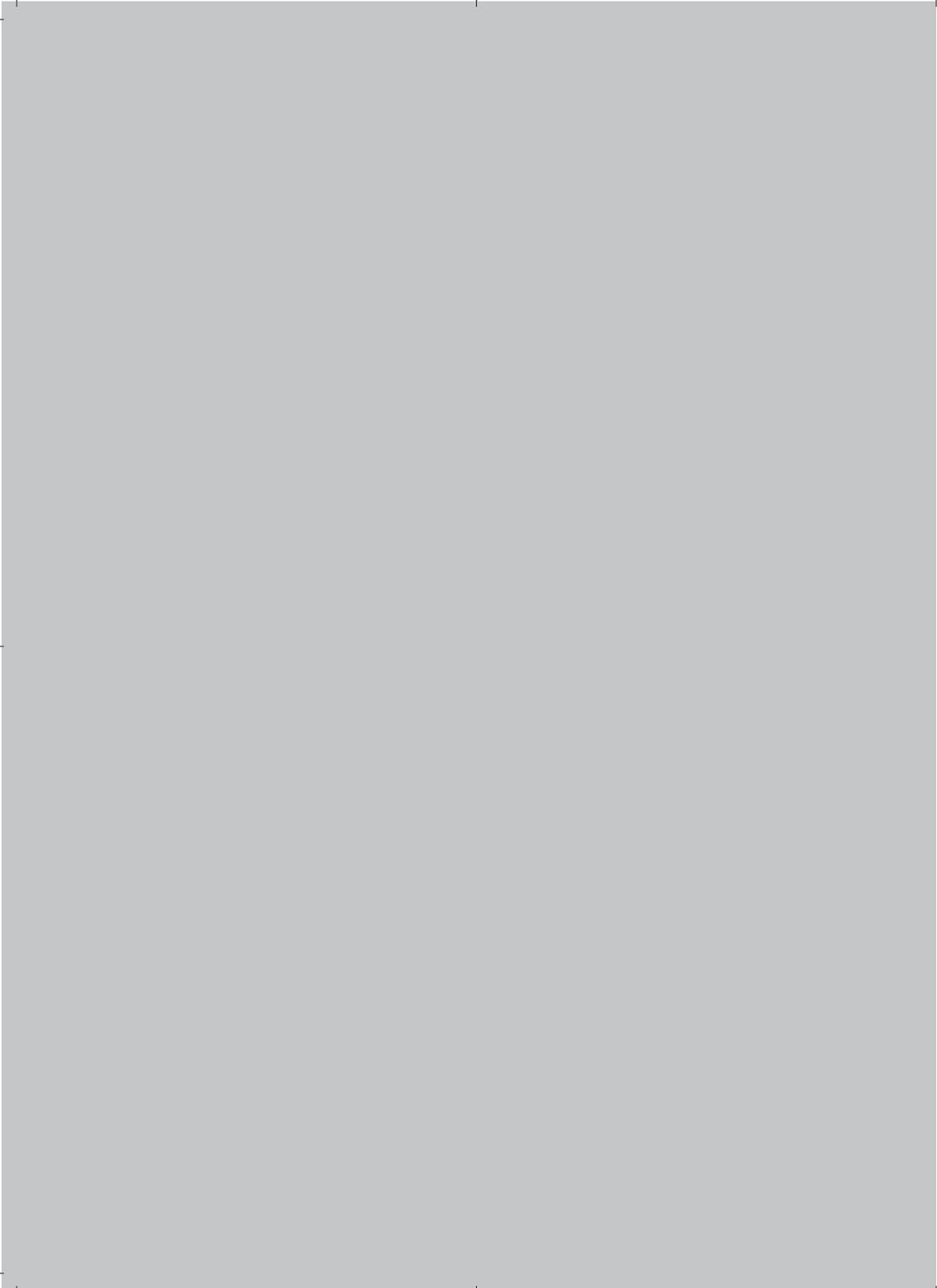
The police make a significant number of requests for untransmitted material. In England, Wales and Northern Ireland they use PACE Orders (under the Police and Criminal Evidence Act 1984) to require the release of material for use as evidence. In Scotland, a warrant for material may be granted by a Sheriff, or the Lord Advocate can seek to recover such material by petition or order. Any requests from the police should be referred to the BBC lawyers.

REQUESTS FOR TRANSMITTED MATERIAL

All requests for transmitted material in connection with court proceedings or pending or active complaint procedures must be referred to Litigation who may also consult Controller Editorial Policy.

As far as other requests for transmitted material are concerned we will:

- only provide copies of transmitted material dependent on the practical difficulties, expense, copyright, legal and editorial implications of doing so.
- normally charge a fee which realistically reflects the cost of providing the material, particularly in connection with litigation.
- normally require a written agreement that the material will only be used for private and not commercial purposes.



HARM AND OFFENCE

HARM AND OFFENCE EDITORIAL PRINCIPLES

AUDIENCE EXPECTATIONS

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SCHEDULING OF PROGRAMME TRAILS

TELEVISION AND THE WATERSHED

NEWS CHANNELS

RADIO AND ONLINE

CHILDREN AND DANGEROUS IMITATION

VIOLENCE

VIOLENCE AND THE PROTECTION OF CHILDREN

VIOLENCE AGAINST ANIMALS

NUDITY

SEX

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ALCOHOL, SMOKING, SOLVENT AND DRUG ABUSE AND ILLEGAL DRUGS

SUICIDE, ATTEMPTED SUICIDE AND SELF-HARM

SAFETY AND THE LAW

TRAGIC EVENTS

HYPNOTISM

EXORCISM, THE OCCULT AND THE PARANORMAL

ACQUIRED PROGRAMMES

FLASHING IMAGES, STROBING AND PHOTO SENSITIVE EPILEPSY

IMAGES OF VERY BRIEF DURATION

The BBC aims to reflect the world as it is, including all aspects of the human experience and the realities of the natural world. In doing so, we balance our right to broadcast and publish innovative and challenging content appropriate to each of our services with our responsibility to protect the vulnerable.

When we broadcast or publish challenging material which risks offending some of our audience we must always be able to demonstrate a clear editorial purpose. Such material may include, but is not limited to, offensive language, humiliation, sexual violence and discriminatory treatment. We must be sensitive to audience expectations, particularly in relation to the protection of children, as well as clearly signposting the material.

HARM AND OFFENCE EDITORIAL PRINCIPLES

- We will not broadcast material that might seriously impair the physical, mental or moral development of children.
- We observe the television Watershed to ensure material that might be unsuitable for children is appropriately scheduled.
- We signpost and label challenging material to ensure our audiences have enough information on which to judge whether content is suitable for themselves or their children.
- We keep in touch with the expectations of our audiences for all our services.

AUDIENCE EXPECTATIONS

We should judge the suitability of content for our audiences, including children, in relation to the expectations of the likely audience at a particular time on a particular day, and in relation to the nature of the service as well as the nature of the content. We should ask ourselves the following questions:

- what is the likely composition of the audience, including the likely number and age range of children in the audience taking into account school time, weekends and holidays? We should be aware that school holidays are different in different parts of the UK.

- does the talent, slot, genre or service carry pre-existing expectations which may be challenged by the content?
- is harm or offence likely to be caused by misleading the audience or in the inclusion of difficult or challenging material?
- has any difficult or challenging content been clearly signposted?
- are there any special sensitivities surrounding the slot, for example religious festivals and anniversaries of major events?
- what is the likely “pull-through audience”, i.e. what is the nature of the preceding content and what kind of audience is it likely to attract?

SIGN POSTS AND CONTENT INFORMATION

To ensure that our audiences are not taken by surprise, we must clearly sign post difficult content on all of our services using a combination of appropriate scheduling and content information which is simple, consistent, and factual. Whenever possible, this information should appear in press releases and other publicity, billings, Ceefax, trails, on air and online announcements, and electronic programme guides. [See Section 9 Children](#). We must consider giving clear information about the content of some pre-Watershed programmes, programmes which start before the Watershed and run beyond it, and post-Watershed programmes, as well as for radio programmes broadcast when children are particularly likely to be listening.

SCHEDULING OF PROGRAMME TRAILS

Trails for radio and television programmes that are unsuitable for children must be carefully scheduled:

- trails scheduled next to programmes targeted at children or when children are particularly likely to be watching should be suitable for that audience.
- trails for post-Watershed programmes must be appropriate for family viewing if shown before the Watershed.

TELEVISION AND THE WATERSHED

Television scheduling decisions need to balance the protection of young people and particularly children, with the rights of all viewers, particularly those without children, to receive a full range of subject matter throughout the day. They must also be judged against the requirements of the Watershed.

The 21.00 television Watershed is used to distinguish between programmes intended mainly for family viewing and those programmes intended for an adult audience. However, the BBC expects parents and carers to share in the responsibility for assessing whether programme content is suitable for their children.

Programmes broadcast between 05.30 and 21.00 must be suitable for a family audience including children. The earlier in the evening a programme is placed, the more suitable it should be for children to watch alone. Programmes in later pre-Watershed slots may not be suitable for the youngest children. Only in exceptional circumstances can there be any departure from this rule, and then clear content information should be given, for example images that some children might find distressing in natural history programmes or in the 6 O'Clock News.

Programmes that straddle the Watershed, that is start before 21.00 and finish sometime after 21.00, must be pre-Watershed compliant throughout.

After 21.00 the post-Watershed transition to more adult material should not be abrupt and should reflect the nature of the channel and viewer expectation. The strongest material should appear later in the schedule. If sudden changes of tone are unavoidable they should be clearly signposted, for example giving clear information about scenes of a sexual nature, violence or the use of offensive language.

Interactive services connected with television programmes must observe the Watershed. This also applies where online users provide content to a live service associated with a television programme.

Programmes must be clearly commissioned for broadcast before or after the Watershed to allow careful judgements to be made during the production process about the suitability of content. Late changes to originally agreed transmission slots, particularly any proposal to broadcast a programme before rather than after the Watershed, may result in significant re-editing to ensure that the programme complies with these editorial guidelines for harm and offence,

particularly in relation to offensive language.

NEWS CHANNELS

The nature of news means that it is not always possible to avoid showing material that might distress some of our audiences before the Watershed. Our international news channels do not normally operate a Watershed policy because the news is shown live across different time zones around the world. Wherever appropriate we should provide clear content information to signpost difficult images, particularly those that may be distressing for children.

RADIO AND ONLINE

Radio and online do not have Watersheds. Our scheduling and publishing decisions need to be relevant to the audience expectations of each radio network and online service and informed by our knowledge of when children are particularly likely to be listening or whether online content is likely to appeal to a high proportion of children. For example, children are particularly likely to be in our radio audience at breakfast time, during the school run and school holidays, which vary throughout the UK. We should also take care to ensure that the transition to more adult material is not unduly abrupt. Decisions about online apply equally to user-generated content and third party websites as to content created by the BBC.

We should consider how far audience expectations are influenced by the platform on which user-generated content appears. Internet-based user-generated content which is also carried on television or radio may raise different expectations to the same material carried on personal computers.

We need to anticipate possible problems when broadcasting “live” radio programmes and deal with them promptly and sensitively if they occur.

We should normally play edited versions (“broadcast versions”) of music which would otherwise feature unsuitable material, including offensive language or violent content, for mainstream daytime audiences. At night and in specialist music programmes, the original “adult” version may be editorially justified.

We should consider using on air announcements to inform listeners about programmes which contain difficult or controversial material on our speech services such as Radio 4, Radio 5 Live, the World Service and other national and local stations’. These services are predominantly for adult listeners and their audiences expect to hear a full range of issues and events explored throughout the schedule.

Our live online services, where users provide content connected to a television or radio programme, **should take the same approach to harm and offence as the programme itself** and should reflect the sensitivities of the likely audience.

Websites linked to specific programmes should not contain material considered unsuitable for broadcasting in the associated programmes.

CHILDREN AND DANGEROUS IMITATION

Children can be influenced by what they see, hear and read. We must ensure that behaviour likely to be easily imitable by children in a manner that is dangerous, must not be broadcast before the Watershed or when children are particularly likely to be in our audience for radio, or online when content is likely to appeal to a high proportion of children. Very careful judgements are required about material which might lead to dangerous imitation, including the use of domestic objects in violent acts (e.g. knives, hammers and scissors). Such material must not be featured in output made primarily for children unless there is a strong editorial justification.

When hazardous activities such as rock climbing, snowboarding or white water rafting are portrayed before the Watershed, we must give warnings about the dangers of imitation without expert supervision.

VIOLENCE

Our audiences, particularly children, can be upset by the portrayal of both real and fictional violence and so we should normally clearly label violent content.

When real life violence, or its aftermath, is shown on television or reported on radio and online we need to strike a balance between the demands of accuracy and the dangers of desensitisation or unjustified distress. See Section 11 War, Terror and Emergencies.

Our editorial judgements about violence need to consider a number of factors which, in combination, can increase the impact of violence:

- violence that is true to life and may also reflect personal experience, for example domestic violence, pub brawls, football hooliganism, road rage and mugging.

- violence in places normally regarded as safe such as the family home, hospitals and schools.
- unusual or sadistic methods of inflicting pain, injury or death.
- incidents where women and children are the victims.
- violence without showing the effect on the victim or the consequences for the perpetrator.
- sexual violence.
- verbal aggression, particularly the use of sexual swearwords.
- suicide, attempted suicide or self harm.
- broadcast reactions of others to violence, especially those of children.
- post-production techniques such as atmospheric music, slow motion, graphic close ups and sound effects.

We should take care to ensure that individual programmes, or programmes taken together across the schedule, avoid including material that condones or glamorises violence, dangerous or seriously anti-social behaviour, or material that is likely to encourage others to copy such behaviour, unless clearly editorially justified.

VIOLENCE AND THE PROTECTION OF CHILDREN

We must ensure that verbal or physical violence that is easily imitable by children in a manner that is harmful or dangerous is not featured in programmes made primarily for children unless there is a strong editorial justification.

We should also ensure that material containing gratuitous violence, whether verbal or physical, is not broadcast in pre-Watershed programmes or when children are particularly likely to be in our radio audience or in online content likely to appeal to a high proportion of children. Any portrayal of verbal or physical violence, or its after-effects, must be editorially justified.

VIOLENCE AGAINST ANIMALS

Audiences, particularly children, can often be distressed by images or scenes which show human violence against animals. If the scenes are graphic but we know that the animal suffered no harm, then we should consider saying so in an on air or online announcement or caption. See Section 7 Crime and Anti-Social Behaviour – Recording Illegal Activities Involving Animals.

NUDITY

Nudity before the Watershed must be justified by the context.

SEX

In all BBC output the portrayal of sex, or the exploration of sexual issues, should be editorially justified and treated with appropriate sensitivity.

Programmes must not portray representations of sexual intercourse, unless there is a serious educational purpose, when broadcast before the Watershed/or when children are particularly likely to be in our audience for radio or in online content likely to appeal to a high proportion of children.

Programmes broadcast pre-Watershed, or when children are particularly likely to be in our radio audience or in online content likely to appeal to a high proportion of children, should not portray inappropriate sexual behaviour or contain explicit sexual discussion unless clearly editorially justified.

We should provide support when online interactive areas encourage teenagers to discuss their problems. This could include addresses of a range of relevant websites or the phone numbers of authoritative helplines.

We must be able to justify the frank and realistic portrayal of sex and the exploration of themes and issues which some people might find offensive in post-Watershed programmes.

The explicit portrayal of sex between children and adults is illegal and should not be depicted at any time on any of our services. See Section 16 Law – The Protection of Children Act.

LANGUAGE

Offensive language is one of the most frequent causes of complaint.
It can be a particular source of offence in sub-titles or online.

Judgements about its use are difficult because they depend on tone and context. There is no consensus about words that are acceptable, when, and by whom. Different words cause different degrees of offence in different parts of the world. So a person's age, sex, education, employment, belief, nationality, and where they live, all impact on whether or not they might be offended.

We do not include any offensive language in pre-school children's programmes or websites (four years and under).

We must not include offensive language in programmes or websites made for younger children except in the most exceptional circumstances.

We must not include offensive language before the Watershed or on radio when children are particularly likely to be in our audience, or in online content likely to appeal to a high proportion of children, unless it is justified by the context and then its frequent use must be avoided.

We must be able to justify the use of offensive language in challenging factual programmes, comedy and drama broadcast throughout the day on our speech radio stations. It will also generally require clear content information.

We must not include the MOST offensive language before the Watershed, or on radio when children are particularly likely to be in our audience, or in online content likely to appeal to a high proportion of children.

We must make careful judgements about the use of the MOST offensive language post-Watershed and ensure it is clearly signposted.

Any proposal to use the MOST offensive language (cunt, motherfucker and fuck) must be referred to and approved by a senior editorial figure or for Independents by the commissioning editor and the relevant output controller for television, radio, online and any other service. Chief Adviser Editorial Policy may also be consulted.

Language that causes most offence includes:

- sexual swearwords.
- terms of racist abuse.
- terms of sexual and sexist abuse or abuse referring to sexuality.
- pejorative terms relating to illness or disabilities.
- casual or derogatory use of holy names or religious words and especially in combination with other offensive language.

PORTRAYAL

We aim to reflect fully and fairly all of the United Kingdom's people and cultures in our services. Content may reflect the prejudice and disadvantage which exists in our society but we should not perpetuate it. We should avoid offensive or stereotypical assumptions and people should only be described in terms of their disability, age, sexual orientation and so on when clearly editorially justified. See Section 12 Religion.

ALCOHOL, SMOKING, SOLVENT AND DRUG ABUSE AND ILLEGAL DRUGS

We must balance the need to reflect the range of public attitudes and behaviour realistically, with the danger of encouraging potentially damaging or illegal behaviour, particularly amongst children.

The use of illegal drugs, the abuse of drugs, smoking, solvent abuse and the misuse of alcohol should not be featured in programmes made primarily for children unless there is a clear editorial justification.

Unless editorially justified we should not encourage, glamorise or condone the use of illegal drugs, the abuse of drugs, smoking, solvent abuse and the misuse of alcohol:

- **in pre-Watershed programmes or in post-Watershed programmes likely to be widely seen by under eighteens.**

- **on radio when children are particularly likely to be listening or when programmes are likely to be widely heard by under eighteens.**
- **in online content likely to appeal to a high proportion of children.**

We should also:

- ensure that contributors to programmes, including studio debates or chat shows, do not smoke. They can be reminded of this before recording or live transmission begins.
- deal accurately with all aspects of illegal drug use, solvent and drug abuse, smoking and misuse of alcohol including the consequences.
- ensure the legal and social context of our coverage is clear.
- avoid revealing too much detail of solvent abuse and illegal drug use and remember graphic close ups of injections upset some people.

SUICIDE, ATTEMPTED SUICIDE AND SELF-HARM

Suicide, attempted suicide and self-harm should be portrayed with great sensitivity, whether in drama or in factual programmes. Care must be taken to avoid describing or showing methods in any great detail and content producers should be alert to the dangers of making such behaviour attractive to the vulnerable. Both the on air and online factual reporting and fictional portrayal of suicide, attempted suicide and self-harm may encourage others. The sensitive use of language is also important. Suicide was decriminalised in 1961 and since then the use of the term “commit suicide” is considered offensive by some people; “take one’s life” or “kill oneself” are preferable alternatives. We should consider whether to offer a helpline number or provide support material when our output deals with such issues. The Chief Executive of the Samaritans is happy to be consulted by content producers about the portrayal of suicide.

Any proposal to broadcast a hanging scene, portray suicide, attempted suicide or self-harm must be referred to a senior editorial figure or for Independents to the commissioning editor, who should also consult Chief Adviser Editorial Policy.

SAFETY AND THE LAW

We should normally observe the law, both in the UK and other countries, unless there is clear editorial justification for not doing so. This includes ensuring that presenters, actors and contributors use seatbelts, fit child car seats correctly, use crash helmets and the correct mobile phone equipment when driving.

We should also show the commonsense use of safety equipment wherever practical unless there is clear editorial justification for not doing so. This includes using protective headgear and clothing for sports and leisure activities, particularly those popular with children, for example cycle helmets, knee and elbow pads and helmets for skateboarding, life jackets for water sports and eye protection for DIY activities.

TRAGIC EVENTS

The aftermath of a tragic event may require scheduling changes on television and radio or the alteration or removal of web pages. We should scrutinise all BBC content to ensure that we avoid widespread offence. Storylines in films and dramas, the subject matter of factual programmes, and jokes in comedy shows may be regarded as offensive in the light of a tragic event. Anniversaries of tragic events, for example rail crashes, bomb blasts or child abductions, also call for considerable sensitivity.

HYPNOTISM

The Hypnotism Act 1952 requires any demonstrations of hypnotism for public entertainment to be licensed. It prohibits demonstrations on people under eighteen and applies to any broadcast demonstration of hypnotism at, or in connection with, an entertainment which admits the public.

Although we have no evidence of harm or potential harm regarding the use of hypnosis on television or radio, we should still take steps to minimise any risk of inducing hypnosis and/or adverse reactions in susceptible viewers or listeners. In particular, a hypnotist must not broadcast his/her full verbal routine or be shown performing straight to camera. Hypnotism acts in entertainment programmes, particularly those designed to ridicule someone, should be treated with care. They might be both harmful and offensive to our audience.

Any proposal to feature a demonstration of hypnosis must be referred to the relevant senior editorial figure or for Independents to the commissioning editor.

EXORCISM, THE OCCULT AND THE PARANORMAL

We must act responsibly when including material looking at any aspect of exorcism, the occult, the paranormal, divination or any related practices, particularly in pre-Watershed programmes, on radio when children are particularly likely to be listening, or in online content likely to appeal to a high proportion of children.

Demonstrations of such practices in factual programmes must be treated with due objectivity and in entertainment programmes they must be clearly labelled. Also they should not normally contain advice about health, finance, employment or relationships which could encourage people to make life changing decisions.

ACQUIRED PROGRAMMES

Acquired programmes must comply with our Editorial Guidelines on harm and offence. We should check them prior to broadcast to ensure the content is suitable for the proposed slot. A film classification is only a guide and special care should be taken with films rated as "18" certificate, which should not play before 21.00 on any service.

We should not normally broadcast a film or programme refused certification by the British Board of Film Classification (BBFC). For further details refer to rule 1.20 of the Ofcom Broadcasting Code.

We should not normally broadcast illustrative clips from a film or programme refused certification by the BBFC, without clear editorial justification.

FLASHING IMAGES, STROBING AND PHOTO SENSITIVE EPILEPSY

To minimise the risk to viewers who have photosensitive epilepsy we should follow the Ofcom guidance referred to in rule 2.13 of the Ofcom Broadcasting Code. On rare occasions it may not be reasonably practicable to follow this guidance, as when flashing content is unavoidable, for example in a live news report and when it cannot be remedied technically but when it is editorially justified. In such cases our audience should be given a verbal and, if appropriate, a text warning at the start of the programme or programme item.

Any proposal to include flashing images or strobing sequences in recorded programmes which fail the Transmission Review technical checks must be referred to the relevant Channel Controller for approval through a senior editorial figure or for Independents through the commissioning editor.

IMAGES OF VERY BRIEF DURATION

The Agreement associated with the BBC's Charter states that programmes should not "include any technical device which, by using images of very brief duration or by any other means, exploits the possibility of conveying a message to, or otherwise influencing the minds of persons watching or listening to the programmes without their being aware, or fully aware, of what has occurred." **A producer who thinks their content might contain such images should consult a senior editorial figure or for Independents the commissioning editor, who may also consult Editorial Policy.**

CHILDREN

CHILDREN EDITORIAL PRINCIPLES

BBC CHILD PROTECTION POLICY

CHILDREN AND CONSENT

CONTRIBUTIONS FROM CHILDREN AND YOUNG PEOPLE

ANONYMITY

ONLINE CHILD PROTECTION

CHILDREN, ONLINE CONTENT AND LINKS

Children and young people are very important to the BBC. We aim to provide them with challenging, educative, enjoyable and interesting content to help them make sense of the world in which they live. They also interact with us in many different ways – as contributors, actors, presenters and via our online and interactive services.

It is not always easy to strike a balance between the competing interests of the children who participate in our output, and the views and ambitions of their parents or our audiences. But we must always safeguard the welfare of the children and young people who contribute to our content, wherever in the world we operate, which includes their right to speak out and to participate.

For the purposes of the BBC Editorial Guidelines, a child is someone under the age of 15 years. Young people are those aged 15, 16 and 17. However, these are not legal definitions. See BBC Child Protection Policy below and Section 16 Law – Children and the Law.

CHILDREN EDITORIAL PRINCIPLES

- We must ensure that the physical and emotional welfare and the dignity of people under the age of eighteen, and in particular children under fifteen, are protected during the making and broadcast of programmes and online content, irrespective of any consent given by them or by a parent, guardian or other person in loco parentis.
- We must ensure that children and young people are not caused unnecessary anxiety or distress by their involvement in programmes or by their broadcast. Their involvement must be clearly editorially justified and support should be given to them where necessary.
- We must balance our responsibility to protect children and young people from unsuitable content with their rights to freedom of expression and freedom to receive information.

BBC CHILD PROTECTION POLICY

We should apply the principles of the BBC Child Protection Policy in our dealings with children and young people. In this context, children and young people refer to people under the age of 18. The welfare of someone under the age of eighteen is our paramount consideration. This means their interests and safety must take

priority over any editorial requirement. All children and young people, regardless of age, disability, gender, racial or ethnic origin, religious belief and sexual identity have a right to protection from harm or abuse.

In the course of our work if we suspect a child may be at risk, or we are alerted by a young person to a child welfare issue (including allegations against BBC staff) the situation must be referred immediately to the divisional manager with responsibility for the Child Protection Policy.

Any incident of suspected “grooming” online must be referred to Executive Producer, Communities Group, New Media Central who will be responsible for reporting it to BBC Investigations and to the police.

CHILDREN AND CONSENT

We should normally seek the consent of parents or legal guardians, or other persons of eighteen or over in loco parentis, before interviewing children or young people, or otherwise involving them in our output. The younger and more vulnerable the child, and the more sensitive the subject matter, the more likely it is that consent is essential. In particular, children should not be asked for views on matters likely to be beyond their capacity to answer properly, without consent.

Content producers who are featuring children and young people in their output must:

- ensure that the child and, when necessary, the parent/guardian, or other person of eighteen or over in loco parentis, understand the nature of the programme and are able to give informed consent.
- obtain the consent of the child or young person and respect any refusal to take part. In deciding whether a child can give consent, the stage of development and degree of understanding as well as their age should be taken into account.
- normally obtain the consent of the parents/guardians/other person in loco parentis to the child’s participation or contribution. An exception may be when recording vox pops with children on non-controversial subjects such as pocket money or favourite singers.
- **refer any refusal of parental consent to a senior editorial figure or for Independents to the commissioning editor, who should**

also consult Editorial Policy. Any decision to proceed without parental consent is normally only editorially justified on the basis of a clear public interest or the freedom of the child or young person to express themselves, including their right to speak out.

- ensure that any reasonably foreseeable consequences of the child's participation are made clear, for example the possibility of bullying.
- not give any financial inducement to the child or parent/guardian to secure consent. The payment of expenses is acceptable as long as they are reasonable and legitimate.
- obtain permission from the head teacher for filming or interviewing on school premises or during school hours. In law, Local Education Authorities license all child performances during school hours.

When we ask children for personal information online we need to consider what degree of parental consent is appropriate.

Any proposal to reveal a child's personal information to a third party without consent, for example if we suspect child abuse, must be referred to a senior editorial figure or for Independents to the commissioning editor, who may consult Controller Editorial Policy and Programme Legal Advice.

When we invite children to interact with us via the telephone we must tell them on air to obtain the consent of a parent or bill payer before making the call. If, in exceptional circumstances, calls last more than a minute, the message needs to begin by telling children that consent should be obtained. Call cut offs must be used for all children's services and the cost of calls for children's services should not normally be more than the cost of writing in.

CONTRIBUTIONS FROM CHILDREN AND YOUNG PEOPLE

We must consider carefully the impact and possible consequences of any material which involves a child, both during the production process and once the material has been broadcast. This applies whether or not we have secured parental consent.

Children are often eager to contribute to our output but many lack the judgement necessary to assess the longer-term impact it may

have on their lives. We should consider consulting experts about the best way of approaching interviews and minimising distress, when featuring anti-social, harmful or illegal activity amongst children, such as illegal drug use, abuse, eating disorders, and bullying.

It is also often advisable to have a third party present, such as a relative, family friend, or teacher, when sensitive issues are being discussed with a child. This ensures there is someone there who is familiar to them and who can help safeguard their interests.

We should ensure children and young people are given a voice but we must also be alert to occasions when children exaggerate, try to please or report gossip or hearsay as fact. Criminal or anti-social behaviour should not go unchallenged.

ANONYMITY

Difficult ethical issues arise when we consider whether identification or anonymity of children involved in anti-social or criminal behaviour is in their best long-term interest. We should not normally identify children when featuring such behaviour to illustrate a practice, unless there is a clear editorial justification. Always seek advice from a senior editorial figure, or for Independents the commissioning editor, if you are unsure how to proceed.

Any queries about whether it is possible to identify a child with an Anti-Social Behaviour Order (ASBO) should be referred to Programme Legal Advice.

The decision to involve, feature or identify children whose parents are engaged in anti-social or criminal activity should only be made if the welfare of the child will not be harmed and if it is clearly editorially justified. This is particularly important when children may be at risk because, for example, they are living with an alcoholic parent or being forced to work as couriers of illegal drugs.

ONLINE CHILD PROTECTION

We aim to ensure that children and young people taking advantage of our changing technologies understand the possible risks they face and how to minimise them. The online protection of children is a shared responsibility between the BBC, parent/guardian and the child. See Section 8 Harm and Offence – Radio and Online.

Private online space where strangers can routinely meet and exchange personal information is not suitable for children until a reliable method of digital identification is available. This is because it cannot be monitored to safeguard child users. **Any proposal to the contrary must be referred to Director, New Media and Technology.**

We should be careful about how much personal information we collect, reveal and retain about children anywhere on the BBC site. Publication of too much information may put a child at risk.

CHILDREN, ONLINE CONTENT AND LINKS

We should ensure that websites which are likely to appeal to a high proportion of children and young people carry appropriate content. In particular:

- any material on the BBC home page must be suitable for a general audience, including children, and the first click from the BBC home page should not normally lead straight to a page which includes material unsuitable for a general audience.
- we should not link from a site whose associated radio or television programme is designed to attract a child audience to one whose associated radio or television programme contains material which is clearly unsuitable for children.
- any live streaming of TV pictures on the web which is trailed on the home page should normally be suitable for a family audience.
- we should check the content on third party sites and take care about where it might lead.
- we should not link to unmoderated chat rooms for an audience of children.

We pre-moderate sites designed to appeal to children and where user-generated content is published as well as areas which invite users to email pictures for publication.

Any proposal to use any other form of moderation will need to be able to demonstrate that this offers a high level of child protection and should be referred to Editorial Policy.

POLITICS AND PUBLIC POLICY

PRINCIPLES OF POLITICAL IMPARTIALITY

REPORTING OF UK POLITICAL PARTIES

POLITICAL INTERVIEWS

INTERVIEWS WITH OR PROFILES OF PARTY LEADERS

POLITICAL CONTRIBUTORS

PAYMENT TO MPS

BROADCASTING OF PARLIAMENT AT WESTMINSTER

BROADCASTING OF OTHER PARLIAMENTS AND ASSEMBLIES

POLITICAL BROADCASTS

MINISTERIAL BROADCASTS

BROADCASTING DURING ELECTIONS

REPORTING UK ELECTION AND REFERENDUM CAMPAIGNS

REPORTING OVERSEAS ELECTIONS

LEGAL ISSUES AND OVERSEAS ELECTIONS

COMMISSIONING OPINION POLLS

POLLING METHODS

REPORTING OPINION POLLS

POLLS AT ELECTION TIMES

SURVEYS

FOCUS GROUPS AND PANELS

PHONE-IN AND TEXT VOTES

STUDIO AUDIENCES

VOX POPS

ONLINE VOTING

REPORTING THE RESULT OF AN ONLINE VOTE ELSEWHERE

The principles relating to our political impartiality are set out in the BBC's Charter and Agreement and are central to our coverage of politics. Over time we must aim to give due prominence to all the main strands of argument and to all the main parties. Although the government of the day will often be the primary source of news, the voices and opinions of opposition parties must also be routinely aired and challenged.

PRINCIPLES OF POLITICAL IMPARTIALITY

- We must treat matters of public policy or political or industrial controversy with due accuracy and impartiality in our news services and other output.
- We must not express an opinion on current affairs or matters of public policy other than broadcasting.
- We must not campaign, or allow ourselves to be used to campaign.
See Section 4 Impartiality and Diversity of Opinion.

Chief Adviser Politics advises on all matters in this section of the guidelines.

REPORTING OF UK POLITICAL PARTIES

Network output must reflect the political parties in Scotland, Wales and Northern Ireland. For this reason specific party labels are preferable to general descriptions of "the opposition". The exception to this is in phrases like "the official opposition" or the "shadow cabinet" and titles like "the Leader of the Opposition" or "Shadow Minister" which, in the Westminster context, have a formal and specific meaning. The description "Shadow Minister" is reserved specifically for the main party of opposition at Westminster.

POLITICAL INTERVIEWS

We should be clear when making requests for political interviews about the nature of the programme and context for which they are intended. Our arrangements must stand up to public scrutiny and must not prevent the programme asking questions that our audiences would reasonably expect to hear.
See Section 5 Fairness, Contributors and Consent – Refusals to Take Part.

Any programme proposing to invite a politician to be a guest, when to do so is the exception rather than the rule, should consult Chief Adviser Politics at an early stage.

INTERVIEWS WITH OR PROFILES OF PARTY LEADERS

Except for brief news interviews, any proposal to interview or profile any of the party leaders in the UK for BBC network and English regional output areas must be referred in advance to Chief Adviser Politics.

Chief Adviser should also be told whether the invitations are refused or accepted to ensure:

- the BBC as a whole is robust and consistent in its dealings with the party leaders.
- at all times of high demand for one or more party leaders, bids are rationalised within the BBC.
- due weight is given to appearances by all party leaders over time.

Except for brief news interviews, any proposals to interview or profile any of the party leaders on BBC Scotland, BBC Wales or BBC Northern Ireland must be referred in advance to the Head of News and Current Affairs in the respective nation.

POLITICAL CONTRIBUTORS

We must take care when inviting politicians to contribute to our output on the basis of their expertise outside their political field, not to give them such prominence as to give them undue advantage over their opponents. This applies all the time, and not only during election campaigns. If in doubt about whether it is appropriate to invite someone with an overt party political label to be a contributor or presenter to non-political output, consult Chief Adviser Politics.

PAYMENT TO MPS

We should not normally pay the following people for their contributions to BBC news programmes:

- MPs at Westminster.

- members of the European Parliament.
- members of the Scottish Parliament.
- assembly members of the National Assembly of Wales and the Northern Ireland Assembly.
- politically active members of the House of Lords.

BROADCASTING OF PARLIAMENT AT WESTMINSTER

We must observe the rules of coverage laid down by Parliament for the broadcasting of proceedings in both the House of Commons and House of Lords, including Committees in both Houses. These include:

- no internal editing of speeches. When using two sections of a speech, a definite break must be provided to make clear the two sections are not continuous.
- no manipulation of the pictures or sound.

We can only use parliamentary material in news and factual programmes or for educational purposes.

We must not use any parliamentary recordings in light entertainment, fictional or drama programmes or items or programmes of political satire.

BROADCASTING OF OTHER PARLIAMENTS AND ASSEMBLIES

We must observe the rules of coverage for the broadcasting of proceedings of the Scottish Parliament, the Welsh Assembly, the Northern Ireland Assembly, and the European Parliament.

There are no restrictions on the coverage of the London Assembly.

POLITICAL BROADCASTS

We are obliged by the Agreement to make airtime available for party and referendum broadcasts. Party broadcasts are quite separate from our own journalism and their transmission does not imply BBC support for the views

contained in them. A series of broadcasts is assumed to provide balance. The copyright of party broadcasts resides with the parties but extracts may be used without the consent of the political parties.

Parties make the broadcasts at their own expense and are responsible for their content. However they do have to abide by rules laid down by the BBC and Ofcom, which include an obligation to observe the law, for example on libel, incitement to racial hatred and violence, and the BBC Editorial Guidelines on harm and offence.

MINISTERIAL BROADCASTS

We may be required to provide time for a broadcast by the Prime Minister or relevant senior minister. This will only happen in exceptional circumstances, such as a decision to go to war. We will also have to consider requests from the leaders of the opposition parties for a reply. The BBC, as publisher, is responsible for ensuring the ministerial broadcasts meet appropriate legal and other standards.

BROADCASTING DURING ELECTIONS

Our commitment to impartiality and fairness is under intense scrutiny when we report election campaigns. All political parties will seek to influence editorial decisions. Content producers should take all complaints seriously and be aware that anything they say may be construed as “BBC policy”. We should explain that general complaints or allegations of bias must always be dealt with at a higher level, and refer them accordingly.

We should make, and be able to defend, our editorial decisions on the basis that they are reasonable and carefully and impartially reached. So we must ensure that:

- news judgements continue to drive editorial decision making in news based programmes.
- news judgements at election time are made within a **framework of democratic debate** which ensures that due weight is given to hearing the views and examining and challenging the policies of all parties. Significant minor parties should also receive some network coverage during the campaign.

- we are aware of the **different political structures** in the four nations of the United Kingdom and that they are reflected in the election coverage of each nation. Programmes shown across the UK should also take this into account.

The way in which due accuracy and impartiality is achieved between parties will vary. It may be done in a single item, a single programme, a series of programmes or over the course of the campaign as a whole. But content producers must take responsibility for achieving due accuracy and impartiality in their own output and not rely on other BBC services to redress any imbalance for them.

REPORTING UK ELECTION AND REFERENDUM CAMPAIGNS

The BBC is required by law to adopt a code of practice at each election to govern the participation of candidates in each constituency or electoral area. Before drawing up a code the BBC is required to “have regard to any views expressed by the Electoral Commission”.

Election and referendum guidelines will be agreed by the Board of Governors and issued by Chief Adviser Politics before each election or referendum.

On polling day the BBC, in common with other broadcasters, will cease to report campaigns from 06.00 and until the polls close. We will restrict our coverage to factual accounts, for example the level of the poll, politicians’ appearances at polling stations and the weather, to ensure that, while the polls are open, nothing in our output can be construed as influencing the ballot.

REPORTING OVERSEAS ELECTIONS

The principles of fairness and impartiality which underlie our coverage of UK elections should also inform our election reporting in other countries. When we report elections overseas we may need to take into account the circumstances under which the particular election is being held, especially where serious questions are raised about the openness or fairness of the electoral process.

Additional issues may arise when we are broadcasting to the actual country in which an election is taking place. We owe a special responsibility to audiences who are about to vote. We may need to consider the timing of the re-transmission on international services of programmes originally made for the UK audience. The closer to the election date the greater the need for care. If it is considered that a programme could have an undue and unfair influence on the election, then we

should delay transmission until after polling.

LEGAL ISSUES AND OVERSEAS ELECTIONS

UK electoral law does not apply to elections outside the UK, but other countries may have specific laws applying to broadcasting during their elections. Where the BBC is re-broadcast in that country there will be legal issues to consider.

In some countries legal election requirements may come into conflict with the BBC's fundamental editorial principles, especially those of fairness and impartiality. In such cases, the BBC will maintain its editorial principles even if that means that the local broadcaster refuses to transmit the BBC service. This is particularly important for BBC World Service, BBC World and BBC Online which all reach overseas audiences.

COMMISSIONING OPINION POLLS

We must take care to ensure that a poll we commission is not used to suggest a BBC view on a particular policy or issue. It is particularly important that a BBC poll is not used to imply BBC intervention in a current controversy.

Any proposal to commission or sponsor opinion polls purporting to sample party political support or voting intentions in the electorate at large must be referred to Chief Adviser Politics.

We should generally avoid running joint polls with other organisations as they often carry particular problems of impartiality in their presentation.

Any proposal to commission an opinion poll on politics or any other matter of public policy for any BBC service must be referred to Chief Adviser Politics for approval. Technical advice, for example, on question design, is available from the Political Research Unit.

POLLING METHODS

Polling is generally conducted face to face or over the telephone. Some companies conduct polling over the internet. As there is some debate about the reliability of this, any proposal to commission an internet poll should be referred to Chief Adviser Politics.

REPORTING OPINION POLLS

The following rules for reporting the findings of voting intention polls in the United Kingdom, conducted by any polling organisation, must be applied:

- we do not lead a news bulletin or programme simply with the results of a voting intention poll.
- we do not headline the results of a voting intention poll unless it has prompted a story which itself deserves a headline and reference to the poll's findings is necessary to make sense of it.
- we do not rely on the interpretation given to a poll's results by the organisation or publication which commissioned it. We should look at the questions, the results and the trend.
- we report the findings of voting intention polls in the context of trend. The trend may consist of the results of all major polls over a period or may be limited to the change in a single pollster's findings. Poll results which defy trends without convincing explanation should be treated with particular care.
- we do not use language which gives greater credibility to the polls than they deserve. We should say polls "suggest", but never "prove" or even "show".
- we report the expected margin of error if the gap between the contenders is within the margin. Television and online graphics should always show the margin of error.
- we report the organisation which carried out the poll and the organisation or publication which commissioned it. This information too should always be shown in television and online graphics.
- we report the dates of the fieldwork, and include them in television and online graphics, and draw attention to events which may have had a significant effect on public opinion since it was done.
- we report whether the poll was carried out face to face, by telephone or over the internet.

When we report polls which do not reveal voting intentions we should always give the name of the polling organisation, the sample size, the nature of the sample and as much information about the margin of error and fieldwork dates as feasible.

POLLS AT ELECTION TIMES

Guidelines on polls at elections times will be agreed by the Governors and issued by Chief Adviser Politics before the start of each election campaign. See Section 15 Interacting with Our Audiences.

No opinion poll may be published on the day of the election until the polls close or, in the case of a European election, all the polls have closed across the European Union.

SURVEYS

We must conduct surveys such as those of small specific groups, like MPs or health authorities, with care and must never report them as polls.

We must not mislead our audience about the status of the information. The remit of a survey should not be translated into percentages but reported in straight numbers. **Any proposal to conduct a survey should be referred at an early stage to the Political Research Unit and to Chief Adviser Politics.**

Any proposal to commission a survey of MPs on any subject must be approved by the Chief Adviser Politics.

FOCUS GROUPS AND PANELS

We must not imply that the views of panels, however carefully selected, represent the views of the entire population, and they must not be used as a means of trying to estimate party support in the electorate at large.

Panels or focus groups, when properly selected, may be used to examine why certain views are held rather than the extent to which they are held.

Any proposal to commission focus group research on political party issues should be discussed at an early stage with Chief Adviser Politics and the methodology checked with the Political Research Unit.

PHONE-IN AND TEXT VOTES

Phone-in and text votes may accurately be described as “straw polls” even when the subject is serious. As a programme’s audience is self-selected and is never representative of the population as a whole, we should make it clear in our reporting of the results that they only represent the views of the audience at that time. If we do this and the numbers of the audience responding is reported at the same time, we may express results of phone-in or text votes in percentages.

We should not seek publicity for the results of phone-in polls or text votes outside the output areas in which they are conducted. BBC news programmes should not normally report the results of phone-in polls and text votes.

Output areas featuring phone-in polls and text votes on the same subject taken at different times (for example at the start and then again at the end of a programme) must not present the results in such a way as to suggest they demonstrate a shift in opinion by the people who voted.

We must never use phone-in or text votes to gather serious information on party political support.

STUDIO AUDIENCES

Straw polls of studio audiences should be treated with care. We should not make claims for the significance of the views expressed beyond that they represent the opinions of those in the audience at the time, even on those occasions where the audience has been selected to be broadly representative of, for example, party allegiance.

VOX POPS

We should always make it clear that vox pops only represent one side of an argument and do not indicate the weight of opinion on either side of it. Vox pops on politics or matters of public policy must be edited to ensure that both sides of the issue are covered and/or that they truly represent those whose opinions have been solicited.

ONLINE VOTING

On BBC websites which may relate to political or public policy issues, we must take care that online expressions of opinion are not translated into anything that could

be construed either as an accurate representation of public opinion as a whole, or as the BBC's opinion.

Any summary of online voting or expression of opinion should:

- not be called a poll.
- make it absolutely clear that the results have no wider significance and represent only the views of the audience at that time.

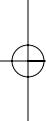
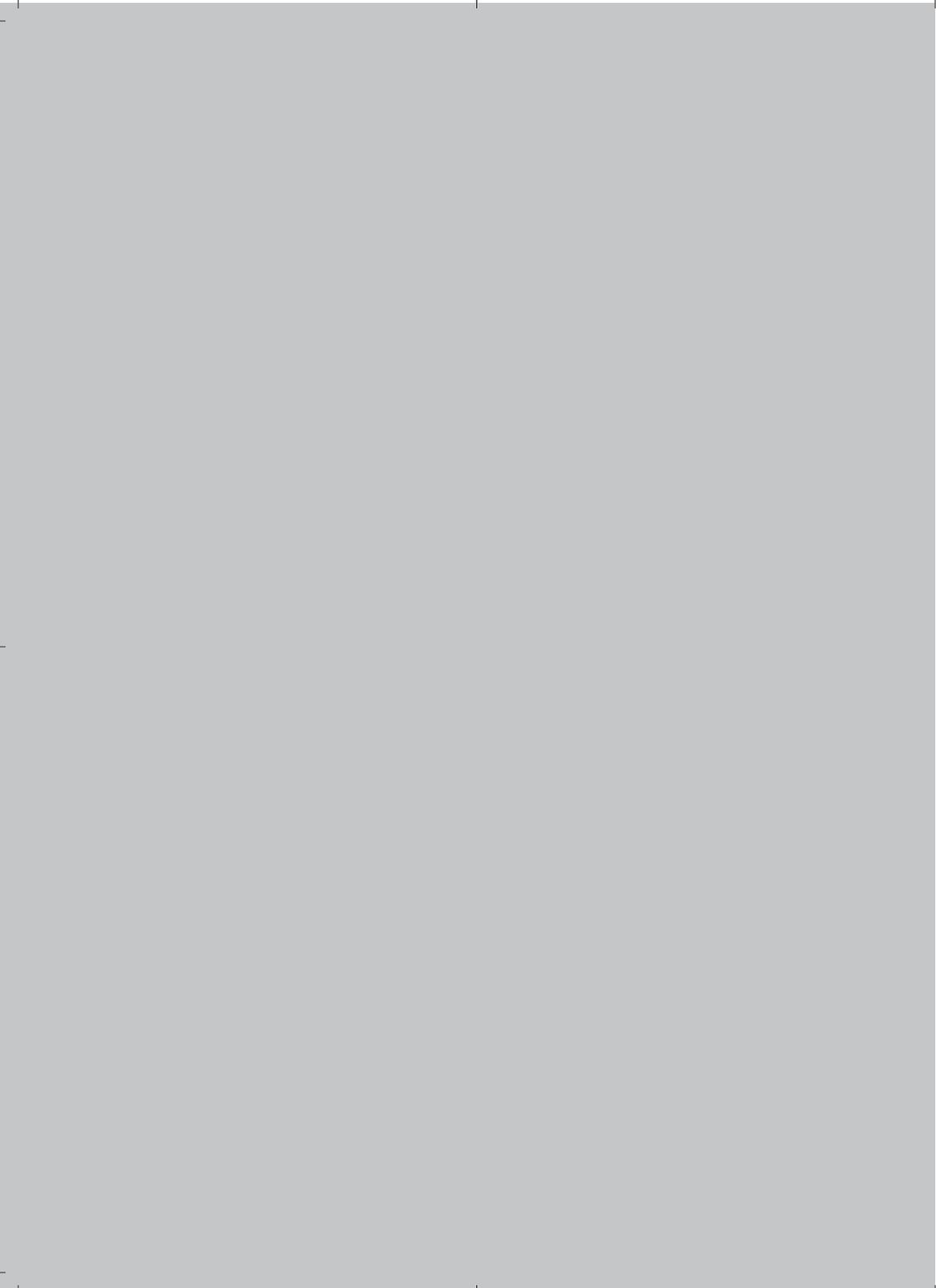
Provided this is done explicitly and the numbers of the audience responding is reported at the same time, results of online votes may be expressed in percentages.

If the vote is to be about a political or controversial public policy issue it must be referred to Chief Adviser Politics or in the case of a website in a language other than English, to the relevant World Service Head of Region or National Controller, who may also consult Chief Adviser Politics.

REPORTING THE RESULT OF AN ONLINE VOTE ELSEWHERE

We can report any summary of online voting on the radio or television programme associated with the website, but we should not normally report it elsewhere in news, or on other radio or TV programmes, or on other online services.

As with opinion polls, the programme should report the results of an online vote in the context of the story to which it relates.





WAR, TERROR AND EMERGENCIES

WAR

MANDATORY REFERRALS TO CONTROLLER EDITORIAL POLICY

TERROR

THE TERRORISM ACT 2000

THREATS AND HOAXES

STAGED EVENTS

HIJACKING, KIDNAPPING, HOSTAGE TAKING AND SIEGES

NATIONAL SECURITY

NATIONAL AND INTERNATIONAL EMERGENCIES

DEMONSTRATIONS, DISTURBANCES AND RIOTS

HOSTILE ENVIRONMENTS, HIGH RISK ACTIVITIES AND EVENTS

WAR

The BBC has a special responsibility to its UK and international audiences when reporting conflict. At such times, large numbers of people across the world access our services for accurate news and information. We must ensure they can be confident we are telling them the truth. They also expect us to help them make sense of events by providing context and impartial analysis and by offering a wide range of views and opinions.

We need to be sensitive to the emotions and fears of our audience when reporting matters involving risk to and loss of life, as well as human suffering or distress. Some will have relatives or friends directly involved. We will need to handle painful stories with great care.

The following editorial principles apply to our coverage of conflict.

- Our reports should normally make it clear where information has come from, particularly in the face of conflicting claims. We must label sources of information and material from third parties.
- We should normally say if our reports are censored or monitored or if we withhold information, and explain, wherever possible, the rules under which we are operating.
- The tone of our reporting is as important as the reliability of our reporting.
- We should respect human dignity without sanitising the realities of war. There must be clear editorial justification for the use of very graphic pictures of war or atrocity.
- We will ensure, as far as is reasonably possible, that next of kin do not learn of a relative's death or injury from our news bulletins, websites or programmes.
- We will ensure our online message boards are hosted to maintain a full debate and avoid offensive postings by switching to pre-moderation if necessary.

Specific advice on reporting war is issued, as required, on the Editorial Guidelines website. At such times we should also monitor our output, particularly scheduled programmes, including films, drama, comedy and music, to identify anything which

might be thought inappropriate in the light of hostilities.

MANDATORY REFERRALS TO CONTROLLER EDITORIAL POLICY

Content producers must refer:

- **any situation where BBC staff may be in potential breach of the Terrorism Act.**
- **any proposal to approach an individual or an organisation responsible for acts of terror for an interview.**
- **any proposal to broadcast material recorded at a staged event in the UK, or overseas where threats are made against UK citizens.**

TERROR

We must report acts of terror quickly, accurately, fully and responsibly. Our credibility is undermined by the careless use of words which carry emotional or value judgements. The word “terrorist” itself can be a barrier rather than an aid to understanding. We should try to avoid the term, without attribution. We should let other people characterise while we report the facts as we know them.

We should not adopt other people’s language as our own. It is also usually inappropriate to use words like “liberate”, “court martial” or “execute” in the absence of a clear judicial process. We should convey to our audience the full consequences of the act by describing what happened. We should use words which specifically describe the perpetrator such as “bomber”, “attacker”, “gunman”, “kidnapper”, “insurgent”, and “militant”. Our responsibility is to remain objective and report in ways that enable our audiences to make their own assessments about who is doing what to whom.

THE TERRORISM ACT 2000

We have a legal obligation under the Terrorism Act 2000 to disclose to the police, as soon as reasonably practicable, any information which we know or believe might be of material assistance in:

- preventing the commission of an act of terrorism anywhere in the world.

- securing the apprehension, prosecution or conviction of a person in the UK, for an offence involving the commission, preparation or instigation of an act of terrorism.

It is a criminal offence not to disclose such information, punishable by up to 5 years in prison. **Any situation where BBC staff may be in potential breach of the Terrorism Act must be referred to Controller Editorial Policy and Programme Legal Advice.**

The Act also outlaws certain national and international organisations described as “terrorist” groups, making it illegal for them to operate in the UK.

THREATS AND HOAXES

If we receive a bomb warning or other credible and specific threat, whether by phone, fax, email or text message, or even posted to a message board or received by tape, the first priority is to pass it on to the appropriate authorities. **We must not reveal the current code-words normally used by groups giving bomb warnings.**

We should not reveal security details or other sensitive information not widely in the public domain which might assist an attack.

We do not normally report threats against named individuals unless they have produced a visible effect, for example the cancellation of a public appearance.

We must take care not to identify as possible targets people who have not previously been identified and would otherwise not be in danger, for example by naming animal laboratories or firms undertaking work for military establishments.

We do not normally report incidents which turn out to be hoaxes unless they have had a serious and evident effect, such as a major and highly visible transport disruption.

STAGED EVENTS

Any proposal to attend an event staged by proscribed organisations or groups with a known record for acts of terror must be referred to a senior editorial figure or for Independents to the commissioning editor.

Any proposal to broadcast material recorded at a staged event in the UK or overseas, where threats are made against UK citizens, must be referred to Controller Editorial Policy.

Any proposal to broadcast material recorded at legitimate events when paramilitary or other groups stage an appearance must be referred to a senior editorial figure or for Independents to the commissioning editor, who may consult Controller Editorial Policy. In the UK, groups such as the Animal Liberation Front fall into this category.

HIJACKING, KIDNAPPING, HOSTAGE TAKING AND SIEGES

In cases of hijacking, kidnapping, hostage taking and sieges we must be aware that anything we broadcast or publish may be seen or heard by the perpetrators, both in the UK and overseas.

It is important that we report demands in context. We should also consider carefully the ethical issues raised by providing a platform to hijackers, kidnappers or hostage takers, especially if they make direct contact. We must remain in editorial control of the reporting of events and ensure that:

- we do not interview a perpetrator live on air.
- we do not broadcast any video and/or audio provided by a perpetrator live on air.
- we broadcast recordings made by perpetrators, whether of staged events, violent acts or their victims, only after referral to a senior editorial figure.
- we install a delay when broadcasting live material of sensitive stories, for example a school siege or plane hijack. This is particularly important when the outcome is unpredictable and we may record distressing material that is unsuitable for broadcast without careful thought.

When reporting stories relating to hijacking, kidnapping, hostage taking or sieges we must listen to advice from the police and other authorities about anything which, if reported, could exacerbate the situation. Occasionally they will ask us to withhold or even to include information. We will normally comply with a reasonable request, but we will not knowingly broadcast anything that is untrue. The police may even request a complete news black-out. The BBC procedure for dealing with such requests must be followed.

NATIONAL SECURITY

The Official Secrets Act affects our ability to report on some matters relating to security and intelligence issues. The Defence Advisory Notices provide guidance about defence and counter-terrorist information which if published might damage national security. The system is voluntary, it has no legal authority and the final responsibility for deciding whether or not to publish rests solely with us.

Content producers should seek senior editorial and legal advice at an early stage when handling material that falls in these areas. They must inform Controller Editorial Policy of any approach from the Defence Advisory Notice Secretary.

NATIONAL AND INTERNATIONAL EMERGENCIES

In the early stages of covering national and international emergencies, including the reporting of disasters and major accidents, it is particularly important to source information. First estimates of casualty figures often turn out to be inaccurate. If different sources give different estimates we should either report the range or go for the source which carries the greatest authority and attribute the estimate accordingly.

When people have been killed, injured or are missing it is important that, as far as is reasonably practicable, next of kin do not learn this news from any of our services. We recognise that when names are not given in our reports the news may cause needless concern among people with close relatives who might have been involved. But we believe this is not as bad as the distress caused when names are received for the first time, by way of radio, television or online.

We need to narrow the area of concern as quickly as possible without identifying individual victims, for example in the case of an air crash by including details such as airline, flight number, place of departure and destination, to avoid alarming even larger numbers of people.

In a UK civil emergency, we aim to deliver essential information in the interests of public safety across all of our services. We work with emergency planners to identify the kind of major incidents requiring a special response. However, we must make the necessary editorial judgements to ensure accuracy and independence.

DEMONSTRATIONS, DISTURBANCES AND RIOTS

Comprehensive coverage of demonstrations, disturbances and riots is an important part of our news reporting. It is important that:

- we assess the risk that by previewing likely prospects of disturbances we might encourage them.
- we withdraw immediately if we suspect we are inflaming the situation.
- we treat estimates of involvement with due scepticism and report wide disparities and name the sources of the figures.
- we offer a comprehensive and impartial view. When it is difficult for reporters located on one side of a confrontation to form a clear overall view, their material should be put into a wider context for broadcast.
- when reporting live, we must either install a delay or cut away and record material for use in an edited report, if the level of violence or disorder becomes too graphic.

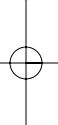
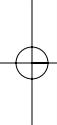
HOSTILE ENVIRONMENTS, HIGH RISK ACTIVITIES AND EVENTS

Any proposals to work in hostile environments, on high risk activities or high risk events must be referred to Head of Newsgathering and Occupational Risk Management's High Risk Team.

A **hostile environment** is a country, region or specified area subject to war, insurrection, civil unrest, terrorism or extreme levels of crime, banditry or lawlessness, and public disorder. It also includes areas with extreme climate or terrain. The BBC keeps a list of hostile and dangerous environments.

High risk activities include criminal investigations involving covert surveillance or recording and/or confrontation of serious criminal or extremist or violent political groups. See Section 7 Crime and Anti-Social Behaviour – Investigations.

High risk events include riots, civil disturbance or extreme public disorder, armed criminal incidents such as hi-jacking or sieges as well as any event involving chemical, biological or radiological (CBR) substances or extreme climatic events such as hurricanes, severe floods, earthquakes, and volcanic eruptions.



RELIGION

RELIGION EDITORIAL PRINCIPLES

The BBC respects the fundamental human right to exercise freedom of thought, conscience and religion, this includes an individual's freedom to worship, teach, practise and observe a religious belief. At the same time, we recognise our duty to protect the vulnerable and avoid unjustified offence or likely harm. We aim to achieve this by ensuring our output is not used to denigrate the beliefs of others.

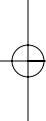
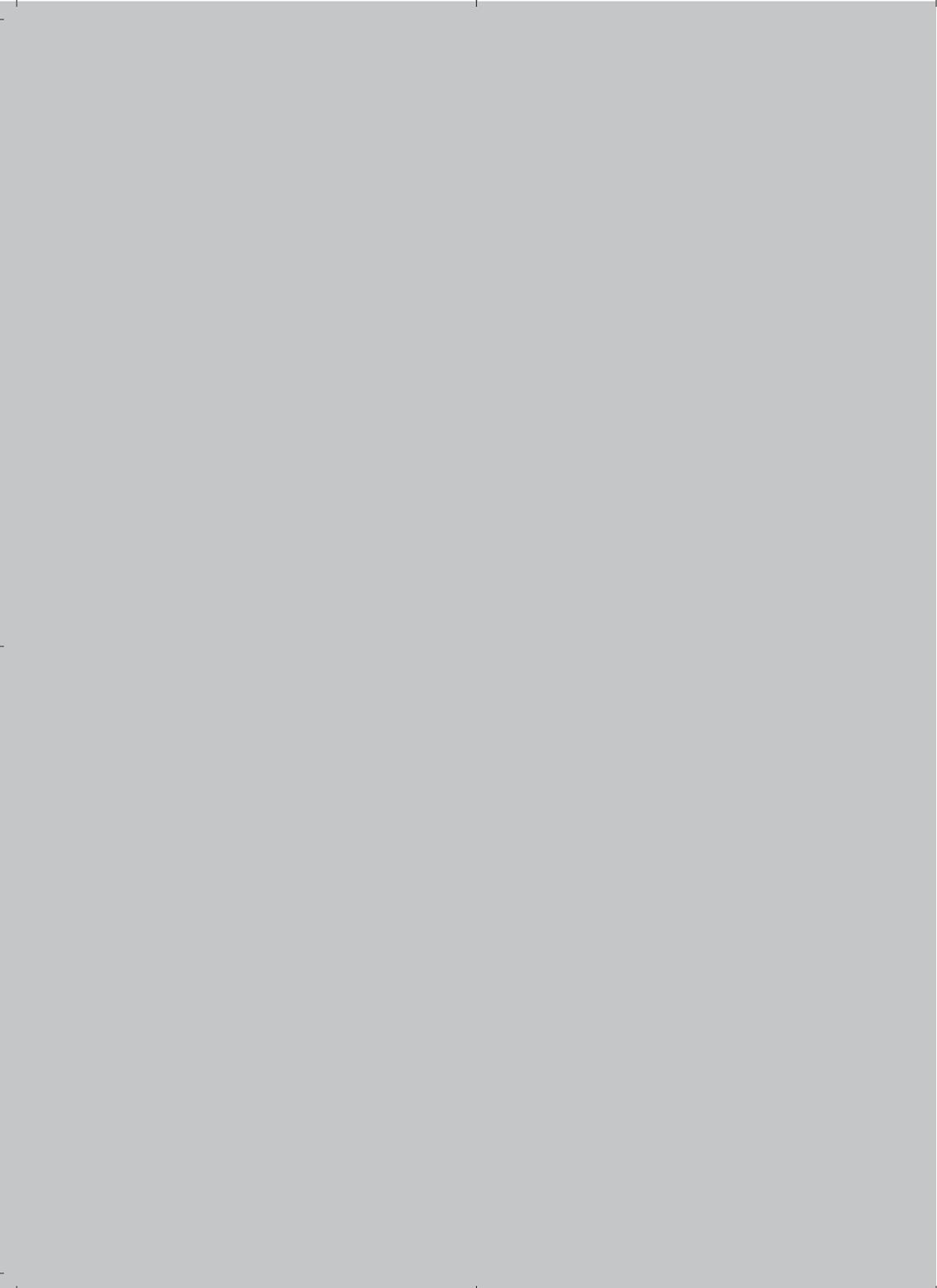
RELIGION EDITORIAL PRINCIPLES

- We will ensure that the beliefs and practices of the great world faiths are described accurately and impartially.
- We will ensure the religious views and beliefs of an individual, a religion or religious denomination are not misrepresented, abused or discriminated against, as judged against generally accepted standards.
- We will reflect an awareness of the religious sensitivity of references to, or uses of, names, images, the historic deities, rituals, scriptures and language at the heart of the different faiths and ensure that any use of, or verbal or visual reference to them are treated with care and editorially justified. Examples include the Crucifixion, Holy Communion, the Koran, and the Jewish Sabbath.
- We will respect the religious sensitivity surrounding the observance of holy days and the principal festivals of the various faiths so that unnecessary offence is avoided by material that might be more acceptable at other times.

In output dealing with the religious views and/or beliefs of a religion or religious denomination as the central subject, we should make clear both the identity of the faith and the purpose of the output. It should not be used to recruit. Contributors should not be allowed to undermine or denigrate the religious beliefs of others.

We should treat any claims made in our religious programmes for the special powers or abilities of a living person or group, with due objectivity. Such claims should not be made when significant numbers of children may be expected to be watching television or when children are particularly likely to be listening to the radio, or in online content likely to appeal to a high proportion of children.

Comedy and satire always has the potential for offence. Specialist advice is available from the Religion and Ethics department and from colleagues in the World Service as well as Editorial Policy.



EDITORIAL INTEGRITY AND INDEPENDENCE

EDITORIAL INTEGRITY AND INDEPENDENCE EDITORIAL PRINCIPLES
PRODUCT PLACEMENT
PRODUCT PROMINENCE
PRODUCT PROMINENCE IN TRAILS
PROMOTIONAL MATERIAL/STORIES SUPPLIED BY OUTSIDE BODIES
REVIEWING PRODUCTS OR SERVICES
PRODUCTS USED AS PROPS IN DRAMA, COMEDY OR ENTERTAINMENT
USE OF FREE AND REDUCED COST FACILITIES, PRODUCTS, SERVICES AND PROPS
MEDIA FACILITY AND FACT FINDING TRIPS
UNDUE PROMINENCE AND CONTRIBUTORS
ONLINE LINKS TO THIRD PARTY WEBSITES
BBC COMMERCIAL CHANNELS AND SERVICES
REFERENCES TO COMMERCIAL PRODUCTS RELATED TO BBC PROGRAMMES AND SERVICES
TRAILS FOR COMMERCIAL PRODUCTS RELATED TO BBC PROGRAMMES
GAME SHOWS
CONFLICTS OF INTEREST
ADVERTISING AND THE BBC BRAND
SOCIAL ACTION PROGRAMMES
PROGRAMMES ABOUT CHARITABLE INITIATIVES
BBC SUPPORT SERVICES
JOINT INITIATIVES
TRAILS FOR SUPPORT MATERIAL
HELPLINES
AUTOMATED INFORMATION SERVICES

The BBC's global reputation is based on its editorial integrity and independence. Our audiences need to be confident that our decisions are influenced neither by political or commercial pressures, nor by any personal interest. We must not undermine these values by any actions which could bring the BBC into disrepute.

EDITORIAL INTEGRITY AND INDEPENDENCE

EDITORIAL PRINCIPLES

- We must be independent of both state and partisan interests.
- We must not endorse or appear to endorse any other organisation, its products, activities or services.
- We should not give undue prominence to commercial products or services.
- There must be no product placement in programmes.
- We should ensure that on air and online credits are clearly editorially justified.
- We must not unduly promote BBC or BBC related commercial products and services on our public service outlets.
- The outside activities of people working for the BBC, including presenters, must not improperly influence BBC programmes or corporate decision making.

There are specific issues concerning BBC commercial services for audiences in the UK and around the world.

PRODUCT PLACEMENT

We must never include a product or service in sound or vision in return for cash, services or any consideration in kind. **This is product placement. It is illegal to make any such arrangements in the EU.**

PRODUCT PROMINENCE

We need to be able to reflect the real world and this will involve referring to commercial products, organisations and services in our output.

We must avoid any undue prominence or giving the impression that we are promoting or endorsing products, organisations or services. To achieve this we must:

- ensure that references to trade names, brand names and slogans are clearly editorially justified.
- not linger on brand names or logos and use verbal references sparingly unless there are very strong journalistic reasons for repeated references to a brand.
- not accept free or reduced cost products or services in return for on air or online credits, hotlinks or off air marketing.
- take particular care to minimise product references in output designed to appeal to children.
- only use material from advertising campaigns or promotions when clearly editorially justified. Generally, it will only be acceptable to use a short extract. There may also be copyright considerations.

PRODUCT PROMINENCE IN TRAILS

We should normally avoid references to commercial products or services in programme trails or BBC programme marketing material. If any reference to a branded product or service is made we must ensure it is clearly editorially justified.

We should not normally use third party advertising in programme trails.

Any proposal to include commercial products or advertising clips in programme trails should be referred to Chief Adviser Editorial Policy.

PROMOTIONAL MATERIAL/STORIES SUPPLIED BY OUTSIDE BODIES

We must select and cover stories for our own independent editorial reasons.

We must be on our guard for “spin” from outside bodies and commercial companies who may also try and place stories across our services in a short space of time.

We must ensure that when a product, service or organisation is named in a news report or factual content it is clearly editorially justified.

REVIEWING PRODUCTS OR SERVICES

We must ensure there is no element of plugging when we review products or services. We should review a range from different suppliers, normally without giving details on air of how and where to obtain them.

PRODUCTS USED AS PROPS IN DRAMA, COMEDY OR ENTERTAINMENT

We must ensure the use of, or reference to, branded products, services or organisations in our drama, comedy and entertainment programmes is clearly editorially justified and that a wide range are used over time to avoid undue prominence.

We should normally ensure that branding is not clearly visible, and close ups are avoided when real products are used as set dressing. When brands are shown it is normally difficult to justify editorially a verbal reference in addition to the visual one.

We must ensure that when props are accepted free or at a reduced cost there is a clear editorial justification. We must also use a range of brands and keep accurate records of the details of such arrangements.

USE OF FREE AND REDUCED COST FACILITIES, PRODUCTS, SERVICES AND PROPS

Under no circumstances should anyone working for the BBC receive personal benefits from suppliers, or accept goods or services as inducements.

We should normally pay for travel, accommodation and most other facilities we use. Only a few specific output areas may accept free or substantially reduced cost facilities, products, services or props. Consumer and lifestyle programmes which review or feature a wide range of products may occasionally accept free or reduced cost products or services. In the case of drama and some entertainment programmes, productions may sometimes take free or reduced cost price props. In the rare cases where we accept such arrangements we must:

- keep accurate departmental records of what has been accepted.
- only accept discounts if they are in line with those offered to other large organisations.
- not guarantee any product or service will be featured and if featured that it will be in a favourable light.
- inform suppliers that they cannot refer to the BBC's use of their products or services in any advertising or promotions.
- only give on air and online credits if clearly editorially justified.
- not allow suppliers an editorial say in the programme or a preview of it.

MEDIA FACILITY AND FACT FINDING TRIPS

We should not normally accept expenses paid trips unless they are the only way to cover a significant event, such as an inaugural flight or voyage or military operation.

Any proposal to accept an expenses paid trip must be referred to a senior editorial figure or for Independents to the commissioning editor. We should also consider whether to make a contribution towards the cost.

We should not normally refer on air or online to the commercial operators offering the facility. Any proposal to do this must be referred to a senior editorial figure or for Independents to the commissioning editor.

We must ensure that any on air or online reference to any other organisation which has facilitated a trip, for example a charity or lobby group, is clearly editorially justified.

UNDUE PROMINENCE AND CONTRIBUTORS

We must avoid undue prominence when contributors appear on chat shows and other programmes where they are promoting a product, for example, a film, album or book. Although proper editorial discussion is perfectly acceptable, the related product should not normally be used as a prop. Any visual references, particularly close ups of an album cover or pages of a book should be clearly editorially justified.

ONLINE LINKS TO THIRD PARTY WEBSITES

Part of the BBC's role is to act as a trusted guide on the web. When we create content on a BBC site we should consider which external sites it may be editorially justifiable to link to. We offer external links from the BBC public service site and from the editorial pages of the commercial site, for example, to provide additional information, source material or informed comment. We should be seen to be impartial. BBC sites which cover controversial subjects or public policy matters should normally offer links to external sites which represent a reasonable range of views about the subject. See Section 10 Politics and Public Policy.

We must never include a link on a public service website or within the editorial content of a commercial site in return for cash, services or any other consideration in kind.

We must check the contents of third party websites before installing a link on a BBC page. The same check should be repeated regularly after the link is established. We should not link to an external site if it is clearly inappropriate for us to recommend a visit. It may be appropriate to add a disclaimer and additional information if the links are to controversial material.

The links we make must be editorially justified and should lead to sites which are:

- clearly relevant to the content of the BBC page where the link is placed.
- suitable for the likely audience which in some cases may be children.

- regularly updated and refreshed.
- normally free to access.
- normally factually accurate.

We may link to external sites which give particular views of a person or organisation significant to a current news story and in such cases we may not be able to guarantee their factual accuracy. But we should not support the message, information or promotions on third party sites.

We must not give the impression that we are unfairly endorsing a commercial product or service when linking to a commercial site.

BBC COMMERCIAL CHANNELS AND SERVICES

We must not use our publicly funded channels or services to promote any BBC commercial services. All references to commercial services such as websites, international channels or any international or UK-based joint venture channel must be clearly editorially justified on publicly funded output. Publicly funded services should not run trails for commercial channels, services or programmes.

REFERENCES TO COMMERCIAL PRODUCTS RELATED TO BBC PROGRAMMES AND SERVICES

The BBC and independent companies working for the BBC produce and license commercial products and services to enhance and complement our output. However, we must never give the impression that we are unduly promoting any commercial product on air or online. Any references to BBC related products must be for clear editorial reasons and there should be no element of plugging.

There are legal and regulatory constraints in this area, including undertakings to the Office of Fair Trading. We must take particular care not to promote BBC magazines and we must ensure that:

- no BBC programme or online site mentions a BBC magazine in a way which could be deemed promotional or an encouragement to buy.
- any interviews with BBC magazine editors or writers are clearly editorially justified and such interviewees are not used too frequently.

- no mention is made on air or online of any off air support given by BBC publications. For example, if entry forms for competitions appear in BBC magazines we must not refer to this on air or online.

TRAILS FOR COMMERCIAL PRODUCTS RELATED TO BBC PROGRAMMES

We must not make any promotional mentions of BBC related products in programmes, although we may broadcast specially prepared trails for some BBC related products in junctions after relevant programmes.

BBC related books, recordings, DVD, CD and CD Roms are the type of products which may be trailed. We do not produce trails for any other type of merchandise. **BBC magazines must not be trailed on BBC radio, television or bbc.co.uk.**

Any product which is trailed must be under the BBC's editorial control and must have been commissioned, licensed or developed directly in conjunction with the associated programme. Material which is trailed may be published by BBC Worldwide or by an outside organisation. Trails or announcements after programmes should give simple factual information without any element of hyping.

Any proposal to trail commercial products related to BBC programmes on BBC Radio must be referred to Chief Adviser Editorial Policy.

GAME SHOWS

We must conduct our game shows with integrity and be seen to be free of commercial pressures.

We must also ensure the contestants are treated fairly and with respect, prizes are appropriate and clear rules are published.

See Section 15 Interacting with our Audiences – Competitions and Prizes.

CONFLICTS OF INTEREST

Conflicts of interest can arise for anyone who appears on air or has responsibility for the content of a programme or service. There must never be any suggestion that personal, commercial, business, financial or other interests have influenced the BBC's editorial or financial decisions.

Presenters, reporters, producers, editors, researchers and managers are all affected. The higher someone's level of editorial responsibility, the greater the need to avoid any possible conflicts of interest. There may be particular sensitivities concerning the activities of on air talent.

Conflicts of Interest Guidelines are available on the Editorial Guidelines website. For most people there is a BBC contractual requirement to comply with these guidelines which include advice on:

- non-BBC writing commitments.
- public speaking/public appearances.
- media training.
- connections to charities and campaigning organisations.
- political activities.
- hospitality and personal benefits.
- financial and business interests.
- on air talent and commercial advertising.
- independent production companies owned by talent or their agents.

Production and editorial staff are required to declare any personal interest or relationships which may affect their work. They should discuss any possible conflicts of interest with their line manager.

Freelance presenters, reporters, producers and researchers are normally contractually required to declare any personal interests or relationships which may affect their work with the BBC.

There are particular constraints on those involved in financial journalism. If a financial or consumer advice programme or website makes a direct recommendation by a BBC person to buy a particular financial product or service it is essential that the item is produced in accordance with the BBC Financial Journalism Guidelines. It will be necessary to make clear on air or on the website that these guidelines have been followed and where our audience can refer to them.

ADVERTISING AND THE BBC BRAND

We should ensure that the BBC brand is not used to endorse outside companies or organisations. We can achieve this by ensuring that:

- commercial advertising or promotion by an outside company does not give the impression of BBC endorsement.
- advertising does not “pass off” BBC programmes.

We will not normally allow the BBC name, logos, titles, channel names, programme titles, formats or characters to be used by commercial advertisers.

Any exception, for example for a joint promotion of a BBC commercial product, must be formally agreed in accordance with the BBC Advertising and Joint Promotions Guidelines and the BBC Fair Trading Guidelines.

SOCIAL ACTION PROGRAMMES

- **We must not lobby on matters of public policy when raising awareness of important social issues.**
- If our social action programmes or campaigns coincide with a government campaign or lobbying initiative it is important we retain an arm’s length position.
- We must ensure that our output does not embrace the agenda of any particular campaign groups and that we treat groups objectively and do not favour one above another.
- News reporting of BBC social action campaigns must be impartial.

Any BBC public service initiative involving any element of fundraising must be referred to Chief Adviser Editorial Policy.

See Section 14 External Relationships – Public Value Partnerships.

PROGRAMMES ABOUT CHARITABLE INITIATIVES

We must retain our impartiality and independence when we cover charitable initiatives and report charity appeals. We may use the expertise of charities where appropriate (for example wildlife programmes about conservation) but we should avoid promoting them.

We should not appear to endorse a charity or charitable initiative in our dramas. There may be exceptions for BBC charitable initiatives such as Children in Need or Comic Relief: Red Nose Day. [See Section 14 External Relationships – Charities.](#)

BBC SUPPORT SERVICES

We offer support services to complement our output which include help lines, information lines, fact packs, information online and via mobile devices.

There are editorial principles that apply to these support services:

- they should be free or cost recovery and therefore not designed to make a profit.
- we must not appear to endorse third party campaigns when we produce support material in conjunction with other organisations.
- we should not distribute third party fundraising material unless it is for BBC approved charity appeals.
- we may sometimes accept outside funding for off air support material or services, for example in the form of sponsorship from a third party who would usually be a not-for-profit organisation, such as a charity or educational establishment. In certain limited circumstances funding may be acceptable from commercial organisations.
- we may credit organisations who have contributed to our support material on the material itself. We must not credit on air sponsors who have simply made a financial contribution.
- we must ensure we can cope with any likely demand for our support services.

JOINT INITIATIVES

We may produce support services with an appropriate partner, such as a professional body, charity or educational institution. In such cases it may be editorially acceptable to credit the involvement of the partner on air, and/or credit them on support material. See Section 14 External Relationships – Partnerships.

TRAILS FOR SUPPORT MATERIAL

We may trail relevant support services as long as they are free or cost recovery or priced to raise funds for a BBC charity appeal.

HELPLINES

We should consider whether it is appropriate to provide a helpline offering further information or support following a programme that raises difficult or distressing issues. BBC Audience lines should normally be consulted.

We must not use premium rate numbers for helplines.

We must provide impartial and objective information and give details of a wide range of agencies, charities and statutory organisations. No agency should be promoted at the expense of others.

We must ensure that a helpline provided by an outside agency is capable of offering a robust service.

We should not normally trail help lines run by other organisations, except where they offer a specialised service, for example the Samaritans and the National Missing Persons helpline.

AUTOMATED INFORMATION SERVICES

We must ensure that recorded “dial and listen” information services are simple, factual, and directly relevant to our output. The duration of calls should be kept to a minimum. The service must not be used to promote any commercial product, retailer or supplier.

EXTERNAL RELATIONSHIPS

EXTERNAL RELATIONSHIPS EDITORIAL PRINCIPLES

CO-PRODUCTIONS

PUBLIC VALUE PARTNERSHIPS

JOINT EDITORIAL INITIATIVES

CO-FUNDING

HOSTED PROGRAMMES

CHARITIES

THE NATIONAL LOTTERY

SPONSORED THIRD PARTY EVENTS

SPONSORED BBC EVENTS

We are committed to working collaboratively with others to deepen the impact of our programmes, extend creative possibilities and maximise public value.

Under the terms of the BBC's Charter and Agreement, no licence fee or grant-in-aid funded BBC service can broadcast sponsored programmes or advertising.

Money from external organisations and individuals must not be used for any production costs, apart from co-productions with recognised co-producers and very limited co-funding.

We must operate rigorous financial systems and keep clearly separate budgets for broadcast and non broadcast costs.

EXTERNAL RELATIONSHIPS EDITORIAL PRINCIPLES

When entering into an external relationship we must ensure that:

- our editorial impartiality and integrity are not compromised and that we retain editorial control of our output.
- our choice of partners is editorially justified and will not bring the BBC into disrepute.
- we do not accept money or other services in exchange for broadcast coverage or publicity.
- we work with a range of organisations and do not unduly favour one above another.
- we do not promote or appear to endorse other organisations, products, services, views or opinions.
- we fairly credit others where editorially appropriate.

CO-PRODUCTIONS

A co-production is where funding is in exchange for rights.

Co-production partners include:

- broadcasters

- programme/film distributors
- independent producers
- record companies
- audio visual producers
- institutions involved in arts and education such as theatres and music companies.

On air credits for co-productions must be simple and non promotional. They are normally included in the end credits.

We should enquire about any funding, sponsorship or promotional agreements co-production partners or independent production companies may have with others to ensure they do not conflict with the values and standards of the BBC Editorial Guidelines.

PUBLIC VALUE PARTNERSHIPS

A public value partnership is a collaboration between the BBC and one or more organisations. The collaboration aims to deliver “added value” for our audiences, the BBC, and its partners.

Partnerships must not compromise our editorial values or independence. We should not enter into public value partnerships with:

- political parties
- tobacco firms or those mainly known for tobacco related products
- organisations involved in pornography
- alcoholic drinks manufacturers and suppliers.

We should not normally enter into a partnership with a foreign government. Relationships with UK government departments, religious organisations, charities and organisations which undertake lobbying should also be treated with care to ensure our impartiality is not undermined.

Any proposal to credit a third party in a partnership arrangement on air or online must be referred to Chief Adviser Editorial Policy at an early stage, and well before any contracts are issued.

JOINT EDITORIAL INITIATIVES

A joint editorial initiative is a partnership where the BBC and a partner or partners share editorial responsibility for an overall project. The BBC normally produces the programmes or website and the partner runs a related event or publishes related articles. If the partnership is with a magazine or newspaper we must not promote the publication on air and people must not be required to buy it to take part.

For joint editorial initiatives no money from a partner may go into our programme budgets.

Editorial Policy should be consulted about the suitability of partners for a joint editorial initiative.

CO-FUNDING

In very rare circumstances, for strictly public service reasons, it may be possible to supplement licence fee or grant-in-aid funding with co-funding from suitable non commercial bodies:

- **on UK services, co-funding is designed only for off-peak programmes, for a very specific section of the audience, where it would be unjustifiable to fund the programme entirely from the licence fee, for example, some Gaelic broadcasts.**
- **World Service radio may take co-funding for some humanitarian, educational, health and lifeskills programming.**
- **co-funding must never be taken for news, current affairs or consumer advice programming on any BBC service.**

The BBC must retain editorial control for a co-funded programme and it is essential that the programme does not promote the funder.

We must not accept funds from any organisation whose interests or activities could raise doubts about the objectivity of the programme.

Suitable co-funders include publicly funded bodies, charities, charitable trusts or voluntary bodies.

Chief Adviser Editorial Policy must be consulted about co-funding on any UK services. Any co-funding projects must be approved in writing by the relevant director responsible for the output.

HOSTED PROGRAMMES

For a very small number of educational initiatives we may broadcast a hosted programme – that is one which has been made and funded by a non-commercial organisation, such as an official training body.

Hosted programmes must comply with BBC Editorial Guidelines and should only be broadcast in clearly off-peak slots targeted at a niche audience.

CHARITIES

We work with charities in a number of ways including:

- broadcasting appeals.
- mounting major pan-BBC fundraising appeals such as Children In Need.
- reflecting the work of charities in our output.
- as partners in social action or awareness campaigns.
See Partnerships above.

Chief Adviser Editorial Policy should be consulted about arrangements for all BBC charitable initiatives.

THE NATIONAL LOTTERY

The National Lottery is an institution regulated by Act of Parliament. We cover the National Lottery draws as a service to our audience who buy tickets and benefit from the grants. However we must ensure that our coverage is not seen as directly advertising the lottery or the purchase of tickets. To achieve this we should:

- ensure the trails for programmes which carry National Lottery draws or games are promotions for our programmes and not the National Lottery.

- avoid the use of any elements of lottery advertising or promotions in programmes covering lottery draws, or in trails for National Lottery programmes.
- ensure the purchase of a lottery ticket is not a pre-requisite for someone to appear on, or be in the audience for, our lottery programmes.

We must exclude children under sixteen from the studio audience of a lottery programme and lottery programmes should not be specifically aimed at children under sixteen.

Programmes, apart from those covering the lottery draws, may wish to carry items about the National Lottery. Programmes should not use library material, other than pictures, sound or stills of the draws themselves to illustrate stories about the National Lottery or lottery operator.

Any proposal to use library material featuring presenters, titles, trails or lottery programme content other than pictures or sound of the actual draws must be referred to Editorial Policy. It is also advisable to consult Corporate Legal and Intellectual Property Department (CL&IP) about the legal restrictions on the use of lottery logos and library pictures from lottery programmes.

SPONSORED THIRD PARTY EVENTS

We cover a wide variety of third party events, sports events, awards shows and music events, many of which are sponsored.

In our coverage of sponsored events the following editorial principles apply:

- we aim to credit fairly the enabling role of sponsors.
- we must not promote a sponsor in our coverage and any credits given should be fair without being unduly promotional.
- we should not normally include a sponsor in the title of a BBC programme.
- we must not accept any money from sponsors or organisers towards the cost of any element of our broadcast coverage of an event. However,

they can pay all the costs associated with the event itself.

- a third party sponsored event should be genuinely free standing and not created simply to attract broadcast coverage.
- **We must never enter into a contractual arrangement which guarantees a sponsor a set number of minutes of signage reflection on air.**

On air and online credits for sponsors of third party (non sports) events must be referred to the relevant senior editorial figure or for Independents to the commissioning editor responsible for the coverage, who should normally consult Chief Adviser Editorial Policy.

Producers must refer to Chief Adviser Editorial Policy any proposal to:

- **cover an event, anywhere in the world, sponsored by a tobacco manufacturer.**
- **include express references to sponsors in trails for a BBC programme covering a sponsored event.**

SPONSORED BBC EVENTS

The BBC may be involved with staging several types of event including those mounted primarily for programme coverage, such as concerts and award ceremonies, as well as off air events such as commercial shows and exhibitions designed to market our programmes. Other organisations may also mount events connected to BBC programmes with our consent. If these events are mounted in conjunction with a BBC magazine it is essential that any coverage complies with the BBC's undertaking to the Office of Fair Trading.

Any BBC coverage of a third party event sponsored by a BBC publication or any BBC coverage of an event mounted by BBC Worldwide in conjunction with BBC Magazines must be referred in advance to Chief Adviser Editorial Policy.

In some circumstances it may be acceptable to supplement the cost of mounting a free-standing BBC event with sponsorship from a suitable outside body. But sponsorship arrangements should not bring the BBC into disrepute. Some sponsors will be unacceptable.

The following editorial principles apply for the mounting and coverage of a sponsored BBC event:

- we must not feature the sponsor in the title of any BBC event.
- events related to BBC programmes or services must only be sponsored by companies not directly related to the subject matter of the event or programmes connected with it.
- our on air events must not accept product sponsorship.
- BBC broadcast events held on BBC premises should not normally be sponsored.
- **BBC news and current affairs events and events based on consumer programmes dealing with a range of topics must not be sponsored.**

Any proposal for sponsorship of a BBC event must be referred well in advance to Chief Adviser Editorial Policy.

Chief Adviser Editorial Policy can offer advice on any proposal for a BBC programme or service to sponsor a third party event.

INTERACTING WITH OUR AUDIENCES

INTERACTIVITY EDITORIAL PRINCIPLES

PHONE-IN PROGRAMMES

TELEPHONE SERVICES

EVENT INFORMATION LINES

MOBILE DEVICES

COMPETITIONS

PRIZES

JOINTLY RUN COMPETITIONS

BBC PUBLICATIONS

INTERACTIVE TV SERVICES

VOTING

GAMES

USER GENERATED CONTENT ONLINE

Interactivity allows our audiences to engage with us in many different ways, from choosing which game to watch at Wimbledon and voting for a Personality of the Year, to taking part in our competitions and contributing to radio phone-ins.

Interactivity provides choice and gives opportunities to be heard and to create content. We aim to offer it to everyone by using our different platforms in different ways, but we will not exclude viewers and listeners who do not choose to interact.

INTERACTIVITY EDITORIAL PRINCIPLES

When we offer interactivity to our audiences we should ensure that it:

- adds public value and enhances our output in a way which fits our public service remit.
- is distinctive and has a clear editorial purpose.
- matches the expectations of the likely audience.
- respects the privacy of the user and only collects personal information with their consent.
- does not act as a commercial service.
- is not designed to make a profit unless it is raising money for a BBC charitable initiative.
- does not cost a prohibitive amount to participate.

PHONE-IN PROGRAMMES

Phone-in programmes may use comments sent via text, email and the red button as well as talking to callers. The live nature of phone-ins means we should be alert to the possibility of contributors breaking the law or causing widespread offence. We should also be careful not to allow phone-ins to become a vehicle for the opinions of the presenter. The following best practice may help to minimise the risks:

- contributors to phone-ins should normally be called back and if necessary briefed before they go on air.
- content producers should read emails and texts before they are broadcast.

- presenters should be adequately briefed on BBC Editorial Guidelines and the law and be able to extricate the programme from tricky situations with speed and courtesy.
- when producing a phone-in on a difficult or controversial subject such as child abuse, the production team should be briefed on how to deal sensitively with contributors and support systems should be in place.
- when a programme is contacted unexpectedly by someone wishing to share their difficult story, we should consider the implications and refer if necessary. See Section 3 Accuracy – Anonymity.

TELEPHONE SERVICES

Telephone services are used for programme support, phone-ins, voting and interacting with game shows and competitions.

We should not use premium rate lines for help lines. Help lines should be offered as a free phone number.

We should not normally use premium rate lines for phone-ins.

We should normally ensure that premium rate calls are priced at the lowest tariff. They should not normally be used to generate a profit with the exception of BBC charity appeals

With premium rate numbers we must tell people how much calls cost. With other numbers we should try wherever possible to tell people the cost.

We must prompt children to seek permission to call from the bill payer.

Any proposal to use premium rate lines for BBC output must be referred and approved by a senior editorial figure or for Independents the commissioning editor. In addition, any proposal to use a premium rate for phone-ins must be referred to Chief Adviser Editorial Policy.

Any proposal to set up phone lines to make a profit or to give out a premium rate number on air not directly related to BBC output must be referred to Chief Adviser Editorial Policy.

We must comply with the code of practice issued by the industry regulator, the Independent Committee for the Supervision of Standards of Telephone Information Services (ICSTIS). See Section 9 Children: Consent and Competitions below.

EVENT INFORMATION LINES

We may trail on air phone lines which provide information about events or performances being covered by BBC programmes. These lines should not normally be premium rate or a means of purchasing tickets, though they may give details of telephone sales numbers. **Any exceptions must be referred to Chief Adviser Editorial Policy.**

MOBILE DEVICES

Mobile devices are constantly evolving and with them the creative possibilities they offer. However the following editorial principles apply:

- users of all mobile networks should normally be able to take part in any BBC mobile interactivity. **Proposed exceptions must be referred to Editorial Policy.**
- we should keep the cost to the audience to the lowest tariff possible except for specific charity initiatives.
- it is unusual to offer interactivity exclusively via a mobile device, though in a few cases, depending on the demographic of the target audience, it may be appropriate, for example, a Radio One competition.
- privacy and consent issues may arise when mobile devices are used to make video or sound recordings or take pictures for BBC output. See Section 6 Privacy.
- any mobile interactivity trailed in a programme must not be designed to make a profit.

COMPETITIONS

We must not promote any competition which is not organised by or run in conjunction with the BBC.

We should ensure there is a clear editorial purpose for our competitions

whether on television, radio, mobile devices or online.

We should offer a genuine test of skill, knowledge or judgement appropriate to the audience. Skill must be required to win when premium rate lines are used for competitions, otherwise the competition may be illegal. **Any proposal to set up a competition involving premium rate lines must be referred to Programme Legal Advice.**

We should retain our editorial independence and not promote any service, product or publication. This includes avoiding competition questions that refer to any branded goods or services that are provided as prizes.

We should not require people to buy anything to enter a competition unless it is linked to a BBC charity appeal.

We should publish rules to make sure competitions are run properly, fairly and openly.

We should normally only require entrants to our competitions which require the submission of original work, for example, scripts, stories, photographs, and paintings, to grant to the BBC a licence to use their work for the purposes of the competition or related public service activities. Any exceptions should be referred to Chief Adviser Editorial Policy.

PRIZES

We should not mislead competitors about the nature of the prize.

We should normally pay for the prizes we offer in our competitions and aim to offer original, rather than expensive prizes. If there is a range of prizes, there should be a range of brands or suppliers but we should normally avoid offering prizes of branded products or services which are referred to editorially elsewhere in the programme or on the same section of the website. We should avoid shots of brand logos on air and online. We should not normally refer to brand names or give details about the manufacturer or supplier of a prize.

We should normally only accept modest donated prizes such as theatre tickets, football tickets, books, CDs or DVDs. We may accept prizes of visits to special events, including the hospitality offered at the event, but we should pay for the majority of costs for travel and accommodation.

Donations of substantial prizes are permissible only in exceptional circumstances and must not bring the BBC's editorial integrity into question. **They can only be accepted if they have been referred to and approved by a senior editorial figure or for Independents by the commissioning editor.**

We should use a wide range of donors over time, to ensure we do not appear to favour any institution or company

Programmes must never give an assurance that there will be an on air or online credit or any publicity in exchange for the donation of a competition prize.

We should not normally link to the site of a supplier or manufacturer of a prize.

We should not offer cash prizes for viewer and listener competitions.

Any proposal to offer a cash prize for a game show must be referred to and approved by the relevant Output Controller.

Cash prizes should never be offered for any children's competition.

Prizes in children's competitions should be appropriate to the age of the target audience and the competitors and should normally be modest or rely on "money can't buy" experiences. High value prizes should normally be avoided.

JOINTLY RUN COMPETITIONS

We may run competitions jointly with an appropriate organisation such as an academic or artistic institution. But we must pay a substantial part of the costs and no money from the outside organisation should flow into any programme budget

We should not normally run competitions with a commercial organisation. However, it may be possible:

- to join with a publication or other media organisation to run a competition for a co-sponsored award or an award for skills associated with broadcasting such as journalism, music or drama or other BBC initiatives.

- for local radio stations to join a regional publication to present a local award.

Any proposal to jointly run a competition or award should be referred to Editorial Policy.

BBC PUBLICATIONS

If we run competitions in association with a BBC publication the associated programme or website must not refer to the publication.

The publication may print entry details for a competition but there should be no mention on air that entry forms are available either in a BBC magazine or any other publication or outlet. A BBC publication may not accept large donated prizes from a third party to award as prizes to competition winners of on air competitions.

We should only use the personal information provided with competition entries for the purpose for which it was sent. See Section 6 Privacy – Personal Information.

INTERACTIVE TV SERVICES

Interactive TV services are accessed via the red button and should not promote any specific platform.

We should ensure they are appropriate for the related television programme, observe the Watershed and provide content information if necessary.

We should aim to provide something for everyone who can use the red button.

We should make it clear to our audience where payment is required and display the total cost where practical.

Interactive TV services should not be designed to make a profit.

VOTING

Voting is a popular form of interactivity which gives audiences the chance to participate and to see a result, but votes linked to a programme or website will only represent those people who have chosen to respond and should be clearly

reported as such. They should not be reported with the editorial prominence of carefully conducted opinion polls. See Section 10 Politics and Public Policy – Polls and Surveys.

We should ensure the robustness of the voting mechanism matches the vote's editorial significance and that output which relies on voting is normally based on a vote run or directly commissioned by the BBC.

We must take particular care about the robustness and integrity of votes for competitive awards from the earliest stages in order to protect the integrity of the programmes around which they are built. A great deal may ride on the result for participants, as well as lobby or campaigning organisations, who may have a strong interest in the outcome of the result. High profile programmes built around the voting process can lead to a public award such as the Sports Personality of the Year, or an award which involves money or opportunity, such as Restoration, or a talent competition.

We should normally publish rules when running votes so that, for example, we can disqualify for cheating or fraud.

We should allow enough time in the period between closing the vote and announcing the result for the votes to arrive, be processed and checked and consider carefully whether to announce running totals before the final verified result.

GAMES

The use of games on mobile devices, online and on interactive television can be a powerful way to reach new audiences and enhance our output. However, we must ensure that the public value of using games with BBC content is clearly established and the cost of accessing them kept to a minimum. The games must not be designed to make a profit.

USER GENERATED CONTENT ONLINE

The guiding principle is that we offer shared space for our users to enjoy. Successful online communities operate by consent and encourage a genuine sense of ownership among their users. To enhance the experience of contributors who wish to publish their own content we should ensure there are clear rules and that any messages which break them, for example if they contain abusive or inappropriate material, are removed. We must also be able to implement a swift

and robust escalation strategy for example if illegal material is posted or illegal conduct is suspected.

Every online space where user generated content is published must have someone editorially responsible for that content and should have a host to provide a visible and active presence and a moderator who can remove illegal or inappropriate content.

See Section 4 Impartiality – Personal View and Authored Programmes and Websites.

User generated content is moderated in one of three ways:

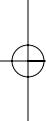
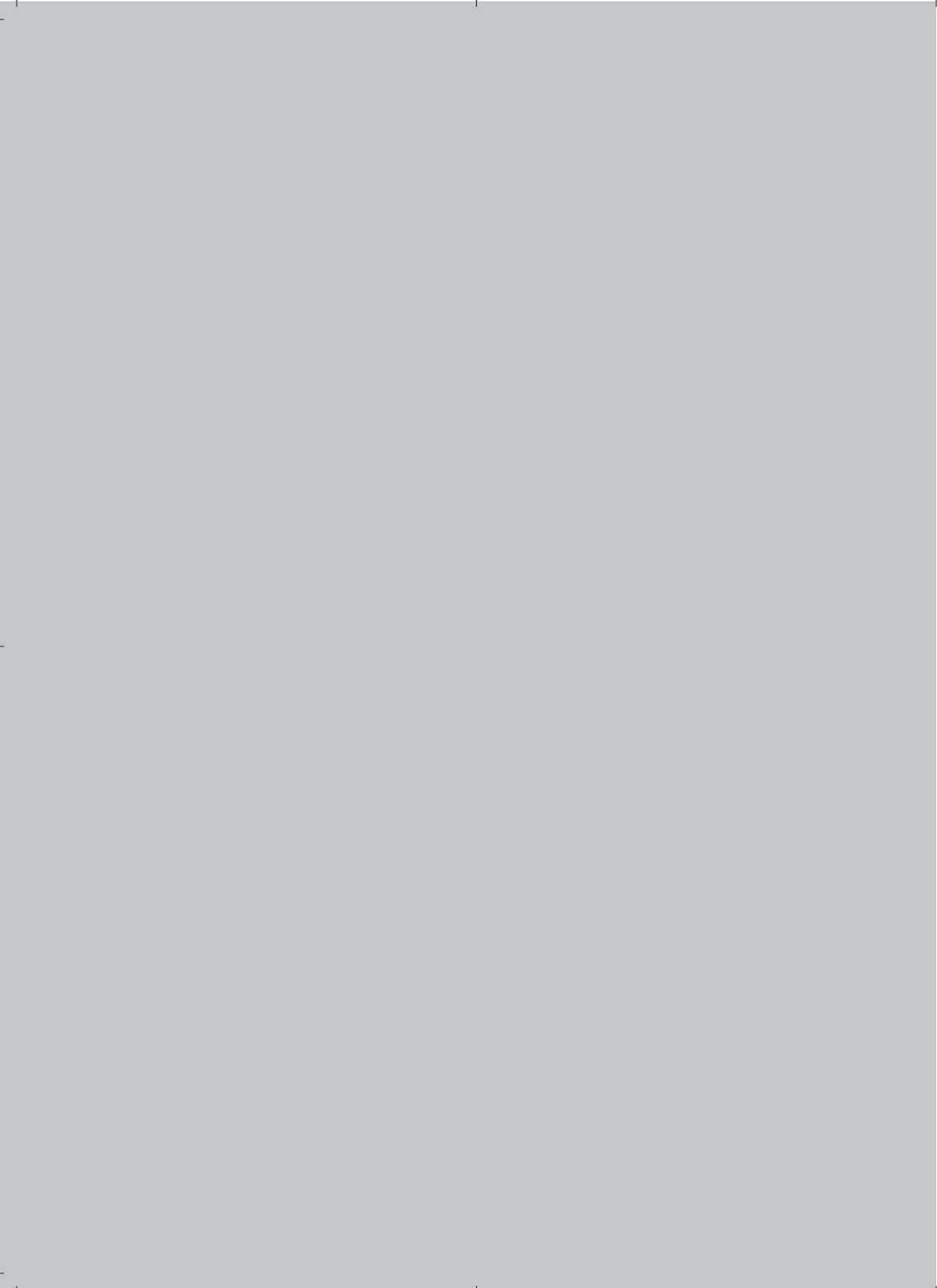
1. Pre-moderation is where material cannot be accessed by visitors to the website until the moderator has seen it and decided it is suitable for posting. Sites designed to appeal to children are pre-moderated. Sites which invite users to email pictures are pre-moderated.

2. Post-moderation is where the moderator sees the material after it has been posted and decides whether it is suitable to remain. This is likely to be appropriate for sites which attract robust debate about current affairs.

3. Reactive moderation is where visitors to the website alert the moderator to an inappropriate or offensive message. It is likely to be suitable for a mature online community where few messages have to be removed. It is not suitable for a site which is likely to attract a high proportion of children.

Any proposal to reactively moderate a website with user generated content must be referred in advance to Head of Editorial Affairs, New Media & Technology, and Editorial Policy.

For advice about the degree of moderation a site should receive refer to Head of Editorial Affairs, New Media and Technology or Editorial Policy, who will liaise with Programme Legal Advice if necessary.



THE LAW

BBC LEGAL

DEFAMATION

PRIVACY

CONTEMPT

VICTIMS OF SEXUAL OFFENCES

OTHER REPORTING RESTRICTIONS

CHILDREN AND THE LAW

COPYRIGHT AND OTHER INTELLECTUAL PROPERTY RIGHTS

DATA PROTECTION ACT

BBC content producers should seek the advice of BBC lawyers whenever legal problems are encountered or suspected.

There are significant differences between the legal systems of:

- England and Wales
- Scotland
- Northern Ireland

which if not observed can cause serious problems.

There may be occasions where providing accurate, impartial and fair coverage in the public interest involves possible conflict with the law. Where such cases arise we must consider:

- what effect breaking the law might have on the BBC.
- what the effect might be on the people concerned.
- internationally, the effect on the BBC's future coverage of the region.

Any proposal to break the law must be referred to a senior editorial figure or for Independents to the commissioning editor, who must consult Head of Programme Legal Advice and, if necessary, Controller Editorial Policy.

BBC LEGAL

BBC Legal handles legal issues affecting the BBC, with different departments dealing with different issues.

The Programme Legal Advice department gives pre-transmission advice on the main content related issues including:

- defamation
- privacy
- contempt of court

- victims of sexual offences
- reporting restrictions

Advice on other issues should be sought from the relevant department. See below.

Programme Legal Advice has a duty lawyer on call 24 hours a day for urgent news enquiries.

For advice on Scottish media law consult the BBC lawyers in Glasgow.

Advice on foreign law can be obtained through BBC Legal, which keeps a list of lawyers in various countries.

DEFAMATION

An individual can sue for damage to their reputation caused by material broadcast or published to a third party, this includes online.

This area of the law is called defamation or libel. It is the biggest legal pitfall relating to the BBC's output, with serious financial consequences if we get it wrong.

Any living individual or company can sue as long as they are reasonably identifiable from what is said and the material is defamatory of them. This means that it would tend to lower them in the estimation of right-thinking people generally.

The claimant does not need to show that they suffered any actual damage, nor that what was said was false. On the contrary, the defendant generally has to prove that it was true.

If involved in an action for defamation there are a number of possible defences, but generally you will need to have good evidence to back up what you say.

PRIVACY

Until recently there was no recognised law of privacy in the UK.

This changed in October 2000, with the incorporation into UK law of the European Convention on Human Rights, which includes a right to privacy (Article 8).

Individuals can now take action to enforce that right. Often, they will ask the court to grant an injunction (or “interdict” in Scotland) to stop true stories about their private lives being made public.

If there is a reasonable expectation of privacy, the court will seek to balance the individual’s right to privacy against the media’s right to freedom of expression (Article 10).

When broadcasting or publishing a story which contains private information, each piece of private information will need to be considered separately. If private information is conveyed by pictures, these will be subjected to special scrutiny.

CONTEMPT

Contempt of Court is the body of law which protects the integrity of the legal process from outside influences. Contempt can take many forms but by far the most serious for the BBC is publication when legal proceedings are said to be “active”.

In most criminal cases, the “active” period starts with the granting of an arrest warrant, the arrest of a suspect, or the issue of a summons (in Scotland a complaint) or indictment. This may be well before a person is charged.

Once a case is “active”, anything which creates a substantial risk that the course of justice in those proceedings will be seriously prejudiced or impeded will be a contempt of court. This is the case regardless of intent. A serious prejudice might include, for example, the publication of previous convictions.

These rules apply to all courts and tribunals exercising the judicial authority of the state. However, the risk is highest when the case is due to be heard by a lay jury (e.g. in criminal trials) and particular care should be taken with coverage immediately before a jury trial. Reports of the trial itself are safe so long as they are fair and accurate.

It is now possible for the courts (except in Scotland) to order third parties – such as the media – to bear the costs of a trial abandoned as a result of publication of material, even if this does not amount to a contempt of court.

VICTIMS OF SEXUAL OFFENCES

By law, all victims of rape and other sex crimes, including children, are automatically guaranteed anonymity for life from the moment they make a complaint that they are the victim of a sex crime. In Scotland, the law is different but the practice of respecting anonymity is the same.

These restrictions only apply to identifying the person as being the victim of an alleged sexual offence. They do not prevent the identification of the person in other contexts.

Judges may, on occasion, lift the restrictions at the request of the defence. They can do this to:

- get witnesses to come forward and to ensure a fair trial.
- allow the reasonable reporting of a case of public interest.

If a victim were identified in another, unrelated, criminal case, then the reporting of that case would not be restricted.

Victims can be identified if they agree to it. The consent should be in writing and must not be the result of any pressure.

Content producers should be aware of the risk of “jigsaw” identification. See Section 7 Crime and Anti-Social Behaviour – Identifying Victims, Witnesses and Sources.

OTHER REPORTING RESTRICTIONS

There are a number of other situations in which reporting restrictions either apply automatically, or can be specifically ordered by a court.

Automatic restrictions apply to:

- reports of preliminary/committal proceedings in magistrates’ courts in England. We can only report certain very basic details.
- petition proceedings in Scotland which may be reported in a restricted way. Please refer to BBC lawyers in Glasgow.

- Proceedings under the Children Act. We must not publish anything which is likely to identify any child as being involved in such proceedings.

These restrictions can be lifted or varied by a court.

Some of the more common reporting restrictions which may be ordered include:

- “Section 39 orders”, preventing the identification of under 18s involved in proceedings before an adult court.
- “Postponement orders”, preventing publication of reports of proceedings until after the conclusion of related proceedings or until the court lifts or varies the restrictions.
- “Anonymity orders”, where the court has allowed a person’s details to be withheld, for example in blackmail cases.

CHILDREN AND THE LAW

Children involved in criminal cases

In England, Wales and Northern Ireland people accused of committing offences while under 18 are usually dealt with in Youth Courts. In Scotland, an accused person is treated as an adult from the age of 16, except in children’s hearings. See below under Children’s Panel System.

In Youth Court proceedings, there is an automatic ban on anything which might lead to the identification of a witness, defendant or other party in those proceedings who is under 18.

The restrictions include:

- the naming of schools and of addresses
- not showing pictures of a person under 18.

In other courts, there is no automatic restriction but the court can make an order preventing identification of a child involved in the proceedings.

Other court proceedings involving children may be heard in Magistrates’ Courts, County Courts, or the High Court. They may deal with:

- care proceedings
- adoption
- guardianship

The Children's Panel system deals with children in Scotland. Any child involved in a hearing before the Children's Panel or an associated referral hearing before a Sheriff cannot be identified. It is forbidden to publish anything in respect of any case about which the principal reporter has received information or any matter to do with a children's hearing which is likely to identify any child concerned in any way with the case. Please note that this may include not just victims and witnesses, but children who are brothers, sisters, friends etc. Note, too, that contentious "Children's Panel" cases can end up in the Sheriff Court. If they do, they are still covered by this wide prohibition. Unlike in the ordinary court system, for children's hearing purposes, a child remains a child until s/he turns 18.

The restrictions for Youth Courts also apply to Children's Panel/ Referral cases.

In any courts sitting in private it is usually a contempt to broadcast detailed accounts of child related hearings. This will include proceedings involving:

- wardship
- adoption
- guardianship of an infant

In wardship cases it is not a contempt to report the court's order or an accurate summary of it, unless the court expressly forbids this.

The Protection of Children Act (1978) covers cases of children filmed or otherwise displayed for pornographic purposes. It is an offence under the act to:

- take an indecent photograph of a child under the age of sixteen.
- to involve a child under 16 in a photograph that is itself indecent even if the child's role is not.

Content producers should consult PLA if they have any queries about the law as it affects children.

See Section 8 Harm and Offence – Sex and Section 9 Children – Anonymity.

COPYRIGHT AND OTHER INTELLECTUAL PROPERTY RIGHTS

Intellectual property rights include:

- copyright
- moral rights
- performers' rights
- trade marks
- patents and designs
- rights to prevent “passing off” and breach of confidence

Intellectual Property lawyers in Corporate Legal & Intellectual Property Department (CL&IP) give advice on the protection and exploitation of the BBC's intellectual property rights. Litigation department gives advice on the infringement of such rights.

Content producers must seek advice from the **Talent Rights Group** in Rights and Business Affairs about the commissioning or clearance of copyright works for use in BBC programmes or the contracting of performers. Talent Rights Group will generally provide the contracting service and contact should be made with them as early as possible. They can also advise whether a copyright work, in which rights have not been cleared, can nevertheless be included in a programme under fair dealing or other copyright exceptions.

The **Trade Mark Lawyer in CL&IP** should be consulted if negative clearance checks cast any doubt on the use of a particular programme title or associated products.

DATA PROTECTION ACT

This act protects individuals' privacy by regulating how personal information, known in the act as "personal data", is collected and used. The act applies to information stored electronically or in manual systems.

"Personal data" is any information that relates to a living individual who can be identified:

- from that information or,
- from that and other information in our possession or likely to come into our possession.

Personal data can include:

- email addresses or telephone numbers, collected when people enter competitions, sign up for a newsletter or become part of a programme's database of contributors.
- information about people we collect for use in programmes, including images and sound recordings.

The act requires that personal information is:

- collected and used fairly i.e. we make it clear to people how we intend to use their information and whether it will be given to anyone else inside or outside the BBC.
- appropriate to the uses which have been agreed.
- accurate.
- stored for the minimum time relevant to the use for which it is collected.
- stored securely.
- disposed of securely once the use for which it has been collected has come to an end.

- protected by a contract, if it is being given to an agent of the BBC (for example to distribute tickets or conduct surveys) or to a third party to ensure the information is only used for the purpose the BBC has agreed. A contract is also needed if personal information is being sent to a third party or agent of the BBC located outside the EU.

Material acquired for journalistic, artistic or literary purposes is exempt if compliance with the act would frustrate the journalistic purpose. For example, we do not need consent of someone being filmed committing crime.

People have certain rights under the act in relation to information stored about them.

Content producers with any queries about the Data Protection Act should contact the **Information Policy & Compliance department (IPC) or the Regulatory Legal department.**

Any formal requests for information or notices to stop processing under the act must be dealt with by IPC. Pass any such requests immediately to IPC.

See Section 5 Privacy – Personal Information.

ACCOUNTABILITY

BOARD OF GOVERNORS

FEEDBACK AND COMPLAINTS

LETTERS AND ARTICLES FOR PUBLICATION

EDITORIAL COMPLAINTS UNIT

GOVERNORS' PROGRAMME COMPLAINTS APPEALS COMMITTEE (GPCC)

KEEPING CONTENT

The BBC is accountable to its audiences. Their continuing trust in the BBC is a crucial part of our contract with them. We will act in good faith by dealing fairly and openly with them.

We are open in admitting mistakes when they are made and encourage a culture of willingness to learn from them.

We will use the BBC's online presence to provide proper reporting to the public on complaints we have received, and actions we have taken.

BOARD OF GOVERNORS

The Board of Governors act as the trustees of the public interest. Among the Governors' responsibilities are:

- approving the remit and strategy for all the BBC's activities.
- regulating the BBC on content issues, in particular impartiality and accuracy.
- ensuring the BBC meets its fair trading obligations.
- leading a series of transparent, independent reviews of BBC services, including issues raised by audiences.
- appointing the BBC's Director General.
- publishing the BBC's Annual Report.
- ensuring that complaints are properly handled by the BBC (including taking appeals on editorial complaints handled by the Editorial Complaints Unit and Divisional Directors).

They are supported by the Governance Unit which is independent of BBC senior management.

The Governors draw on the support of a broad network of external advisory bodies to provide advice on the BBC's services for different parts of the UK. These include the Broadcasting Councils for Scotland, Wales and Northern Ireland, and Regional and Local Advisory Councils for the English Regions.

FEEDBACK AND COMPLAINTS

Audiences are at the heart of everything the BBC does. Audience feedback is invaluable to us and helps to improve programme quality.

Our commitment to our audiences is to ensure that complaints and enquiries are dealt with quickly, courteously and with respect.

The first point of contact for a complaint should be BBC Information, although people can contact programmes directly if they prefer. We are committed to responding to complaints within ten working days of their first receipt and to keeping complainants informed of progress.

A licence fee payer may be unhappy with the response from BBC Information or a programme department. If the complaint concerns a breach of the editorial standards set out in the Editorial Guidelines or relates to a particular broadcast, programme or specific web content they can appeal to the Editorial Complaints Unit to investigate the issue independently.

The BBC has a Code of Practice for complaints handling which sets out these procedures in more detail.

LETTERS AND ARTICLES FOR PUBLICATION

People who work for the BBC who wish to write a letter or article for publication dealing with BBC issues, must clear it with their head of department and the relevant press office.

EDITORIAL COMPLAINTS UNIT

The Editorial Complaints Unit deals with serious complaints about breaches of the BBC's editorial standards. It deals with complaints about any BBC service or product where the BBC has editorial responsibility. This includes international, public and commercial services and BBC branded magazines.

If complainants are not satisfied by the Editorial Complaints Unit finding, they can appeal to the Governors' Programme Complaints Committee.

For the most serious upheld complaints, an apology or correction from the BBC may be published online or on air.

GOVERNORS' PROGRAMME COMPLAINTS APPEALS COMMITTEE (GPCC)

The GPCC considers appeals against decisions and actions of the Editorial Complaints Unit and Divisional Directors in dealing with serious editorial complaints.

The GPCC considers appeals which allege:

- the complainant has suffered unfair treatment in a transmitted item.
- the complainant's privacy has been unjustifiably infringed, either in the programme or item as transmitted or in the process of making the programme or item.
- there has otherwise been a failure adequately to observe any of the BBC's values and standards set out and codified in the BBC Editorial Guidelines: on truth and accuracy, impartiality and diversity of opinion, editorial integrity and independence, serving the public interest, harm and offence, children, and accountability.

KEEPING CONTENT

The BBC is obliged by law to keep recordings of all broadcast programmes: television for 90 days and radio for 42 days.

The BBC online policy is that we make best efforts to keep a record of the last 90 days of text based output.

OFCOM BROADCASTING CODE

PROTECTING THE UNDER EIGHTEENS

HARM AND OFFENCE

CRIME

RELIGION

DUE IMPARTIALITY AND DUE ACCURACY AND UNDUE PROMINENCE OF

VEWS AND OPINIONS

ELECTIONS AND REFERENDUMS

FAIRNESS

PRIVACY

SPONSORSHIP

COMMERCIAL REFERENCES AND OTHER MATTERS

SECTION ONE:

PROTECTING THE UNDER EIGHTEENS

(Relevant legislation includes, in particular, section 3(4)(h) and 319(2)(a) and (f) of the Communications Act 2003, Article 22 of the Television Without Frontiers Directive, Article 10 of the European Convention on Human Rights.)

This section must be read in conjunction with Section Two: Harm and Offence.

Principle

To ensure that people under eighteen are protected.

Rules

Scheduling and content information

- 1.1** Material that might seriously impair the physical, mental or moral development of people under eighteen must not be broadcast.
- 1.2** In the provision of services, broadcasters must take all reasonable steps to protect people under eighteen. For television services, this is in addition to their obligations resulting from the Television Without Frontiers Directive (in particular, Article 22).
- 1.3** Children must also be protected by appropriate scheduling from material that is unsuitable for them.

Meaning of “children”:

Children are people under the age of fifteen years.

Meaning of “appropriate scheduling”:

Appropriate scheduling should be judged according to:

- the nature of the content;
- the likely number and age range of children in the audience, taking into account school time, weekends and holidays;
- the start time and finish time of the programme;
- the nature of the channel or station and the particular programme; and
- the likely expectations of the audience for a particular channel or station at a particular time and on a particular day.

1.4 Television broadcasters must observe the watershed.

Meaning of “the watershed”:

The watershed only applies to television. The watershed is at 2100. Material unsuitable for children should not, in general, be shown before 2100 or after 0530.

On premium subscription film services which are not protected as set out in Rule 1.22, the watershed is at 20.00. There is no watershed on premium subscription film services or pay per view services which are protected as set out in Rule 1.22 and 1.23 respectively.

1.5 Radio broadcasters must have particular regard to times when children are particularly likely to be listening.

Meaning of “when children are particularly likely to be listening”:

This phrase particularly refers to the school run and breakfast time, but might include other times.

1.6 The transition to more adult material must not be unduly abrupt at the watershed or after the time when children are particularly likely to be listening. For television, the strongest material should appear later in the schedule.

1.7 For television programmes broadcast before the watershed, or for radio programmes broadcast when children are particularly likely to be listening, clear information about content that may distress some children should be given, if appropriate, to the audience (taking into account the context). (For the meaning of “context” see Section Two: Harm and Offence.)

The coverage of sexual and other offences in the UK involving the under eighteens

1.8 Where statutory or other legal restrictions apply preventing personal identification, broadcasters should also be particularly careful not to provide clues which may lead to the identification of those who are not yet adult (the defining age may differ in different parts of the UK) and who are, or might be, involved as a victim, witness, defendant or other perpetrator in the case of sexual offences featured in criminal, civil or family court proceedings:

- by reporting limited information which may be pieced together with other information available elsewhere, for example in newspaper reports (the ‘jigsaw effect’);

- inadvertently, for example by describing an offence as “incest”; or
- in any other indirect way.

(Note: Broadcasters should be aware that there may be statutory reporting restrictions that apply even if a court has not specifically made an order to that effect.)

1.9 When covering any pre-trial investigation into an alleged criminal offence in the UK, broadcasters should pay particular regard to the potentially vulnerable position of any person who is not yet adult who is involved as a witness or victim, before broadcasting their name, address, identity of school or other educational establishment, place of work, or any still or moving picture of them. Particular justification is also required for the broadcast of such material relating to the identity of any person who is not yet adult who is involved in the defence as a defendant or potential defendant.

Drugs, smoking, solvent abuse and alcohol

1.10 The use of illegal drugs, the abuse of drugs, smoking, solvent abuse and the misuse of alcohol:

- must not be featured in programmes made primarily for children unless there is strong editorial justification;
- must generally be avoided and in any case must not be condoned, encouraged or glamorised in other programmes broadcast before the watershed, or when children are particularly likely to be listening, unless there is editorial justification;
- must not be condoned, encouraged or glamorised in other programmes likely to be widely seen or heard by under eighteens unless there is editorial justification.

Violence and dangerous behaviour

1.11 Violence, its after-effects and descriptions of violence, whether verbal or physical, must be appropriately limited in programmes broadcast before the watershed or when children are particularly likely to be listening and must also be justified by the context.

- 1.12** Violence, whether verbal or physical, that is easily imitable by children in a manner that is harmful or dangerous:
- must not be featured in programmes made primarily for children unless there is strong editorial justification;
 - must not be broadcast before the watershed or when children are particularly likely to be listening, unless there is editorial justification.
- 1.13** Dangerous behaviour, or the portrayal of dangerous behaviour, that is likely to be easily imitable by children in a manner that is harmful:
- must not be featured in programmes made primarily for children unless there is strong editorial justification;
 - must not be broadcast before the watershed, or when children are particularly likely to be listening, unless there is editorial justification.

(Regarding Rules 1.11 to 1.13 see Rules 2.4 and 2.5 in Section Two: Harm and Offence.)

Offensive language

- 1.14** The most offensive language must not be broadcast before the watershed or when children are particularly likely to be listening.
- 1.15** Offensive language must not be used in programmes made for younger children except in the most exceptional circumstances.
- 1.16** Offensive language must not be broadcast before the watershed, or when children are particularly likely to be listening, unless it is justified by the context. In any event, frequent use of such language must be avoided before the watershed.

(Regarding Rules 1.14 to 1.16 see Rule 2.3 in Section Two: Harm and Offence.)

Sex

- 1.17** Representations of sexual intercourse must not occur before the watershed, or when children are particularly likely to be listening, unless there is a serious educational purpose. Any discussion on, or portrayal of, sexual

behaviour must be editorially justified if included before the watershed, or when children are particularly likely to be listening, and must be appropriately limited and inexplicit.

Nudity

1.18 Nudity before the watershed must be justified by the context.

Exorcism, the occult and the paranormal

1.19 Demonstrations of exorcisms, occult practices and the paranormal (which purport to be real), must not be shown before the watershed or when children are particularly likely to be listening. Paranormal practices which are for entertainment purposes must not be broadcast when significant numbers of children may be expected to be watching, or are particularly likely to be listening. (This rule does not apply to drama, film or comedy.)

(See Rules 2.6 to 2.8 in Section Two: Harm and Offence and Rule 4.7 in Section Four: Religion.)

Films, premium subscription film services, pay per view services, adult-sex material on premium subscription services

1.20 No film refused classification by the British Board of Film Classification ('BBFC') may be broadcast unless it has subsequently been classified or the BBFC has confirmed that it would not be rejected according to the standards currently operating. Also, no film cut as a condition of classification by the BBFC may be transmitted in a version which includes the cut material unless:

- the BBFC has confirmed that the material was cut to allow the film to pass at a lower category; or
- the BBFC has confirmed that the film would not be subject to compulsory cuts according to the standards currently operating.

1.21 BBFC 18-rated films or their equivalent must not be broadcast before 2100 on any service except for pay per view services, and even then they may be unsuitable for broadcast at that time.

- 1.22** Premium subscription film services may broadcast up to BBFC 15-rated films or their equivalent, at any time of day provided:
- there is a protection system (a mandatory PIN or other equivalent protection) pre 2000 and post 0530, that seeks satisfactorily to restrict access solely to those authorised to view when material other than BBFC U-rated or PG-rated or their equivalents is shown; and
 - those security systems which are in place to protect children are clearly explained to all subscribers.
- 1.23** Pay per view services may broadcast up to BBFC 18-rated films or their equivalent, at any time of day provided:
- there is a protection system pre 2100 and post 0530 (a mandatory PIN or other equivalent protection) that seeks satisfactorily to restrict access solely to those authorised to view when material other than BBFC U-rated or PG-rated or their equivalents is shown;
 - information is provided about programme content that will assist adults to assess its suitability for children;
 - there is a detailed billing system for subscribers which clearly itemises all viewing including viewing times and dates; and
 - those security systems which are in place to protect children are clearly explained to all subscribers.
- 1.24** Premium subscription services and pay per view/night services may broadcast ‘adult-sex’ material between 2200 and 0530 provided that in addition to other protections mentioned above:
- there is a mandatory PIN protected encryption system, or other equivalent protection, that seeks satisfactorily to restrict access solely to those authorised to view; and
 - there are measures in place that ensure that the subscriber is an adult.
- 1.25** BBFC R18-rated films or their equivalent must not be broadcast.

The involvement of people under eighteen in programmes

- 1.26** Due care must be taken over the physical and emotional welfare and the dignity of people under eighteen who take part or are otherwise involved in programmes. This is irrespective of any consent given by the participant or by a parent, guardian or other person over the age of eighteen in loco parentis.
- 1.27** People under eighteen must not be caused unnecessary distress or anxiety by their involvement in programmes or by the broadcast of those programmes.
- 1.28** Prizes aimed at children must be appropriate to the age range of both the target audience and the participants.

(See Rule 2.11 in Section Two: Harm and Offence)

SECTION TWO:

HARM AND OFFENCE

(Relevant legislation includes, in particular, section 3(4)(g) and (l) and 319(2)(a), (f) and (l) of the Communications Act 2003, and Articles 10 and 14 of the European Convention on Human Rights.)

This section must be read in conjunction with Section One: Protecting the Under Eighteens. The rules in this section are designed not only to provide adequate protection for adults but also to protect people under eighteen.

Principle

To ensure that generally accepted standards are applied to the content of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material.

Rules

- 2.1** Generally accepted standards must be applied to the contents of television and radio services so as to provide adequate protection for members of the public from the inclusion in such services of harmful and/or offensive material.

- 2.2** Factual programmes or items or portrayals of factual matters must not materially mislead the audience.

(Note to Rule 2.2: News is regulated under Section Five of the Code.)

- 2.3** In applying generally accepted standards broadcasters must ensure that material which may cause offence is justified by the context (see meaning of “context” below). Such material may include, but is not limited to, offensive language, violence, sex, sexual violence, humiliation, distress, violation of human dignity, discriminatory treatment or language (for example on the grounds of age, disability, gender, race, religion, beliefs and sexual orientation). Appropriate information should also be broadcast where it would assist in avoiding or minimising offence.

Meaning of “context”:

Context includes (but is not limited to):

- the editorial content of the programme, programmes or series;
- the service on which the material is broadcast;
- the time of broadcast;
- what other programmes are scheduled before and after the programme or programmes concerned;
- the degree of harm or offence likely to be caused by the inclusion of any particular sort of material in programmes generally or programmes of a particular description;
- the likely size and composition of the potential audience and likely expectation of the audience;
- the extent to which the nature of the content can be brought to the attention of the potential audience for example by giving information; and
- the effect of the material on viewers or listeners who may come across it unawares.

- 2.4** Programmes must not include material (whether in individual programmes or in programmes taken together) which, taking into account the context, condones or glamorises violent, dangerous or seriously antisocial behaviour and is likely to encourage others to copy such behaviour.

(See Rules 1.11 to 1.13 in Section One: Protecting the Under Eighteens.)

- 2.5** Methods of suicide and self-harm must not be included in programmes except where they are editorially justified and are also justified by the context.

(See Rule 1.13 in Section One: Protecting the Under Eighteens.)

- 2.6** Demonstrations of exorcism, the occult, the paranormal, divination, or practices related to any of these that purport to be real (as opposed to entertainment) must be treated with due objectivity.

(See Rule 1.19 in Section One: Protecting the Under Eighteens, concerning scheduling restrictions.)

- 2.7** If a demonstration of exorcism, the occult, the paranormal, divination, or practices related to any of these is for entertainment purposes, this must be made clear to viewers and listeners.

- 2.8** Demonstrations of exorcism, the occult, the paranormal, divination, or practices related to any of these (whether such demonstrations purport to be real or are for entertainment purposes) must not contain life-changing advice directed at individuals.

(Religious programmes are exempt from this rule but must, in any event, comply with the provisions in Section Four: Religion. Films, dramas and fiction generally are not bound by this rule.)

Meaning of “life-changing”:

Life-changing advice includes direct advice for individuals upon which they could reasonably act or rely about health, finance, employment or relationships.

- 2.9** When broadcasting material featuring demonstrations of hypnotic techniques, broadcasters must exercise a proper degree of responsibility in order to prevent hypnosis and/or adverse reactions in viewers and listeners. The hypnotist must not broadcast his/her full verbal routine or

be shown performing straight to camera.

2.10 Simulated news (for example in drama or in documentaries) must be broadcast in such a way that there is no reasonable possibility of the audience being misled into believing that they are listening to, or watching, actual news.

2.11 Competitions should be conducted fairly, prizes should be described accurately and rules should be clear and appropriately made known.

(See Rule 1.28 in Section One: Protecting the Under Eighteens.)

2.12 Broadcasters must not use techniques which exploit the possibility of conveying a message to viewers or listeners, or of otherwise influencing their minds without their being aware, or fully aware, of what has occurred.

2.13 Television broadcasters must take precautions to maintain a low level of risk to viewers who have photosensitive epilepsy. Where it is not reasonably practicable to follow the Ofcom guidance (see the Ofcom website), and where broadcasters can demonstrate that the broadcasting of flashing lights and/or patterns is editorially justified, viewers should be given an adequate verbal and also, if appropriate, text warning at the start of the programme or programme item.

SECTION THREE:

CRIME

(Relevant legislation includes, in particular, section 3(4)(j) and 319(2)(b) of the Communications Act 2003, Article 22(a) of the Television Without Frontiers Directive, and Article 10 of the European Convention on Human Rights.)

Principle

To ensure that material likely to encourage or incite the commission of crime or to lead to disorder is not included in television or radio services.

Rules

3.1 Material likely to encourage or incite the commission of crime or to lead to disorder must not be included in television or radio services.

- 3.2** Descriptions or demonstrations of criminal techniques which contain essential details which could enable the commission of crime must not be broadcast unless editorially justified.
- 3.3** No payment, promise of payment, or payment in kind, may be made to convicted or confessed criminals whether directly or indirectly for a programme contribution by the criminal (or any other person) relating to his/her crime/s. The only exception is where it is in the public interest.
- 3.4** While criminal proceedings are active, no payment or promise of payment may be made, directly or indirectly, to any witness or any person who may reasonably be expected to be called as a witness. Nor should any payment be suggested or made dependent on the outcome of the trial. Only actual expenditure or loss of earnings necessarily incurred during the making of a programme contribution may be reimbursed.
- 3.5** Where criminal proceedings are likely and foreseeable, payments should not be made to people who might reasonably be expected to be witnesses unless there is a clear public interest, such as investigating crime or serious wrongdoing, and the payment is necessary to elicit the information. Where such a payment is made it will be appropriate to disclose the payment to both defence and prosecution if the person becomes a witness in any subsequent trial.
- 3.6** Broadcasters must use their best endeavours so as not to broadcast material that could endanger lives or prejudice the success of attempts to deal with a hijack or kidnapping.

SECTION FOUR: **RELIGION**

(Relevant legislation includes, in particular, sections 319(2)(e) and 319(6) of the Communications Act 2003, and Articles 9, 10 and 14 of the European Convention on Human Rights.)

The rules in this section apply to religious programmes.

Principles

To ensure that broadcasters exercise the proper degree of responsibility with respect to the content of programmes which are religious programmes.

To ensure that religious programmes do not involve any improper exploitation of any susceptibilities of the audience for such a programme.

To ensure that religious programmes do not involve any abusive treatment of the religious views and beliefs of those belonging to a particular religion or religious denomination.

Rules

4.1 Broadcasters must exercise the proper degree of responsibility with respect to the content of programmes which are religious programmes.

Meaning of a “religious programme”:

A religious programme is a programme which deals with matters of religion as the central subject, or as a significant part, of the programme.

4.2 The religious views and beliefs of those belonging to a particular religion or religious denomination must not be subject to abusive treatment.

4.3 Where a religion or religious denomination is the subject, or one of the subjects, of a religious programme, then the identity of the religion and/or denomination must be clear to the audience.

4.4 Religious programmes must not seek to promote religious views or beliefs by stealth.

4.5 Religious programmes on television services must not seek recruits. This does not apply to specialist religious television services. Religious programmes on radio services may seek recruits.

Meaning of “seek recruits”:

Seek recruits means directly appealing to audience members to join a religion or religious denomination.

- 4.6** Religious programmes must not improperly exploit any susceptibilities of the audience.

(See Rules 10.13 to 10.16 in Section 10: Commercial References and Other Matters, regarding appeals.)

- 4.7** Religious programmes that contain claims that a living person (or group) has special powers or abilities must treat such claims with due objectivity and must not broadcast such claims when significant numbers of children may be expected to be watching (in the case of television), or when children are particularly likely to be listening (in the case of radio).

SECTION FIVE:

DUE IMPARTIALITY AND DUE ACCURACY AND UNDUE PROMINENCE OF VIEWS AND OPINIONS

(Relevant legislation includes, in particular, section 319(2)(c) and (d), 319(8) and section 320 of the Communications Act 2003, and Article 10 of the European Convention on Human Rights.)

This section of the Code does not apply to BBC services funded by the licence fee or grant in aid, which are regulated on these matters by the BBC Governors.

Principles

To ensure that news, in whatever form, is reported with due accuracy and presented with due impartiality.

To ensure that the special impartiality requirements of the Act are complied with.

Rules

Meaning of “due impartiality”:

“Due” is an important qualification to the concept of impartiality. Impartiality itself means not favouring one side over another. “Due” means adequate or appropriate to the subject and nature of the programme. So “due impartiality” does not mean an equal division of time has to be given to every view, or that every argument and every facet of every argument has to be represented. The approach to due impartiality may vary according to the nature of the subject, the type of programme and channel, the likely expectation of the audience as to

content, and the extent to which the content and approach is signalled to the audience. Context, as defined in Section Two: Harm and Offence of the Code, is important.

Due impartiality and due accuracy in news

- 5.1** News, in whatever form, must be reported with due accuracy and presented with due impartiality.
- 5.2** Significant mistakes in news should normally be acknowledged and corrected on air quickly. Corrections should be appropriately scheduled.
- 5.3** No politician may be used as a newsreader, interviewer or reporter in any news programmes unless, exceptionally, it is editorially justified. In that case, the political allegiance of that person must be made clear to the audience.

Special Impartiality Requirements: News and Other Programmes Matters of political or industrial controversy and matters relating to current public policy.

Meaning of “matters of political or industrial controversy and matters relating to current public policy”:

Matters of political or industrial controversy are political or industrial issues on which politicians, industry and/or the media are in debate. Matters relating to current public policy need not be the subject of debate but relate to a policy under discussion or already decided by a local, regional or national government or by bodies mandated by those public bodies to make policy on their behalf, for example non-governmental organisations, relevant European institutions, etc.

The exclusion of view or opinions

(Rule 5.4 applies to television and radio services except restricted services.)

- 5.4** Programmes in the services (listed above) must exclude all expressions of the views and opinions of the person providing the service on matters of political and industrial controversy and matters relating to current public policy (unless that person is speaking in a legislative forum or in a court of law). Views and opinions relating to the provision of programme services are also excluded from this requirement.

The preservation of due impartiality

(Rules 5.5 to 5.12 apply to television programme services, teletext services, national radio and national digital sound programme services.)

- 5.5** Due impartiality on matters of political or industrial controversy and matters relating to current public policy must be preserved on the part of any person providing a service (listed above). This may be achieved within a programme or over a series of programmes taken as a whole.

Meaning of “series of programmes taken as a whole”:

This means more than one programme in the same service, editorially linked, dealing with the same or related issues within an appropriate period and aimed at a like audience. A series can include, for example, a strand, or two programmes (such as a drama and a debate about the drama) or a ‘cluster’ or ‘season’ of programmes on the same subject.

- 5.6** The broadcast of editorially linked programmes dealing with the same subject matter (as part of a “series” in which the broadcaster aims to achieve due impartiality) should normally be made clear to the audience on air.
- 5.7** Views and facts must not be misrepresented. Views must also be presented with due weight over appropriate timeframes.
- 5.8** Any personal interest of a reporter or presenter, which would call into question the due impartiality of the programme, must be made clear to the audience.
- 5.9** Presenters and reporters (with the exception of news presenters and reporters in news programmes), presenters of “personal view” or “authored” programmes or items, and chairs of discussion programmes may express their own views on matters of political or industrial controversy or matters relating to current public policy. However alternative viewpoints must be adequately represented either in the programme, or in a series of programmes taken as a whole. Additionally, presenters must not use the advantage of regular appearances to promote their views in a way that compromises the requirement for due impartiality. Presenter phone-ins must encourage and must not exclude alternative views.
- 5.10** A personal view or authored programme or item must be clearly signalled

to the audience at the outset. This is a minimum requirement and may not be sufficient in all circumstances. (Personality phone-in hosts on radio are exempted from this provision unless their personal view status is unclear.)

Meaning of “personal view” and “authored”:

“Personal view” programmes are programmes presenting a particular view or perspective. Personal view programmes can range from the outright expression of highly partial views, for example by a person who is a member of a lobby group and is campaigning on the subject, to the considered “authored” opinion of a journalist, commentator or academic, with professional expertise or a specialism in an area which enables her or him to express opinions which are not necessarily mainstream.

Matters of major political or industrial controversy and major matters relating to current public policy

5.11 In addition to the rules above, due impartiality must be preserved on matters of major political and industrial controversy and major matters relating to current public policy by the person providing a service (listed above) in each programme or in clearly linked and timely programmes.

Meaning of “matters of major political or industrial controversy and major matters relating to current public policy”:

These will vary according to events but are generally matters of political or industrial controversy or matters of current public policy which are of national, and often international, importance, or are of similar significance within a smaller broadcast area.

5.12 In dealing with matters of major political and industrial controversy and major matters relating to current public policy an appropriately wide range of significant views must be included and given due weight in each programme or in clearly linked and timely programmes. Views and facts must not be misrepresented.

The prevention of undue prominence of views and opinions on matters of political or industrial controversy and matters relating to current public policy

(Rule 5.13 applies to local radio services (including community radio services), local digital sound programme services (including community digital sound programme services) and radio licensable content services.)

- 5.13** Broadcasters should not give undue prominence to the views and opinions of particular persons or bodies on matters of political or industrial controversy and matters relating to current public policy in all the programmes included in any service (listed above) taken as a whole.

Meaning of “undue prominence of views and opinions”:

Undue prominence is a significant imbalance of views aired within coverage of matters of political or industrial controversy or matters relating to current public policy.

Meaning of “programmes included in any service...taken as a whole”:

Programmes included in any service taken as a whole, means all programming on a service dealing with the same or related issues within an appropriate period.

SECTION SIX:

ELECTIONS AND REFERENDUMS

(Relevant legislation includes, in particular, sections 319(2)(c) and 320 of the Communications Act 2003, and Article 10 of the European Convention on Human Rights. Broadcasters should also have regard to relevant sections of the Representation of the People Act 1983 (as amended) (“RPA”) – see in particular sections 66A, 92 and 93 (which is amended by section 144 of the Political Parties, Elections and Referendums Act 2000).)

This section of the Code does not apply to BBC services funded by the licence fee or grant in aid, which are regulated on these matters by the BBC Governors.

Principle

To ensure that the special impartiality requirements in the Communications Act 2003 and other legislation relating to broadcasting on elections and referendums, are applied at the time of elections and referendums.

Rules**Programmes at the time of elections and referendums**

- 6.1** The rules in Section Five, in particular the rules relating to matters of major political or industrial controversy and major matters relating to current public policy, apply to the coverage of elections and referendums.

Programmes at the time of elections and referendums in the UK

The remainder of this section only applies during the actual election or referendum period which is defined below.

Meaning of “election”:

For the purpose of this section elections include a parliamentary general election, parliamentary by-election, local government election, mayoral election, Scottish Parliament election, Welsh, Northern Ireland and London Assembly elections, and European parliamentary election.

Meaning of “referendum”:

For the purpose of this section a referendum (to which the Political Parties, Elections and Referendums Act 2000 applies) includes a UK-wide, national or regional referendum but does not extend to a local referendum.

- 6.2** Due weight must be given to the coverage of major parties during the election period. Broadcasters must also consider giving appropriate coverage to other parties and independent candidates with significant views and perspectives.

Meaning of “major party”:

At present in the UK, major parties are the Conservative Party, the Labour Party and the Liberal Democrats. In addition, major parties in Scotland and Wales respectively are the Scottish National Party and Plaid Cymru. The major parties in Northern Ireland are the Democratic Unionist Party, Sinn Fein, Social Democratic and Labour Party, and the Ulster Unionist Party.

Meaning of “election period”:

For a parliamentary general election, this period begins with the announcement of the dissolution of Parliament. For a parliamentary by-election, this period begins with the issuing of a writ or on such earlier date as is notified in the London Gazette. For the Scottish Parliament elections, the period begins with the dissolution of the Scottish Parliament or, in the case of a by-election, with the date of the occurrence of a vacancy. For the National Assembly for Wales, the

Northern Ireland Assembly, the London Assembly and for local government elections, it is the last date for publication of notices of the election. For European parliamentary elections, it is the last date for publication of the notice of election, which is 25 days before the election. In all cases the period ends with the close of the poll.

Meaning of “candidate”:

Candidate has the meaning given to it in section 93 of the Representation of the People Act 1983 (as amended) and means a candidate standing nominated at the election or included in a list of candidates submitted in connection with it.

- 6.3** Due weight must be given to designated organisations in coverage during the referendum period. Broadcasters must also consider giving appropriate coverage to other permitted participants with significant views and perspectives.

Meaning of “designated organisation” and “permitted participants”:

Designated organisations and permitted participants are those that are designated by the Electoral Commission.

Meaning of “referendum period”:

For referendums different periods may apply. A referendum held under the Northern Ireland Act 1998 (as amended) begins when the draft of an Order is laid before Parliament for approval by each House. In the case of a referendum held under other Acts, the time at which a referendum period commences is given in the individual Acts. In the case of an Order before Parliament, the time will be given in that Order. In all cases the period ends with the close of the poll.

- 6.4** Discussion and analysis of election and referendum issues must finish when the poll opens. (This refers to the opening of actual polling stations. This rule does not apply to any poll conducted entirely by post.)
- 6.5** Broadcasters may not publish the results of any opinion poll on polling day itself until the election or referendum poll closes. (For European Parliamentary elections, this applies until all polls throughout the European Union have closed.)
- 6.6** Candidates in UK elections, and representatives of permitted participants in UK referendums, must not act as news presenters, interviewers or presenters of any type of programme during the election period.

- 6.7** Appearances by candidates (in UK elections) or representatives (of permitted participants in UK referendums) in non-political programmes that were planned or scheduled before the election or referendum period may continue, but no new appearances should be arranged and broadcast during the period.

Constituency coverage and electoral area coverage in elections

(Rules 6.8 to 6.13 will only apply to S4C if S4C has adopted them under the RPA as its Code of Practice.)

- 6.8** Due impartiality must be strictly maintained in a constituency report or discussion and in an electoral area report or discussion.

Meaning of “electoral area”:

Electoral area (for example electoral division, borough ward or other area) is the local government equivalent to the parliamentary term “constituency”.

- 6.9** If a candidate takes part in an item about his/her particular constituency, or electoral area, then candidates of each of the major parties must be offered the opportunity to take part. (However, if they refuse or are unable to participate, the item may nevertheless go ahead.)
- 6.10** In addition to Rule 6.9, broadcasters must offer the opportunity to take part in constituency or electoral area reports and discussions, to all candidates within the constituency or electoral area representing parties with previous significant electoral support or where there is evidence of significant current support. This also applies to independent candidates. (However, if a candidate refuses or is unable to participate, the item may nevertheless go ahead.)
- 6.11** Any constituency or electoral area report or discussion after the close of nominations must include a list of all candidates standing, giving first names, surnames and the name of the party they represent or, if they are standing independently, the fact that they are an independent candidate. This must be conveyed in sound and/or vision. Where a constituency report on a radio service is repeated on several occasions in the same day, the full list need only be broadcast on one occasion. If, in subsequent repeats on that day, the constituency report does not give the full list of candidates, the audience should be directed to an appropriate website or other information source listing all candidates and giving the information set out above.

- 6.12** Where a candidate is taking part in a programme on any matter, after the election has been called, s/he must not be given the opportunity to make constituency points, or electoral area points about the constituency or electoral area in which s/he is standing, when no other candidates will be given a similar opportunity.
- 6.13** If coverage is given to wider election regions, for example in elections to the Scottish Parliament, Welsh Assembly, Northern Ireland Assembly, London Assembly or European Parliament, then Rules 6.8 to 6.12 apply in offering participation to candidates. In these instances, all parties who have a candidate in the appropriate region should be listed in sound and/or vision, but it is not necessary to list candidates individually. However, any independent candidate who is not standing on a party list must be named. Where a report on a radio service is repeated on several occasions in the same day, the full list need only be broadcast on one occasion. If, in subsequent repeats on that day, the constituency report does not give the full list of candidates, the audience should be directed to an appropriate website or other information source listing all candidates and giving the information set out above.

SECTION SEVEN:

FAIRNESS

(Relevant legislation includes, in particular, sections 3(2)(f) and 326 of the Communications Act 2003 and sections 107(1) and 130 of the Broadcasting Act 1996 (as amended), Article 23 of the Television Without Frontiers Directive and Article 10 of the European Convention on Human Rights.)

Foreword

This section and the following section on privacy are different from other sections of the Code. They apply to how broadcasters treat the individuals or organisations directly affected by programmes, rather than to what the general public sees and/or hears as viewers and listeners.

As well as containing a principle and a rule this section contains “practices to be followed” by broadcasters when dealing with individuals or organisations participating in or otherwise directly affected by programmes as broadcast. Following these practices will not necessarily avoid a breach of this section. However, failure to follow these practices will only constitute a breach of this section of the Code (Rule 7.1) where it results in unfairness to an individual or organisation in the programme. Importantly, the Code does not and cannot seek

to set out all the “practices to be followed” in order to avoid unfair treatment.

The following provisions in the next section on privacy are also relevant to this section:

- the explanation of public interest that appears in the meaning of “warranted” under Rule 8.1 in Section Eight: Privacy;
- the meaning of surreptitious filming or recording that appears under “practices to be followed” 8.13 in Section Eight: Privacy.

Principle

To ensure that broadcasters avoid unjust or unfair treatment of individuals or organisations in programmes.

Rule

- 7.1** Broadcasters must avoid unjust or unfair treatment of individuals or organisations in programmes.

Practices to be followed (7.2 to 7.14 below)

Dealing fairly with contributors and obtaining informed consent

- 7.2** Broadcasters and programme makers should normally be fair in their dealings with potential contributors to programmes unless, exceptionally, it is justified to do otherwise.

- 7.3** Where a person is invited to make a contribution to a programme (except when the subject matter is trivial or their participation minor) they should normally, at an appropriate stage:

- be told the nature and purpose of the programme, what the programme is about and be given a clear explanation of why they were asked to contribute and when (if known) and where it is likely to be first broadcast;
- be told what kind of contribution they are expected to make, for example live, pre-recorded, interview, discussion, edited, unedited, etc;

- be informed about the areas of questioning and, wherever possible, the nature of other likely contributions;
- be made aware of any significant changes to the programme as it develops which might reasonably affect their original consent to participate, and which might cause material unfairness;
- be told the nature of their contractual rights and obligations and those of the programme maker and broadcaster in relation to their contribution; and
- be given clear information, if offered an opportunity to preview the programme, about whether they will be able to effect any changes to it.

Taking these measures is likely to result in the consent that is given being ‘informed consent’ (referred to in this section and the rest of the Code as “consent”).

It may be fair to withhold all or some of this information where it is justified in the public interest or under other provisions of this section of the Code.

- 7.4** If a contributor is under sixteen, consent should normally be obtained from a parent or guardian, or other person of eighteen or over in loco parentis. In particular, persons under sixteen should not be asked for views on matters likely to be beyond their capacity to answer properly without such consent.
- 7.5** In the case of persons over sixteen who are not in a position to give consent, a person of eighteen or over with primary responsibility for their care should normally give it on their behalf. In particular, persons not in a position to give consent should not be asked for views on matters likely to be beyond their capacity to answer properly without such consent.
- 7.6** When a programme is edited, contributions should be represented fairly.
- 7.7** Guarantees given to contributors, for example relating to the content of a programme, confidentiality or anonymity, should normally be honoured.
- 7.8** Broadcasters should ensure that the re-use of material, i.e. use of material originally filmed or recorded for one purpose and then used in a programme for another purpose or used in a later or different programme,

does not create unfairness. This applies both to material obtained from others and the broadcaster's own material.

Opportunity to contribute and proper consideration of facts

7.9 Before broadcasting a factual programme, including programmes examining past events, broadcasters should take reasonable care to satisfy themselves that:

- material facts have not been presented, disregarded or omitted in a way that is unfair to an individual or organisation; and
- anyone whose omission could be unfair to an individual or organisation has been offered an opportunity to contribute.

7.10 Programmes – such as dramas and factually-based dramas – should not portray facts, events, individuals or organisations in a way which is unfair to an individual or organisation.

7.11 If a programme alleges wrongdoing or incompetence or makes other significant allegations, those concerned should normally be given an appropriate and timely opportunity to respond.

7.12 Where a person approached to contribute to a programme chooses to make no comment or refuses to appear in a broadcast, the broadcast should make clear that the individual concerned has chosen not to appear and should give their explanation if it would be unfair not to do so.

7.13 Where it is appropriate to represent the views of a person or organisation that is not participating in the programme, this must be done in a fair manner.

Deception, set-ups and 'wind-up' calls

7.14 Broadcasters or programme makers should not normally obtain or seek information, audio, pictures or an agreement to contribute through misrepresentation or deception. (Deception includes surreptitious filming or recording.) However:

- it may be warranted to use material obtained through misrepresentation or deception without consent if it is in the public interest and cannot reasonably be obtained by other means;
- where there is no adequate public interest justification, for example some unsolicited wind-up calls or entertainment set-ups, consent should be obtained from the individual and/or organisation concerned before the material is broadcast;
- if the individual and/or organisation is/are not identifiable in the programme then consent for broadcast will not be required;
- material involving celebrities and those in the public eye can be used without consent for broadcast, but it should not be used without a public interest justification if it is likely to result in unjustified public ridicule or personal distress. (Normally, therefore such contributions should be pre-recorded.)

(See “practices to be followed” 8.11 to 8.15 in Section Eight: Privacy.)

SECTION EIGHT: **PRIVACY**

(Relevant legislation includes, in particular, sections 3(2)(f) and 326 of the Communications Act 2003, sections 107(1) and 130 of the 1996 Broadcasting Act (as amended), and Articles 8 and 10 of the European Convention on Human Rights.)

Foreword

This section and the preceding section on fairness are different from other sections of the Code. They apply to how broadcasters treat the individuals or organisations directly affected by programmes, rather than to what the general public sees and/or hears as viewers and listeners.

As well as containing a principle and a rule this section contains “practices to be followed” by broadcasters when dealing with individuals or organisations participating or otherwise directly affected by programmes, or in the making of programmes. Following these practices will not necessarily avoid a breach of this section. *However, failure to follow these practices will only constitute a breach of this section of the Code (Rule 8.1) where it results in an unwarranted infringement of privacy.* Importantly,

the Code does not and cannot seek to set out all the “practices to be followed” in order to avoid an unwarranted infringement of privacy.

The Broadcasting Act 1996 (as amended) requires Ofcom to consider complaints about unwarranted infringements of privacy in a programme or in connection with the obtaining of material included in a programme. This may call for some difficult on-the-spot judgments about whether privacy is unwarrantably infringed by filming or recording, especially when reporting on emergency situations (“practices to be followed” 8.5 to 8.8 and 8.16 to 8.19). We recognise there may be a strong public interest in reporting on an emergency situation as it occurs and we understand there may be pressures on broadcasters at the scene of a disaster or emergency that may make it difficult to judge at the time whether filming or recording is an unwarrantable infringement of privacy. These are factors Ofcom will take into account when adjudicating on complaints.

Where consent is referred to in Section Eight it refers to informed consent. Please see “practice to be followed” 7.3 in Section Seven: Fairness.

Principle

To ensure that broadcasters avoid any unwarranted infringement of privacy in programmes and in connection with obtaining material included in programmes.

Rule

8.1 Any infringement of privacy in programmes, or in connection with obtaining material included in programmes, must be warranted.

Meaning of “warranted”:

In this section “warranted” has a particular meaning. It means that where broadcasters wish to justify an infringement of privacy as warranted, they should be able to demonstrate why in the particular circumstances of the case, it is warranted. If the reason is that it is in the public interest, then the broadcaster should be able to demonstrate that the public interest outweighs the right to privacy. Examples of public interest would include revealing or detecting crime, protecting public health or safety, exposing misleading claims made by individuals or organisations or disclosing incompetence that affects the public.

Practices to be followed (8.2 to 8.22)

Private lives, public places and legitimate expectation of privacy

Meaning of “legitimate expectation of privacy”:

Legitimate expectations of privacy will vary according to the place and nature of the information, activity or condition in question, the extent to which it is in the public domain (if at all) and whether the individual concerned is already in the public eye. There may be circumstances where people can reasonably expect privacy even in a public place. Some activities and conditions may be of such a private nature that filming or recording, even in a public place, could involve an infringement of privacy. People under investigation or in the public eye, and their immediate family and friends, retain the right to a private life, although private behaviour can raise issues of legitimate public interest.

- 8.2** Information which discloses the location of a person’s home or family should not be revealed without permission, unless it is warranted.
- 8.3** When people are caught up in events which are covered by the news they still have a right to privacy in both the making and the broadcast of a programme, unless it is warranted to infringe it. This applies both to the time when these events are taking place and to any later programmes that revisit those events.
- 8.4** Broadcasters should ensure that words, images or actions filmed or recorded in, or broadcast from, a public place, are not so private that prior consent is required before broadcast from the individual or organisation concerned, unless broadcasting without their consent is warranted.

Consent

- 8.5** Any infringement of privacy in the making of a programme should be with the person’s and/or organisation’s consent or be otherwise warranted.
- 8.6** If the broadcast of a programme would infringe the privacy of a person or organisation, consent should be obtained before the relevant material is broadcast, unless the infringement of privacy is warranted. (Callers to phone-in shows are deemed to have given consent to the broadcast of their contribution.)
- 8.7** If an individual or organisation’s privacy is being infringed, and they ask that the filming, recording or live broadcast be stopped, the broadcaster should do so, unless it is warranted to continue.

- 8.8** When filming or recording in institutions, organisations or other agencies, permission should be obtained from the relevant authority or management, unless it is warranted to film or record without permission. Individual consent of employees or others whose appearance is incidental or where they are essentially anonymous members of the general public will not normally be required.
- However, in potentially sensitive places such as ambulances, hospitals, schools, prisons or police stations, separate consent should normally be obtained before filming or recording and for broadcast from those in sensitive situations (unless not obtaining consent is warranted). If the individual will not be identifiable in the programme then separate consent for broadcast will not be required.

Gathering information, sound or images and the re-use of material

- 8.9** The means of obtaining material must be proportionate in all the circumstances and in particular to the subject matter of the programme.
- 8.10** Broadcasters should ensure that the re-use of material, i.e. use of material originally filmed or recorded for one purpose and then used in a programme for another purpose or used in a later or different programme, does not create an unwarranted infringement of privacy. This applies both to material obtained from others and the broadcaster's own material.
- 8.11** Doorstepping for factual programmes should not take place unless a request for an interview has been refused or it has not been possible to request an interview, or there is good reason to believe that an investigation will be frustrated if the subject is approached openly, and it is warranted to doorstep. However, normally broadcasters may, without prior warning interview, film or record people in the news when in public places.

(See “practice to be followed” 8.15.)

Meaning of “doorstepping”:

Doorstepping is the filming or recording of an interview or attempted interview with someone, or announcing that a call is being filmed or recorded for broadcast purposes, without any prior warning. It does not, however, include vox-pops (sampling the views of random members of the public).

8.12 Broadcasters can record telephone calls between the broadcaster and the other party if they have, from the outset of the call, identified themselves, explained the purpose of the call and that the call is being recorded for possible broadcast (if that is the case) unless it is warranted not to do one or more of these practices. If at a later stage it becomes clear that a call that has been recorded will be broadcast (but this was not explained to the other party at the time of the call) then the broadcaster must obtain consent before broadcast from the other party, unless it is warranted not to do so.

(See “practices to be followed” 7.14 and 8.13 to 8.15.)

8.13 Surreptitious filming or recording should only be used where it is warranted. Normally, it will only be warranted if:

- there is prima facie evidence of a story in the public interest; and
- there are reasonable grounds to suspect that further material evidence could be obtained; and
- it is necessary to the credibility and authenticity of the programme.

(See “practices to be followed” 7.14, 8.12, 8.14 and 8.15.)

Meaning of “surreptitious filming or recording”:

Surreptitious filming or recording includes the use of long lenses or recording devices, as well as leaving an unattended camera or recording device on private property without the full and informed consent of the occupiers or their agent. It may also include recording telephone conversations without the knowledge of the other party, or deliberately continuing a recording when the other party thinks that it has come to an end.

8.14 Material gained by surreptitious filming and recording should only be broadcast when it is warranted.

(See also “practices to be followed” 7.14 and 8.12 to 8.13 and 8.15.)

8.15 Surreptitious filming or recording, doorstepping or recorded ‘wind-up’ calls to obtain material for entertainment purposes may be warranted if it is intrinsic to the entertainment and does not amount to a significant

infringement of privacy such as to cause significant annoyance, distress or embarrassment. The resulting material should not be broadcast without the consent of those involved. However if the individual and/or organisation is not identifiable in the programme then consent for broadcast will not be required.

(See “practices to be followed” 7.14 and 8.11 to 8.14.)

Suffering and distress

- 8.16** Broadcasters should not take or broadcast footage or audio of people caught up in emergencies, victims of accidents or those suffering a personal tragedy, even in a public place, where that results in an infringement of privacy, unless it is warranted or the people concerned have given consent.
- 8.17** People in a state of distress should not be put under pressure to take part in a programme or provide interviews, unless it is warranted.
- 8.18** Broadcasters should take care not to reveal the identity of a person who has died or of victims of accidents or violent crimes, unless and until it is clear that the next of kin have been informed of the event or unless it is warranted.
- 8.19** Broadcasters should try to reduce the potential distress to victims and/or relatives when making or broadcasting programmes intended to examine past events that involve trauma to individuals (including crime) unless it is warranted to do otherwise. This applies to dramatic reconstructions and factual dramas, as well as factual programmes.

In particular, so far as is reasonably practicable, surviving victims, and/or the immediate families of those whose experience is to feature in a programme, should be informed of the plans for the programme and its intended broadcast, even if the events or material to be broadcast have been in the public domain in the past.

People under sixteen and vulnerable people

- 8.20** Broadcasters should pay particular attention to the privacy of people under sixteen. They do not lose their rights to privacy because, for example, of the fame or notoriety of their parents or because of events in their schools.

8.21 Where a programme features an individual under sixteen or a vulnerable person in a way that infringes privacy, consent must be obtained from:

- a parent, guardian or other person of eighteen or over in loco parentis; and
- wherever possible, the individual concerned;

unless the subject matter is trivial or uncontroversial and the participation minor, or it is warranted to proceed without consent.

8.22 Persons under sixteen and vulnerable people should not be questioned about private matters without the consent of a parent, guardian or other person of eighteen or over in loco parentis (in the case of persons under sixteen), or a person with primary responsibility for their care (in the case of a vulnerable person), unless it is warranted to proceed without consent.

Meaning of “vulnerable people”:

This varies, but may include those with learning difficulties, those with mental health problems, the bereaved, people with brain damage or forms of dementia, people who have been traumatised or who are sick or terminally ill.

SECTION NINE: SPONSORSHIP

(Relevant legislation includes, in particular, section 319(2)(i) and (j) and 319(4)(e) and (f) of the Communications Act 2003, Articles 1(e), 10(1) and 17 of the Television Without Frontiers Directive, and Article 10 of the European Convention on Human Rights.)

This section of the Code does not apply to BBC services funded by the licence fee or grant in aid.

Principle

To ensure that the unsuitable sponsorship of programmes on radio and television is prevented, with particular reference to:

- **transparency – to ensure sponsorship arrangements are transparent;**

- **separation – to ensure that sponsorship messages are separate from programmes and to maintain a distinction between advertising and sponsorship; and**
- **editorial independence – to ensure that the broadcaster maintains editorial control over sponsored programmes and that programmes are not distorted for commercial purposes.**

Rules

Meaning of “sponsored programme” and “sponsor”:

A sponsored programme, which includes an advertiser-funded programme, is a programme that has had some or all of its costs met by a sponsor with a view to promoting its own or another’s names, trademark, image, activities, services, products or any other direct or indirect interest.

Costs include any part of the costs connected to the production or broadcast of the programme.

A sponsor is any public or private undertaking (other than the broadcaster or programme producer), who is sponsoring the programme or programming in question with a view to promoting their or another’s name, trademark, image, activities, services, products or any other direct or indirect or indirect interest. This meaning extends to those who are otherwise supplying or funding the programme.

Content that may not be sponsored

9.1 The following may not be sponsored:

- news bulletins and news desk presentations on radio; and
- news and current affairs programmes on television.

Meaning of “current affairs programme(s)”:

A current affairs programme is one that contains explanation and analysis of current events and issues, including material dealing with political or industrial controversy or with current public policy.

Prohibited and restricted sponsors

9.2 No programme on radio or television may be sponsored by a sponsor that is not allowed to advertise on that medium, with the exception of betting and gaming companies.

- 9.3** Betting and gaming companies must not sponsor programmes aimed at people under eighteen.
- 9.4** Sponsorship on radio and television must comply with both the advertising content and scheduling rules that apply to that medium.

The content of sponsored programmes

- 9.5** A sponsor must not influence the content and/or scheduling of a programme in such a way as to impair the responsibility and editorial independence of the broadcaster.
- 9.6** There must be no promotional reference to the sponsor, its name, trademark, image, activities, services or products and no promotional generic references. The sponsor must also not have any other direct or indirect interest in the editorial content of the sponsored programme. Non-promotional references are permitted only where they are editorially justified and incidental.

Meaning of “promotional reference”:

This includes, but is not limited to, references that encourage, or are intended to encourage, the purchase or rental of a product or service.

Sponsorship Credits Television and radio

- 9.7** Sponsored programmes must be clearly identified as such by reference to the name and/or logo of the sponsor at the beginning and/or end of the programme.
- 9.8** The relationship between the sponsor and the sponsored programme must be transparent.

Radio

- 9.9** During longer sponsored output, credits must be broadcast as appropriate to create the degree of transparency required.
- 9.10** Credits must be short branding statements. However, credits may contain legitimate advertising messages, except credits for betting and gaming companies.

9.11 Credits must be cleared for broadcast in the same way as advertisements.

9.12 Programme trails are treated as programmes and the same sponsorship rules apply.

Television

9.13 Sponsorship credits must be clearly separated from programmes by temporal or spatial means.

9.14 Sponsorship must be clearly separated from advertising. Sponsor credits must not contain advertising messages or calls to action. In particular, credits must not encourage the purchase or rental of the products or services of the sponsor or a third party.

9.15 Where a programme trail contains a reference to the sponsor of the programme, the sponsor reference must remain brief and secondary.

SECTION TEN

COMMERCIAL REFERENCES AND OTHER MATTERS

(Relevant legislation includes, in particular, section 319(2)(f) and (i) and 319(4)(e) and (f) of the Communications Act 2003, Articles 1(c) and (d), 10(1) and (4) and 18(3) of the Television Without Frontiers Directive, section 21(1) of the Financial Services and Markets Act 2000, and paragraph 3 of the Investment Recommendation (Media) Regulations Act 2005, Article 10 of the European Convention on Human Rights.)

This section of the Code does not apply to BBC services funded by the licence fee or grant in aid, which are regulated on these matters by the BBC Governors.

The rules in this section are subject to, and supplemented by, any Ofcom rules or guidance on cross-promotion.

Principles

To ensure that the independence of editorial control over programme content is maintained and that programmes are not distorted for commercial purposes.

To ensure that the advertising and programme elements of a service are clearly separated.

Rules

- 10.1** Broadcasters must maintain the independence of editorial control over programme content.
- 10.2** Broadcasters must ensure that the advertising and programme elements of a service are kept separate.

Products or services in programmes

- 10.3** Products and services must not be promoted in programmes. This rule does not apply to programme related material.

(See Rule 10.6.)

- 10.4** No undue prominence may be given in any programme to a product or service.

“Undue prominence” may result from:

- the presence of, or reference to, a product or service (including company names, brand names, logos) in a programme where there is no editorial justification; or
- the manner in which a product or service (including company names, brand names, logos) appears or is referred to in a programme.

- 10.5** Product placement is prohibited.

Meaning of “product placement”:

Product placement is the inclusion of, or a reference to, a product or service within a programme in return for payment or other valuable consideration to the programme maker or broadcaster (or any representative or associate of either). For the purposes of this rule, the following are not considered to be product placement:

- References to products or services acquired at no, or less than full, cost, where their inclusion within the programme is justified editorially. On television, a brief, basic text acknowledgement of the provider of these products or services may be included within the end credits of the programme. This is permitted only where the identity of the product is not otherwise apparent from the programme itself.

- For television, arrangements covering the inclusion of products or services in a programme acquired from outside the UK and films made for cinema provided that no broadcaster regulated by Ofcom and involved in the broadcast of that programme or film directly benefits from the arrangement.

Meaning of “programme-related material”:

These are products or services that are both directly derived from a specific programme and intended to allow listeners or viewers to benefit fully from, or to interact with, that programme.

Programme-related material

- 10.6** Programme-related material may be promoted in programmes only where it is editorially justified.
- 10.7** The broadcaster must retain responsibility for all programme-related material.
- 10.8** Programme-related material may be sponsored, and the sponsor may be credited when details of how to obtain the material is given. Any credit must be brief and secondary, and must be separate from any credit for the programme sponsor.

Premium rate numbers

- 10.9** Premium rate numbers will normally be regarded as products or services, and must therefore not appear in programmes, except where:
- they form part of the editorial content of the programme; or
 - they fall within the meaning of programme-related material (see above).
- 10.10** Any use of premium rate numbers must comply with the Code of Practice issued by the Independent Committee for the Supervision of Standards of Telephone Information Services (ICSTIS).

Competitions

- 10.11** References to brands within competitions must be brief and secondary.

(See Rule 1.28 in Section One: Protecting the Under Eighteens and Rule 2.11 in Section Two: Harm and Offence.)

Use of advertisements in programmes

10.12 Advertising must be clearly separated from programmes. Advertisements must not appear in programme time, unless editorially justified.

Charity appeals

10.13 Charity appeals that are broadcast free of charge are allowed in programmes provided that the broadcaster has taken reasonable steps to satisfy itself that:

- the organisation concerned can produce satisfactory evidence of charitable status, or, in the case of an emergency appeal, that a responsible public fund has been set up to deal with it; and
- the organisation concerned is not prohibited from advertising on the relevant medium.

10.14 Where possible, the broadcast of charity appeals, either individually or taken together over time, should benefit a wide range of charities.

Funds For Programmes

Television

10.15 Broadcasters must not broadcast appeals for donations to make programmes or fund their services.

Radio

10.16 Broadcasters may broadcast appeals for donations to make programmes or fund their service. The audience must be told of the purpose of the donation and how much has been raised as a result of the appeal. All donations must be separately accounted for and used for the purpose for which they were donated.

Financial promotions and investment recommendations

10.17 When broadcasting financial promotions and investment recommendations broadcasters must comply with the relevant provisions in Appendix 4 to this Code.

Meaning of “financial promotion(s)”:

A financial promotion is an invitation or inducement to engage in investment activity (in accordance with section 21(1) of the Financial Services and Markets Act 2000 (Restrictions on financial promotion)).

Meaning of “investment recommendation(s)”:

An investment recommendation occurs when someone directly recommends a particular investment decision, for example, buying or selling a particular share or underwriting a particular share offer.

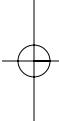
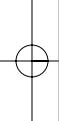
VIRTUAL ADVERTISING**Television**

10.18 The use of electronic imaging systems during broadcast coverage of an event must comply with the following requirements:

- broadcasters and viewers must be informed in advance of the presence of virtual images;
- virtual advertising may only replace existing on-site advertising – virtual advertising messages must not be more visible or conspicuous than the actual advertising at the venue;
- rules relating to prohibited advertisers also apply to virtual advertising; and
- the broadcaster may not trade in virtual advertising.

Meaning of “virtual advertising”:

Virtual advertising normally (but not exclusively) takes place at events, for example, sporting events, and involves altering the broadcast signal to replace existing venue advertising with other advertising in the television picture (potentially targeted at a particular geographical audience).



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